

4012 Peterson

4012

Name Charles M Peterson

By _____

Address Route 1, Box 150
Halfway, OR 97834

Change in POD

Date filed Aug. 3, 1978

Date of hearing Oct. 4, 1978 Nov. 15, 1978

Place of hearing Baker

Date of order 11-22-78 Vol. 31, page 453

Date for application of water Completed

Proof mailed _____

Proof received _____

Certificate issued JAN 23 1979 Vol. 40, page 47252

FEB 14 1985 Vol. 47, page 52748

(Note: When setting up for survey, attach a copy of V. Kent Scoules' Memo dated July 21, 1978)

to survey 8/79

REMARKS

See File # 10418 re suppl. right on this same land.

DESCRIPTION OF WATER RIGHT

Name of stream Clear Creek

Trib. of _____ County of Baker

Use _____

Quantity of water _____ No. of acres _____

Name of ditch Morrison Private

Date of priority 1891 & 1910

In name of F. S. Morrison

Pine Creek Adjudication, Vol. 11, page 307

App. No. _____ Per. No. _____ Cert. No. 10412

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-3-78</u>	<u>85-</u>	<u>5236</u>
TOTAL . . .		
<u>11-16-78</u>	<u>\$ 2 Cert. Fee</u>	<u>Trans. fr 5236</u>
<u>Democrat-Herald \$37.50 pd 11/16/78 ck# 2841</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>11-16-78</u>	<u>10⁵⁰</u>	<u>2840</u>
	<u>EX 20-</u>	
	<u>POD 15-</u>	
	<u>CERT 2-</u>	
	<u>FORN 37⁵⁰</u>	
	<u>74³⁰</u>	

W.R.I.S.

