

4021

Name Estella Summers

By _____

Address Route 1 Box 16
Halfway, OR 97834

Change in POD

Date filed Aug 10, 1978

Date of hearing Oct. 18, 1978

Place of hearing Baker

Date of order 10-19-78 Vol. 31, page 339

Date for application of water completed

Proof mailed NOV 30 1999

Proof received _____

Certificate issued DEC 21 1978 Vol. 40, page 47046

FEB 28 2000 ~~76495~~

APR 14 2000 76491

Surveyed 9/23/85

DESCRIPTION OF WATER RIGHT

Name of stream Pine Creek

Trib. of _____ County of Baker

Use _____

Quantity of water _____ No. of acres _____

Name of ditch Foothills Ditch

Date of priority 1903

In name of Thomas B. Leep

Pine Creek Adjudication, Vol. 11, page 300

App. No. _____ Per. No. _____ Cert. No. 10370

Certificate cancelled _____

Notation made on record by _____

OK Cert

FEES PAID

Date	Amount	Receipt No.
<u>8-10-78</u>	<u>85-</u>	<u>5406</u>
TOTAL . . .	2 Cert. Fee	5406

Democrat Herald \$25.00 10/21/78 ck # 2745

FEES REFUNDED

Date	Amount	Check No.
<u>10-12-78</u>	<u>\$15.00</u>	<u>2744</u>

EX 20-
 POD 15-
 Cert 2-
 PON 35-
 72-

REMARKS

W.R.I.S.

Assembled 6-17-85 by SCA

Entered _____ by _____

Verified _____ by _____

	INDEX CARDS:	Entered	Checked
	<input checked="" type="checkbox"/> Name		<i>lij</i>
<input checked="" type="checkbox"/> Stream		<i>lij</i>	_____
<input type="checkbox"/> Pt. of Div.		_____	_____
<input checked="" type="checkbox"/> Calendar		<i>lij</i>	_____
CHECKED TO REMO.:			
<input checked="" type="checkbox"/> Top. & Rec.		<i>lij</i>	_____
<input checked="" type="checkbox"/> Decree-fruit		<i>lij</i>	_____
<input checked="" type="checkbox"/> Decree-safe		<i>lij</i>	_____
<input checked="" type="checkbox"/> Cert. of W.R.		<i>lij</i>	_____
<input type="checkbox"/> Per. Index		_____	_____
<input type="checkbox"/> Cardfile		_____	_____
<input type="checkbox"/> Cross Ref.		_____	_____
<input type="checkbox"/> Power Claim		_____	_____
<input checked="" type="checkbox"/> Abstracts		<i>lij</i>	_____

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That THOMAS B. LEEP

of Halfway, State of Oregon, 97834, has a right to the use of the waters of Pine Creek

a tributary of Snake River for the purpose of irrigation of 57.0 acres, 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 WATER RESOURCES DIRECTOR, in Volume 11, at page 235; that the priority of the right thereby confirmed dates from 1883

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.

The point of diversion is located in the SW 1/4 SE 1/4, Section 23, T. 7 S., R. 45 E., W. M., Foothills Ditch-1170 feet North and 2450 feet West from the NE Corner, Section 26.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

- 15.0 acres NW 1/4 SW 1/4
37.0 acres NE 1/4 SW 1/4
Section 7
5.0 acres NW 1/4 NW 1/4
Section 17
T. 8 S., R. 46 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 10370, Volume 10, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on October 19, 1978 approving transfer application No. 4021.

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

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 the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date December 21, 1978.

