

Name Ernest Kirkland
 By _____
 Address Rt. 1 Box 49
North Powder, OR 97867

Change in Add'l POD
 Date filed 2-22-78
 Date of hearing _____
 Place of hearing _____
 ✓ Date of order 8-7-78 Vol. 31, page 138
 Date for application of water completed
 Proof mailed _____
 Proof received _____
 Certificate issued 5/15/96 Vol. _____, page 2228L

3889

DESCRIPTION OF WATER RIGHT

Name of stream North Powder River
 Trib. of _____ County of Baker
 Use Irr.
 Quantity of water _____ No. of acres 108
 Name of ditch Gardner Mill Race
 Date of priority _____
 In name of J. H. Hutchinson
N. Powder Adjudication, Vol. 1, page 401
 App. No. _____ Per. No. _____ Cert. No. 1469
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-22-78</u>	<u>\$ 35 00</u>	<u>1246</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

Part of a 3111 petition? see Transfer D-112

W.R.I.S.	
Assembled	<u>5-6-85</u> by <u>SM</u>
Entered	_____ by _____
Verified	_____ by _____

INDEX CARDS:		Entered	Checked
✓	Name	<u>lg</u>	_____
✓	Stream	<u>lg</u>	_____
✓	Pt. of Div.	_____	_____
✓	Calendar	<u>lg</u>	_____
CHECKED TO RECORDS:			
✓	Twp. & Rge.	<u>lg</u>	_____
✓	Decree-vault	<u>lg</u>	<u>lg</u>
✓	Decree-safe	<u>lg</u>	_____
✓	Cert. of W/R	<u>lg</u>	<u>lg</u>
✓	Per. Folder	_____	_____
✓	Chnindex	_____	_____
✓	Cross Ref.	_____	_____
✓	Power Claim	_____	_____
✓	Abstracts	<u>lg</u>	_____

D-112

STATE OF OREGON.

WATER DIVISION No. 2 COUNTY OF BAKER AND UNION.

CERTIFICATE OF WATER RIGHT
(For Rights which have been confirmed by the Courts)

THIS IS TO CERTIFY, That J. E. HUTCHINSON of Union, State of Oregon, has a right to the use of the waters of North Powder River, a tributary of Powder River, and Anthony Creek, a tributary of North Powder River for the purpose of the irrigation of 1631 $\frac{1}{2}$ acres of land, and stock and domestic use, and that the said right has been confirmed by decree of the Circuit Court of the State of Oregon for Union County, and the said decrees entered of record at Salem, in the Order Record of the State Water Board of Oregon in Volume 3, at page 252; that the priority of the right confirmed dates from the year 1873 for the irrigation of 190 acres, from 1895 for 313 acres, from 1903 for 162 acres; from 1871 for 345 $\frac{1}{2}$ acres; from 1882 for 100 acres; from 1879 for 367 $\frac{1}{2}$ acres; from 1872 for 56 $\frac{1}{2}$ acres and from 1885 for 97 acres; that the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of flow of 31.23 sec. ft. from March 1st to July 1st and 20.40 sec. ft. from July 1st to October 1st of each year; the total quantity diverted during each irrigation season not to exceed 4079 acre feet.

A description of the lands irrigated under such rights, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

Irrigated by waters of North Powder River: 10 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 38 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 9 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 38 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; 17 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; Section Seven (7) Township Seven (7) South, Range Thirty-nine (39); 3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 39 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 80 acres in N $\frac{1}{2}$ SE $\frac{1}{4}$; Section Three (3), 30 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 80 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$; 160 acres in SE $\frac{1}{4}$; Section Twelve (12), Township Seven (7) South, Range Thirty-eight (38) East of W. M. 80 acres in N $\frac{1}{2}$ SE $\frac{1}{4}$; 28 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section Thirty-three (33), 80 acres in N $\frac{1}{2}$ SW $\frac{1}{4}$; 36 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 160 acres in SE $\frac{1}{4}$; Section Thirty-four (34), 21 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; Section Thirty-five (35), Township Six (6) South, Range Thirty-eight (38); 31 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 37 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$; 35 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 80 acres in S $\frac{1}{2}$ NW $\frac{1}{4}$; 80 acres in N $\frac{1}{2}$ SW $\frac{1}{4}$; 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$; 24 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; Section Eleven (11), Township Seven (7) South, Range Thirty-eight (38) East of Willamette Meridian, in Baker County, Oregon.

28 $\frac{1}{2}$ acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$; 18 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$; Section Twenty-six (26), 10 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; Section Thirty-five (35), Township Six (6) South, Range Thirty-eight (38) East of Willamette Meridian, in Union County, Oregon.

Irrigated by waters of Anthony Creek: 20 $\frac{1}{2}$ acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$; 25 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 11 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$; Section Sixteen (16), 6 $\frac{1}{2}$ acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 27 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; 7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section Seventeen (17), Township Six (6) South, Range Thirty-eight (38) East of Willamette Meridian, in Union County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the STATE WATER BOARD
affixed this 9th day of May, 1917.

STATE WATER BOARD

By JOHN H. LEWIS,

State Engineer, President.