Assembled 6-17-85 by SDA

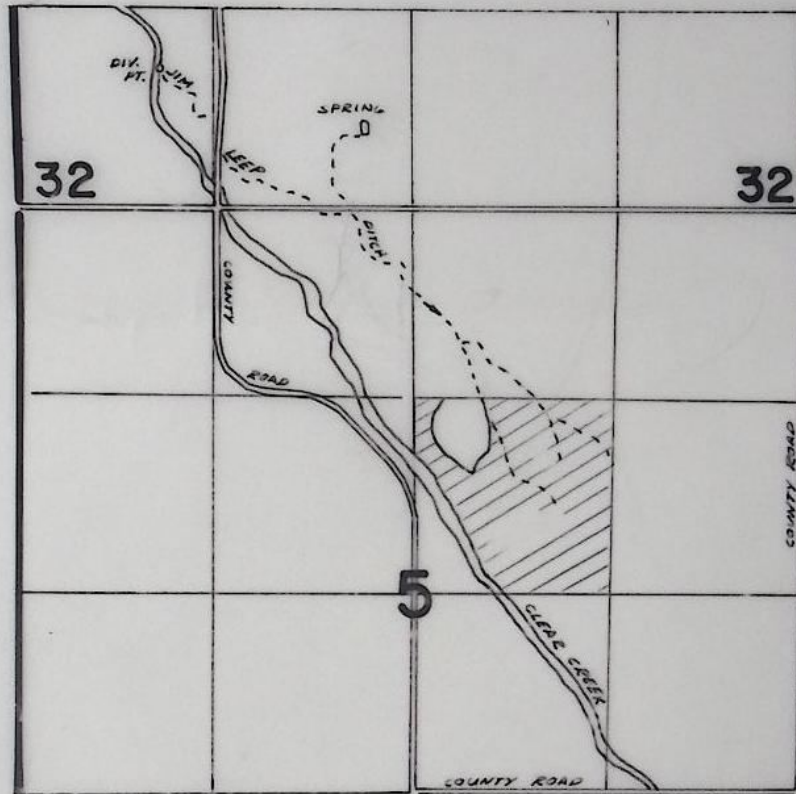
Entered _____ by _____

Verified _____ by _____

	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lg</u>	_____
<input checked="" type="checkbox"/> Stream	<u>lg</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>lg</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>lg</u>	_____
CHECKED TO RECORD:		
<input checked="" type="checkbox"/> Trn. & Rgs.	<u>lg</u>	_____
<input checked="" type="checkbox"/> Decree-vault	<u>lg</u>	_____
<input checked="" type="checkbox"/> Decree-safe	<u>lg</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>lg</u>	_____
Per. Folder	_____	_____
Quindex	_____	_____
Cross Ref.	_____	_____
Power Claim	_____	_____
<input checked="" type="checkbox"/> Abstracts	<u>lg</u>	_____

Peterson
SDA

T. 7 & 8S. R. 46E. W.M.



DIVERSION POINT LOCATED 920' N. of 960' E. FROM SW COR SEC 32

FINAL PROOF SURVEY
UNDER

TRANSFER 4012

Application No. Permit No.

IN NAME OF

.....**CHARLES M. PETERSON**.....

Surveyed 19..... by

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT) ORDER
IN THE NAME OF F.S. MORRISON) AMENDING ORDER

On August 22, 1980, the Water Resources Director of Oregon issued an order authorizing cancellation of a portion of a water right for the use of 0.10 cubic foot of water from waste water and slough water, with a date of priority of October 9, 1925, for supplemental irrigation of a certain 0.8 acre in SW 1/4 NE 1/4 of Section 5, Township 8 South, Range 46 East, WM.

The amount of water to be canceled was incorrectly stated as being 0.10 cubic foot per second. The correct amount of water for irrigation of 0.8 acre, at the rate of 0.0125 cubic foot per second per acre, is 0.01 cubic foot per second.

NOW, THEREFORE, it hereby is ORDERED that the order entered at page 605, Volume 33, Special Order Record, be amended to correctly state that the amount of water to be canceled is 0.01 cubic foot per second from waste water and slough water, for supplemental irrigation of 0.8 acre in SW 1/4 NE 1/4, of Section 5, Township 8 South, Range 46 East, WM.

Dated in Salem, Oregon, this 27th day of August, 1986.

William H. Young
WILLIAM H. YOUNG, ^{SR.}
Director

6202D

Print Cert. & Book copy

47252

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That Charles M. Peterson F. S. MORRISON of Rt 1 Box 164 Halfway, State of Oregon, 97834 has a right to the use of the waters of Clear Creek, tributary of Pine Creek,

for the purpose of Irrigation of 29.0 acres, ~~and domestic and stock use,~~

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 ENGINEER, in Volume 11, at page 285; that the priority of the right thereby confirmed dates from 1877 for Tract No. 1; 1891 for Tract No. 2, and 1910 for Tract No. 3;

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 one-fortieth of a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September, of each year, if available at the original point of diversion;

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:

TRACT No. 1

30.0 acres in SE 1/4 NW 1/4, Section 5, Township 8 South, Range 46 East, W.M.

TRACT No. 2

18.0 acres in SW 1/4 NE 1/4, 12.0 acres in NW 1/4 SE 1/4, Section 5, Township 8 South, Range 46 East, W.M.

TRACT No. 3

4.0 acres in SE 1/4 NW 1/4, 11.0 acres in SW 1/4 NE 1/4, 7.0 acres in NW 1/4 SE 1/4, Section 5, Township 8 South, Range 46 East, W.M.

AND said right shall be subject to all other conditions and limitations contained in said Decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer,

affixed this 18th day

of October, 193 3.

44570C

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered 11-22-78 and together with certificate of water right recorded on Page 47252, Volume 40, SRWRC supersedes certificate of 10412 water right recorded on Page _____, Volume _____, SRWRC. 52748

The issuance of this superseding certificate does not confirm the status of etc the water right in reference to ORS 540.610.

