

~~Dennis & Margaret Anna Axness~~  
Roy R. & Verna E. Francis

3609

### STATUS OF APPLICATION

### DESCRIPTION OF WATER RIGHT

## FEE PAID

Name of stream Rock Creek  
Trib. of \_\_\_\_\_ County of Baker  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 40<sup>0</sup>  
Name of ditch Minnie Coyle  
Date of priority \_\_\_\_\_  
In name of \_\_\_\_\_  
Powder River Adjudication, Vol. 6, page 376  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 4086  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

Certificate issued NOV 28 1977 Vol. 37, page 449265

OCT 23 1986

50

54987

to survey 1/78

## REMARKS

## FEES REFUNDED

| Date        | Amount        | Receipt No. |
|-------------|---------------|-------------|
| 4/4/77      | 20.00         | 59462       |
| 6-23-77     | 12 50         | 61882       |
| TOTAL . . . |               |             |
| 6-23-77     | \$2 Cert. Fee | 61883       |

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| Fees | Exam                 | 20 <sup>00</sup>       |
|      | POU 40 <sup>00</sup> | 12 <sup>50</sup>       |
|      |                      | <u>32<sup>50</sup></u> |
|      | Cert.                | 2 <sup>00</sup>        |

INDEX CARDS:

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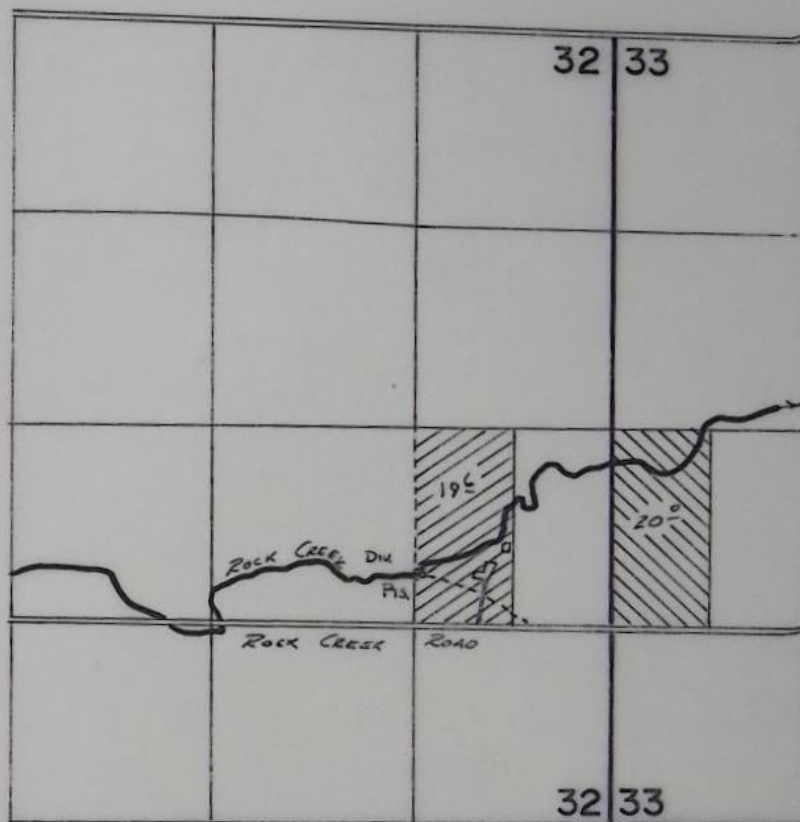
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T. 7S., R. 39E., W.M.



1882



1906

**FINAL PROOF SURVEY**  
UNDER

**TRANSFER 3609**

IN NAME OF

.....ROY & VERA.....FRANCIS.....

Surveyed Sept 8 1981, by V. L. Church



## STATE OF OREGON

COUNTY OF BAKER

## CERTIFICATE OF WATER RIGHT

This is to Certify, That

of Route 1 Haines, State of Oregon 97833 has a right to the use of the water's of Rock Creek, a tributary of Powder River for the purpose of ~~the~~ irrigation of 39.6 ~~66~~ acres of land

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 6, at page 291; that the priority of the right thereby confirmed dates from 1882 for ~~40 acres~~ and 1906 for ~~40 acres~~ Tract 1 Tract 2

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed  $1/40$  of one cubic foot per second per acre; and shall be subject to all other conditions and limitations contained in said decrees.

ADD: NE4SE4 Sec 32, T. 7S. R. 39E, WM. (Coyle Ditch)

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows: 40 acres in the Northwest quarter of Southwest quarter of Section Thirty-three and 40 acres in the Northeast quarter of Southeast quarter of Section Thirty-two, Township Seven South, Range Thirty-nine East of Willamette Meridian, in Baker County, Oregon.

Tract 1  
20 acres 1/2 NW 1/4 SW 1/4  
Sec 33

Tract 2  
19.6 acres 1/2 NE 1/4 SE 1/4  
Sec 32

all in T 7S. R 39 E, WM

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the Water Resources Director entered 8-15-77 and together with certificate of water right recorded at page 44925, Volume 37, State Record of Water Right Certificates, supersedes certificate 4086.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

Water Board, affixed this 15th day of February, 1983

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. GUPPER  
State Engineer, President

Attest:

R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume 5, page 4086.

T # 3609



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION OF )  
DENNIS AND MARGARET ANN AXNESS FOR )  
APPROVAL OF CHANGES IN PLACE OF USE )  
OF WATER FROM ROCK CREEK )  
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ORDER APPROVING  
TRANSFER NO. 3609

On April 4, 1977, an application was filed in the office of the Water Resources Director by Dennis and Margaret Ann Axness for changes in place of use under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4086, Volume 5, State Record of Water Right Certificates, in the name of Minnie Coyle, describes a right which includes the use of water from Rock Creek with a priority date of 1882 for irrigation of 20.0 acres in  $W\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 33, Township 7 South, Range 39 East, W.M.; and water from Rock Creek with a priority date of 1906 for irrigation of 20.0 acres in  $W\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 32, Township 7 South, Range 39 East, W.M.

Water for the said right is diverted, through Minnie Coyle Ditch, from a point located 1815 feet North and 660 feet West from the Southeast corner of Section 32, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 32, Township 7 South, Range 39 East, W.M.

The applicants herein, contract purchasers, with written approval of the owner of the lands above described, propose to change, without loss of priority, the place of use under the 1882 priority date from the said 20 acres in the  $W\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 33 to said 20 acres in the  $W\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 32; and also to change, without loss of priority, the place of use under the 1906 priority date from the said 20 acres in the  $W\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 32 to the said 20 acres in the  $W\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 33, Township 7 South, Range 39 East, W.M.

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed changes in place of use may be made without injury to existing rights.

229  
P224-225



No objections having been filed and it appearing that the proposed changes in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use described herein, without loss of priority, are approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Minnie Coyle and recorded at page 4086, Volume 5, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate covering the balance of the right NOT involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 15th day of August, 1977.

/s/ James E. Sexson  
Director