

3924

Name Donald Stephens

By _____

Address _____

Haines, OR 97833Change in POU, add'l PODDate filed April 6, 1978Date of hearing Nov 1, 1978Place of hearing BakerDate of order 12-18-78 Vol. 31, page 494Date for application of water 10-1-80Proof mailed DEC 31 1985

Proof received _____

Certificate issued APR 4 1986 Vol. 49, page 54108

DESCRIPTION OF WATER RIGHT

Name of stream Rock CreekTrib. of _____ County of Baker

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1883, 1894, 1897In name of E.W. CastorPowder River Adjudication, Vol. 6, page 370App. No. _____ Per. No. _____ Cert. No. 4057

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-6-78</u>	<u>50²⁵</u>	<u>2009</u>
TOTAL . . .		
	<u>0</u> Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Ex 20⁻
POU 15²⁵
POD 15⁻
50²⁵

REMARKS

W.R.I.S.

Assembled 5-15-85 by SP

Entered _____ by _____

Verified _____ by _____

INDEX CARDS: Entered Checked

TO BE ENTERED WHERE CHECKED	✓	Name	<u>SP</u>	_____
	✓	Stream	<u>SP</u>	_____
	✓	Pt. of Div.	<u>SP</u>	_____
	✓	Calendar	<u>SP</u>	_____
	✓	Twp. & Rge.	<u>SP</u>	_____
	✓	Decree-vault	<u>SP</u>	_____
	✓	Decree-safe	<u>SP</u>	_____
	✓	Cert. of W/R	<u>SP</u>	_____
	✓	Per. Folder	<u>SP</u>	_____
	✓	Chainindex	<u>SP</u>	_____
	✓	Cross Ref.	<u>SP</u>	_____
	✓	Power Claim	<u>SP</u>	_____
	✓	Abstracts	<u>SP</u>	_____

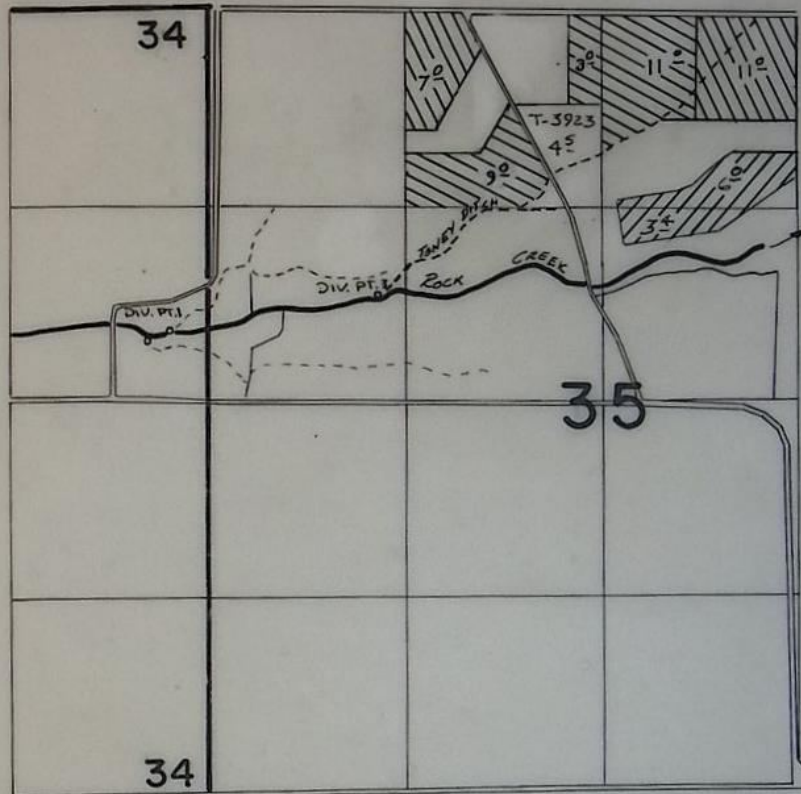
CHECKED TO RECORDS:

Surveyed 4/13/82

to survey 12/79

1-31-86 SPA

T.7S., R.38E., W.M.