POD: B CC Sec 32 T7S R46E W4M 920' N & 950' E from SW cor Sec 32

NE NW Sec 5 T 8 S R 46 E W 4M, Morrison Private B-Tech 1750' N & 530' W from c/c cor Sec 32

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF F.S. MORRISON)

ORDER

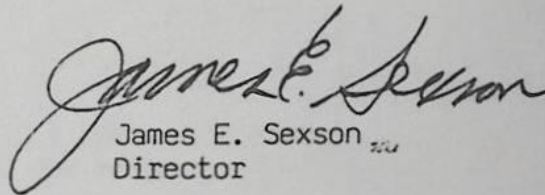
On August 11, 1980, Charles M. Peterson submitted an affidavit that he is the owner of a certain water right and the lands to which the water right is appurtenant; that he has abandoned any and all interest in and to the said water right and requests the same be canceled.

The water right in question is a portion of the right described by the certificate recorded at page 7183, Volume 7, State Record of Water Right Certificates, in the name of F. S. Morrison, and is for the use of not to exceed 0.10 cubic foot per second of water from Waste Water and Slough Water, with a date of priority of October 9, 1925, for supplemental irrigation of 0.8 acre in SW 1/4 NE 1/4 of Section 5, Township 8 South, Range 46 East, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 7183, Volume 7, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon, this 22nd day of August, 1980.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF F. S. MORRISON)

O R D E R

On May 2, 1980, Charles M. Peterson submitted an affidavit that he is the owner of a certain water right and the lands to which the water right is appurtenant; that he has abandoned any and all interest in and to the said water right and requests the same be canceled.

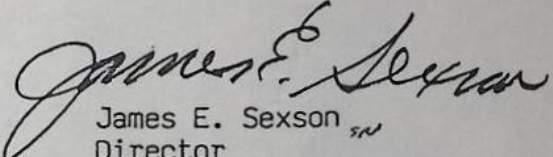
The water right in question is a portion of the right described by the certificate recorded at page 7183, Volume 7, State Record of Water Right Certificates, in the name of F. S. Morrison, and is for the use of not to exceed 0.127 cubic foot per second of water from Waste Water and Slough Water, with a date of priority of October 9, 1925, for irrigation of 10.2 acres in SW 1/4 NE 1/4 of Section 5, Township 8 South, Range 46 East, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 7183, Volume 7, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that the said certificate of water right is canceled, and in lieu thereof a new certificate be issued to describe the balance of the water right NOT involved in this proceeding.

Dated at Salem, Oregon, this 9th day of June, 1980.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF CHARLES M. PETERSON FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4012

On August 3, 1978, an application was filed in the office of the Water Resources Director by Charles M. Peterson for approval of a change in point of diversion from Clear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 10412, Volume 10, State Record of Water Right Certificates, in the name of F. S. Morrison, describes a right which includes the use of water from Clear Creek for stock use and for irrigation of 18.0 acres with a date of priority of 1891; and for stock use and for irrigation of 11.0 acres with a date of priority of 1910, all being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 8 South, Range 46 East, W.M.

The authorized point of diversion of record for said right is located 1750 feet North and 530 feet West from the Center Corner of Section 5, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 8 South, Range 46 East, W.M. (Morrison Private Ditch).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to an existing point of diversion located 3450 feet North and 1670 feet West from the Center Corner of Section 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 7 South, Range 46 East, W.M. (Jim Leep Ditch).

Notice of the application, pursuant to ORS 540.520(2), was published in the Democrat-Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of September 20 and 27; and October 4, 1978.

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

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

131 2400

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new 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 carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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 allowed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 10412, Volume 10, State Record of Water Right Certificates, is canceled; and in lieu thereof, a new certificate be issued 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 22nd day of November, 1978.