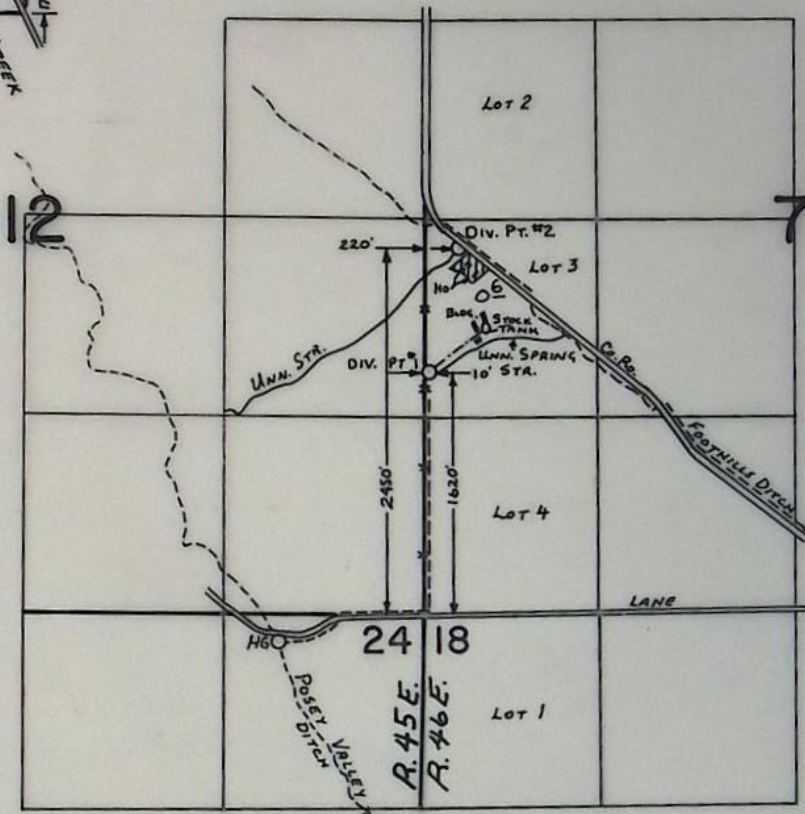
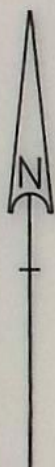
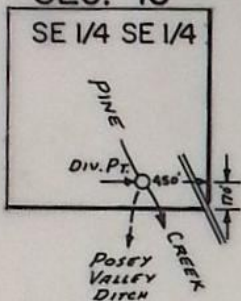
James E. Seaton
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 40, page 47046

Basin of Pine Cr.

T.8S.,R.46E.,W.M.

T.7S.,R.45E.,W.M.
SEC. 15



SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

Transfer No. 4021
 57783 43660
 Application No. 59315 Permit No. 44620.....
 IN NAME OF

ESTELLA (MRS. ORSON) SUMMERS.....

Surveyed Sept. 24 19.85, by L. M. TOLL.....

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ESTELLA (MRS. ORSON) SUMMERS
ROUTE 1, BOX 16
HALFWAY, OREGON 97834

confirms the right to use the waters of PINE CREEK, a tributary of THE SNAKE RIVER, for IRRIGATION OF 22.0 ACRES AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 11, at Page 235. The date of priority is 1903.

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.

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 22, T 7 S, R 45 E, W.M.; POSEY VALLEY DITCH - 170 FEET SOUTH AND 200 FEET WEST FROM THE SE CORNER OF SECTION 15.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one 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 place of use to which this right is appurtenant is as follows:

NW 1/4 SW 1/4 22.0 ACRES AND STOCK
SECTION 7
TOWNSHIP 8 SOUTH, RANGE 46 EAST, W.M.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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

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.

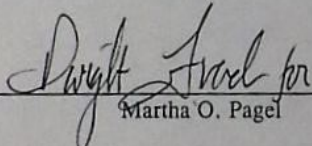
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered October 19, 1978, and together with Certificate 47046, supersedes Certificate 10370, State Record of Water Right Certificates.

THIS CERTIFICATE IS ISSUED TO CORRECT A CLERICAL ERROR AND SUPERSEDES CERTIFICATE 76425.

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.

WITNESS the signature of the Water Resources Director, affixed APRIL 14, 2000.


Martha O. Page

Recorded in State Record of Water Right Certificates numbered 76491.

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ESTELLA (MRS. ORSON) SUMMERS
ROUTE 1, BOX 16
HALFWAY, OREGON 97834

confirms the right to use the waters of PINE CREEK, a tributary of THE SNAKE RIVER, for IRRIGATION OF 22.0 ACRES AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 11, at Page 235. The date of priority is 1903.

The use is limited to CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

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.

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 22, T 7 S, R 45 E, W.M.; POSEY VALLEY DITCH - 170 FEET SOUTH AND 200 FEET WEST FROM THE SE CORNER OF SECTION 15.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one 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 place of use to which this right is appurtenant is as follows:

NW 1/4 SW 1/4 22.0 ACRES AND STOCK
SECTION 7
TOWNSHIP 8 SOUTH, RANGE 46 EAST, W.M.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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

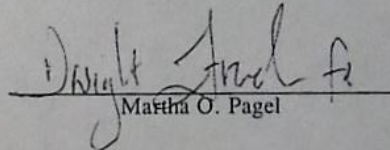
The type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

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 decree.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered October 19, 1978, and together with Certificate 47046, supersedes Certificate 10370, State Record of Water Right Certificates.

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.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 28, 2000.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76425.