Div. Pt. 1 Loc: 460' N. & 250' W. FROM E 1/4 COR. SEC 34 - TONEY-BLIZE DITCH

Div. Pt. 3 Loc: 710' N. & 1130' E FROM W 1/4 COR. SEC 35 - TONEY DITCH

FINAL PROOF SURVEY
UNDER

TRANSFER 3924

IN NAME OF

DONALD STEPHENS

Surveyed April 13, 1982, by V.L. Church

1883
1894
1897

STATE OF OREGON

COUNTY OF **BAKER**

CERTIFICATE OF WATER RIGHT

*Decree Cert
& B.C.*

This is to Certify, That **P. W. GASTOR** **DONALD STEPHENS**
of **Rt 1, Box 33** **Haines**, State of **Oregon** **97833** has a right to the use of

the waters of **Rock Creek**, a tributary of Powder River

for the purpose of **the irrigation of 50.4** 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 **94** 6, at page **291**; that the priority of the right thereby confirmed dates from **1897 for 19 acres; 1883 for 23 acres and 1894 for 18 acres**

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 decree, if available at the original point of diversion in the **SE 1/4 NE 1/4 Section 34, T. 75, R. 38E, WM; Toney-Blaze Ditch - 460' N. & 250' W. from the water Sec 35**

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:
23 acres in the Southwest quarter of Northwest quarter and 28 acres in the Southeast quarter of Northwest quarter of Section Thirty-five, Township Seven South, Range Thirty-eight East of Willamette Meridian, in Baker County, Oregon.

1883**110 ac NW 1/4 NE 1/4****120 ac NE 1/4 NW 1/4****1894****110 ac NW 1/4 NE 1/4****70 ac NE 1/4 NW 1/4****1897****60 ac NW 1/4 NE 1/4****30 ac SW 1/4 NE 1/4****Sec 35****T. 75, R. 38E, WM**

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

This certificate is issued to confirm a change in place of use and ^{an additional} point of diversion approved by an order of the Water Resources Director entered **12-18-1978** and ^{SUPERSEDES} together with certificate of water right recorded at page **4057**, Volume **5**, State Record of Water Right Certificates, ^{SUPERSEDES} ~~supersedes~~ certificate ~~_____~~

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.

Recorded in State Record of Water Right Certificates, Volume **5**, page **4057**

30600**T-3924****54108**

*SW 1/4 NW 1/4 Sec 35,
T. 75, R. 38E, WM; Toney-Blaze Ditch - 460' N. & 250' W. from the water Sec 35
Toney Ditch - 710' N. & 1130' E.; both from the water Sec 35*

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF DONALD STEPHENS FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3924

On April 6, 1978, an application was filed in the office of the Water Resources Director by Donald Stephens for approval of changes in place of use and an additional point of diversion of water from Rock Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4057, Volume 5, State Record of Water Right Certificates, in the name of F. W. Castor, describes a right for the use of water from Rock Creek for irrigation of a certain 23.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 28.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 7 South, Range 38 East, W.M., with dates of priority of 1897 for 10.0 acres, 1883 for 23.0 acres and 1894 for 18.0 acres.

Water for this right is diverted, through the Toney Blize Ditch, from a point located 454 feet North and 330 feet West from the East Quarter Corner of Section 34, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 7 South, Range 38 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 11.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 12.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ with a date of priority of 1883; 11.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ with a date of priority of 1894; and 6.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 4.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ with a date of priority of 1897, all in Section 35, Township 7 South, Range 38 East, W.M. The applicant herein also proposes to establish an additional point of diversion for these lands, located 578 feet North and 1114 feet East from the West Quarter Corner of Section 35, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 7 South, Range 38 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Baker Democrat-Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of September 11, 18 and 25, 1978.

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

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injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 place of use of water and the additional point of diversion, as described herein, without loss of priority, are approved.

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

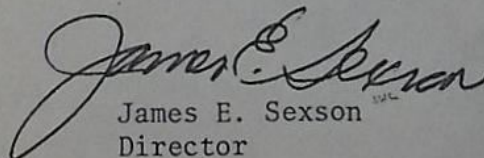
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the additional point of diversion of water established and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 4057, Volume 5, State Record of Water Right Certificates, is canceled; 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 18th day of December, 1978.


James E. Sexson
Director