By *James E. Sexson* Deputy

James E. Sexson
Director

[Handwritten initials]

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That F. S. MORRISON

of Halfway, State of Oregon, has a right to the use of

the waters of Clear Creek, tributary of Pine Creek,

for the purpose of Irrigation of ^{53.0} ~~82.0~~ acres, and domestic and stock use,

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 ENGINEER, in Volume 11, at page 235; that the priority of the right thereby confirmed dates from 1877 for Tract No. 1; 1891 for Tract No. 2, and 1910 for Tract No. 3;

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 one-fortieth of a cubic foot per second per acre, measured at the point of diversion, and a total limitation of one acre-foot per acre during July, one acre-foot per acre during August, and one-half acre-foot per acre during September, of each year.

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:

TRACT No. 1

T-4012

30.0 acres in SE¹/₄NW¹/₄,
Section 5,
Township 8 South, Range 46 East, W.M.

TRACT No. 2

-18²

~~16.0 acres in SW¹/₄NE¹/₄~~
12.0 acres in NW¹/₄SE¹/₄
Section 5,
Township 8 South, Range 46 East, W.M.

1891

TRACT No. 3

-11²

4.0 acres in SE¹/₄NW¹/₄,
~~11.0 acres in SW¹/₄NE¹/₄~~
7.0 acres in NW¹/₄SE¹/₄
Section 5,
Township 8 South, Range 46 East, W.M.

29²

1910

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 10412, Volume 10, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Nov 22, 1978, approving transfer application No. 4012.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

affixed this 18th day
of October, 1985.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 10, page 10,412

47252

U7L P00

T# 4012

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4012

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Charles M. Peterson for approval of a change in point of diversion from Clear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 10412, Volume 10, State Record of Water Right Certificates, in the name of F.S. Morrison, describes a right which includes the use of water from Clear Creek for stock use and irrigation of 18.0 ac with a date of priority of 1891, and for stock use and irrigation of 11.0 ac with a date of priority of 1910, all being within the SW 1/4 NE 1/4 of Sec 5, T 8S, R 46E, WM.

The authorized point of diversion of record is located 1750 ft N & 530 ft W from the Center Corner of Sec. 5, being within the NE 1/4 NW 1/4 of Sec 5, T 8S, R 46E, WM, (Morrison Private Ditch).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to an existing point of diversion located 3450 ft N & 1670 ft W from the Center Corner of Sec 5, being within the SW 1/4 SW 1/4 of Sec 32, T 7S, R 46E WM, (Jim Leep Ditch).

All persons interested are notified hereby that a hearing will be held at the county courthouse at Baker, Oregon, on November 15, 1978, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing: one copy to be served on Charles M. Peterson, Rt. 1, Box 150, Halfway, OR 97834; and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon this 8th day of August, 1978.

James E. Sexson
Director

Legal No. 129
Publish Sept. 20, 27, Oct. 4,
1978

AFFIDAVIT OF PUBLICATION

Baker, Oregon, October 31, 1978

STATE OF OREGON, }
County of Baker } ss.

I, Jeanne Warren, being first duly sworn,

depose and say that I am the Principal Clerk of the Baker Democrat-Herald which is a Daily (except Sunday) newspaper of general circulation published in Baker, in said county and state; that such newspaper is made up of at least four pages of five columns each and of at least 17 3/4 inches in depth of type matter; that such newspaper was regularly and uninterruptedly published once each week for at least twelve consecutive months immediately preceding the first publication of the attached Legal Advertisement #129 - Water Right Transfer Application #4012, and has more than 200 bona fide subscribers within said county; that the Legal Advertisement

of which the one hereto attached is a true and correct copy as printed, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, once each Week for Three successive and consecutive Weeks

being published Three times commencing with the issue dated the 20th day of September, 1978, and ending with the issue dated the 4th day of October, 1978, and that the dates of publication were September 20, 1978 September 27, 1978 October 4, 1978

Jeanne Warren

Subscribed and sworn to before me this 31st

day of October, 1978

Thyllis Fuge
Notary Public for Oregon.

My commission expires September 8, 1982



AFFIDAVIT OF PUBLICATION

Baker, Oregon, October 31, 1978

STATE OF OREGON, }
County of Baker } ss.