(SEAL OF STATE WATER BOARD)

Attest:

M. F. MERS,
Secretary

Recorded in State Record of Water Right Certificates, Volume 2, page 1469

1h. Pt. of Div.
SP. Div. Vol. 1. 3p 413
SP. Div. Vol. 10. 295

7# 3889 D-112

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF FRANCIS H. DOBBIN FOR APPROVAL)
OF AN ADDITIONAL POINT OF DIVER-)
SION OF WATER)

ORDER APPROVING
TRANSFER NO. D-112

On April 2, 1965, an application was filed in the office of the Water Resources Director by Francis H. Dobbin for approval of an additional point of diversion from North Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 1469, Volume 2, State Record of Water Right Certificates, in the name of J. H. Hutchinson, describes a right which includes the use of water from North Powder River for stock use and for irrigation of a certain 22.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 16.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 8 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 6 South, Range 38 East, W.M., with dates of priority of 1871 and 1882.

Water for the said right is diverted, through the Gardner Mill Race Ditch, from a point located 460 feet North and 500 feet East from the South Quarter Corner of Section 32, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 6 South, Range 38 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 240 feet North and 310 feet East from the South Quarter Corner of Section 32, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 6 South, Range 38 East, W.M. (Hutchinson Hillside Ditch).

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be established without injury to existing rights.

No objections having been filed and it appearing that the proposed additional point of diversion may be established without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the request for an additional point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the additional

point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

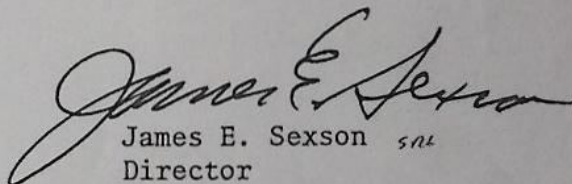
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the additional point of diversion is established.

The order of the Water Resources Director entered August 7, 1978, approving transfer application No. 3889, provided for cancellation of the certificate recorded at page 1469, Volume 2, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; therefore,

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered August 7, 1978, approving transfer application No. 3889; 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 20th day of December, 1979.


James E. Sexson *SNL*
Director

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

1/9/10th ds/aw

THIS CERTIFICATE ISSUED TO

WILLIAM AND LORENE DYKE
ROUTE 1 BOX 101
HAINES, OREGON 97833

Confirms the right to use the waters of NORTH POWDER RIVER, a tributary of POWDER RIVER, for IRRIGATION OF 40.0 ACRES.

This right was originally confirmed by decree of the Circuit Court of the State of Oregon for UNION County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at Page 252. The date of priority is 1879.

The right is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of diversion of 0.45 cubic foot per second from March 1 to October 1, or its equivalent in case of rotation, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The point of diversion is:

BULGER DITCH - 730 FEET NORTH AND 1370 FEET WEST FROM THE SE CORNER OF SECTION 18, BEING WITHIN THE SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 18, TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

A description of the place of use to which this right is appurtenant is as follows:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
SECTION 11
TOWNSHIP 7 SOUTH, RANGE 38 EAST, W.M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 1469, issued in the name of J.H. Hutchinson, State Record of Water Right Certificates, modified and corrected by the Circuit Court in Union County on July 18, 1994, as a result of Case Number 94-04-36112. The Decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 19, at Page 105.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decrees.

WITNESS the signature of the Water Resources Director, affixed January 21, 1997

Martha O. Pagel
Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 73997.

4.18
- 0.45

3.73
343 AC
P413
✓3

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF ERNEST KIRKLAND FOR APPROVAL)
OF AN ADDITIONAL POINT OF DIVER-)
SION OF WATER)

ORDER APPROVING
TRANSFER NO. 3889

On February 22, 1978, an application was filed in the office of the Water Resources Director by Ernest Kirkland for approval of an additional point of diversion from North Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 1469, Volume 2, State Record of Water Right Certificates, in the name of J. H. Hutchinson, describes a right which includes the use of water from North Powder River for stock use and for irrigation of 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 28.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 6 South, Range 38 East, W.M., with dates of priority of 1871 and 1882.

Water for the said right is diverted, through the Gardner Mill Race Ditch, from a point located 440 feet North and 1810 feet West from the Southeast Corner of Section 32, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 6 South, Range 38 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 2760 feet South and 2380 feet West from the East Quarter Corner of Section 32, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 7 South, Range 38 East, W.M. (Hutchinson Hillside Ditch).

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be established without injury to existing rights.

No objections having been filed and it appearing that the proposed additional point of diversion may be established without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the request for an additional point of diversion as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the additional point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under

the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

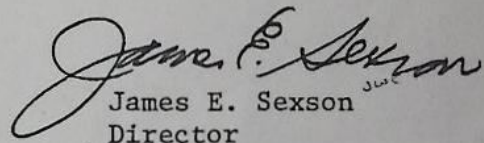
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the additional point of diversion is established.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to J. H. Hutchinson and recorded at page 1469, Volume 2, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued.

Dated at Salem, Oregon this 7th day of August, 1978.


James E. Sexson
Director