T-4021.SB

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF ESTELLA SUMMERS FOR APPROVAL)
OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM PINE CREEK)

ORDER APPROVING
TRANSFER NO. 4021

On August 10, 1978, an application was filed in the office of the Water Resources Director by Estella Summers for approval of a change in point of diversion from Pine Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 10370, Volume 10, State Record of Water Right Certificates, in the name of Thomas B. Leep, describes a right which includes the use of water from Pine Creek for stock and for irrigation of 22.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 8 South, Range 46 East, W.M., with a date of priority of 1903.

The authorized point of diversion of record for said right is located 1170 feet North and 2450 feet West from the Northeast Corner of Section 26, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 7 South, Range 45 East, W.M. (Foothills Ditch).

The applicant herein, owner of the lands above described, is seeking approval of a change in point of diversion, without loss of priority, to an existing point of diversion located 170 feet South and 200 feet West from the Southeast Corner of Section 15, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 7 South, Range 45 East, W.M. (Posey Valley 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 August 28; September 4 and 11, 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.

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

Vol 10370

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 effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

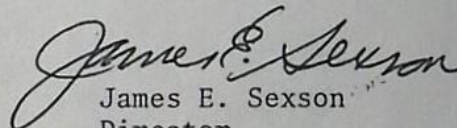
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 10370, 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 19th day of October, 1978.


James E. Sexson
Director

11
13-0

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

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ROUTE 1, BOX 16
HALFWAY, OREGON 97834

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The point of diversion is located as follows:

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The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one 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 place of use to which this right is appurtenant is as follows:

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SECTION 7
TOWNSHIP 8 SOUTH, RANGE 46 EAST, W.M.

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

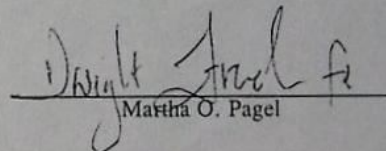
The type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

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 decree.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered October 19, 1978, and together with Certificate 47046, supersedes Certificate 10370, State Record of Water Right Certificates.

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.

WITNESS the signature of the Water Resources Director, affixed FEBRUARY 28, 2000.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76425.

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4021
 Notice is given hereby that an application has been filed in the office of the Water Resources Director by Estella Summers for approval of a change in point of diversion from Pine Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 10370, Volume 10, State Record of Water Right Certificates, in the name of Thomas B. Leep, describes a right which includes the use of water from Pine Creek for stock and for irrigation of 22.0 ac in NW¹/₄ SW¹/₄ of Sec 7, T 8S, R 46E, WM, with a date of priority of 1903.

The authorized point of diversion of record said right is located 1170 ft N & 2450 ft W from the NE Corner of Sec 26, being within the SW¹/₄ SE¹/₄ of Sec 23, T 7S, R 45E, WM (Foothills Ditch).

The applicant herein, owner of the lands above described, is seeking approval of a change in point of diversion, without loss of priority, to an existing point of diversion located 170 ft S & 200 ft W from the SE Corner of Sec 15, being within the NE¹/₄ NE¹/₄ of Sec 22, T 7S, R 45E, WM (Posey Valley Ditch).

All persons interested are notified hereby that a hearing will be held at the county courthouse at Baker, Oregon, on October 18, 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 Estella Summers, Rt 1, 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 23rd day of August, 1978
 James E. Sexson
 Director

Publish: Aug. 28, Sept. 4, 11, 1978
 Legal No. 121

AFFIDAVIT OF PUBLICATION

Baker, Oregon, September 30, 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 17³/₄ 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 #121 - Water Right Transfer No. 4021, 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 28th day of August, 19, 78, and ending with the issue dated the 11th day of September, 19, 78, and that the dates of publication were August 28, 1978 September 4, 1978
September 11, 1978

Jeanne Warren

Subscribed and sworn to before me this 30th day of September, 1978

Phyllis Fuge
 Notary Public for Oregon.

My commission expires September 8, 1982

ED
978
RES DEPT.
REGON
RES DEPT.
OREGON



ok.
 ok

DAY ONLY
to Charge

AFFIDAVIT OF PUBLICATION

Baker, Oregon, September 30, 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 17³/₄ 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 #121 - Water Right Transfer No. 4021, 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 28th day of August, 19, 78, and ending with the issue dated the 11th day of September, 19, 78, and that the dates of publication were August 28, 1978 September 4, 1978
September 11, 1978 *ok*

Jeanne Warren

Subscribed and sworn to before me this 30th day of September, 1978

Shyllis Hage
Notary Public for Oregon.

My commission expires September 8, 1982

RECEIVED
OCT 6 1978
WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPT.
OREGON

ok.