I, Jeanne Warren, being first duly sworn,

depose and say that I am the Principal Clerk of the Baker Democrat-Herald which is a Daily (except Sunday) newspaper of general circulation published in Baker, in said county and state; that such newspaper is made up of at least four pages of five columns each and of at least 17 $\frac{3}{4}$ inches in depth of type matter; that such newspaper was regularly and un-interruptedly published once each week for at least twelve consecutive months immediately preceding the first publication of the attached Legal Advertisement #129 - Water Right Transfer Application, and has more than 200 bona fide subscribers within said county; that the #4012 Legal Advertisement

of which the one hereto attached is a true and correct copy as printed, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, once each Week for Three successive and consecutive Weeks being published Three times commencing with the issue dated the

20th day of September, 19, 78, and ending with the issue dated the 4th day of October, 19, 78, and that the dates of publication were September 20, 1978 September 27, 1978

October 4, 1978

Jeanne Warren

Subscribed and sworn to before me this 31st

day of October, 19 78

Phyllis Fuge
Notary Public for Oregon.

My commission expires September 8, 19 82



RECEIVED

NOV 3 1978

WATER RESOURCES DEPT
SALEM, OREGON

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209

Ground school is...
students can go on to the...
sium, the equivalent...
an high school...
choose to continue their...
on, Mitchell said, because...
employment rates...
nts is very high...
ing gymnasium gives...
ants finding a job and...
to attend a university.

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION NO. 4012

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Charles M. Peterson for approval of a change in point of diversion from Clear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 10412, Volume 10, State Record of Water Right Certificates, in the name of F.S. Morrison, describes a right which includes the use of water from Clear Creek for stock use and irrigation of 18.0 ac with a date of priority of 1891, and for stock use and irrigation of 11.0 ac with a date of priority of 1910, all being within the SW 1/4 NE 1/4 of Sec 5, T8S, R46E, WM.

The authorized point of diversion of record is located 1750 ft N & 530 ft W from the center corner of Sec 5, being with the NE 1/4 NW 1/4 of Sec 5, T8S, R46E, WM, (Morrison Private Ditch).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to an existing point of diversion located 3450 ft N & 1670 ft W from the Center Corner of Sec 5, being within the SW 1/4 SW 1/4 of Sec 32, T7S, R 46E, WM, (Jim Leap Ditch).

All persons interested are notified hereby that a hearing will be held at the county courthouse at Baker, Oregon, on October 4, 1978, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing: one copy to be served on Charles M. Peterson, Rt. 1, Box 150, Halfway, OR 97834; and one copy filed with the Water Resources Director, WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon this 8th day of August, 1978.

James E. Sexson
Director

Publish: August 14, 21, 28, 1978
Legal No. 112

Hy red
line
omitted

AFFIDAVIT OF PUBLICATION

Baker, Oregon, August 31, 1978

STATE OF OREGON, }
County of Baker } ss.

I, Jeanne Warren, being first duly sworn,

depose and say that I am the Principal Clerk of the Baker Democrat-Herald which is a Daily (except Sunday) newspaper of general circulation published in Baker, in said county and state; that such newspaper is made up of at least four pages of five columns each and of at least 17 3/4 inches in depth of type matter; that such newspaper was regularly and uninterruptedly published once each week for at least twelve consecutive months immediately preceding the first publication of the attached Legal Advertisement #112 - Water Right Transfer, and has more than 200 bona fide subscribers within

said county; that the Legal Advertisement of which the one hereto attached is a true and correct copy as printed, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, once each Week for Three successive and consecutive Weeks being published Three times commencing with the issue dated the 14th day of August, 19, 78, and ending with the issue dated the 28th day of August, 19, 78, and that the dates of publication were August 14, 1978 August 21, 1978 August 28, 1978

Jeanne Warren

Subscribed and sworn to before me this 31st

day of August, 19 78

Stephan Fuge
Notary Public for Oregon.

My commission expires September 8, 19 78

