

Name Donald Stephens

By \_\_\_\_\_

Address \_\_\_\_\_

Haines, OR 97833

Change in POU, POD

Date filed Apr. 16, 1978

Date of hearing Nov 1, 1978

Place of hearing Baker

Date of order 12-18-78 Vol. 31, page 496

Date for application of water 10-1-80

Proof mailed FEB 13 1986

Proof received 2-28-86

Certificate issued Aug 5 81 Vol. 44, page 50118

**APR 4 1986**

*to survey*

REMARKS

3925

DESCRIPTION OF WATER RIGHT

DVA Notification

Name of stream Rock Creek

Trib. of \_\_\_\_\_ County of Baker

Use \_\_\_\_\_

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

Date of priority Aug. 28, 1880

In name of Estate of D. Favorite

Powder River Adjudication, Vol. 6, page 384

App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 33386

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

FEES PAID

| Date            | Amount             | Receipt No.                |
|-----------------|--------------------|----------------------------|
| <u>4-6-78</u>   | <u>55 50</u>       | <u>2008</u>                |
| TOTAL . . .     |                    |                            |
| <u>10-11-78</u> | <u>2 Cert. Fee</u> | <u>Trans. 2010 (13923)</u> |

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
|      |        |           |

EX 20-  
POU 20 50  
POD 15 -  
Cert 2 -  
57 50

|                                     | INDEX CARDS: |              | Entered | Checked |
|-------------------------------------|--------------|--------------|---------|---------|
|                                     | Name         | Stream       |         |         |
| <input checked="" type="checkbox"/> | Pt. of Div.  | Calendar     |         |         |
| <input checked="" type="checkbox"/> | Twp. & Rge.  | Decree-vault |         |         |
| <input checked="" type="checkbox"/> | Decree-subs  | Cert. of W/R |         |         |
| <input checked="" type="checkbox"/> | Per. Folder  | Chainindex   |         |         |
| <input checked="" type="checkbox"/> | Cross Ref.   | Power Claim  |         |         |
| <input checked="" type="checkbox"/> | Abstracts    |              |         |         |

W.R.I.S.

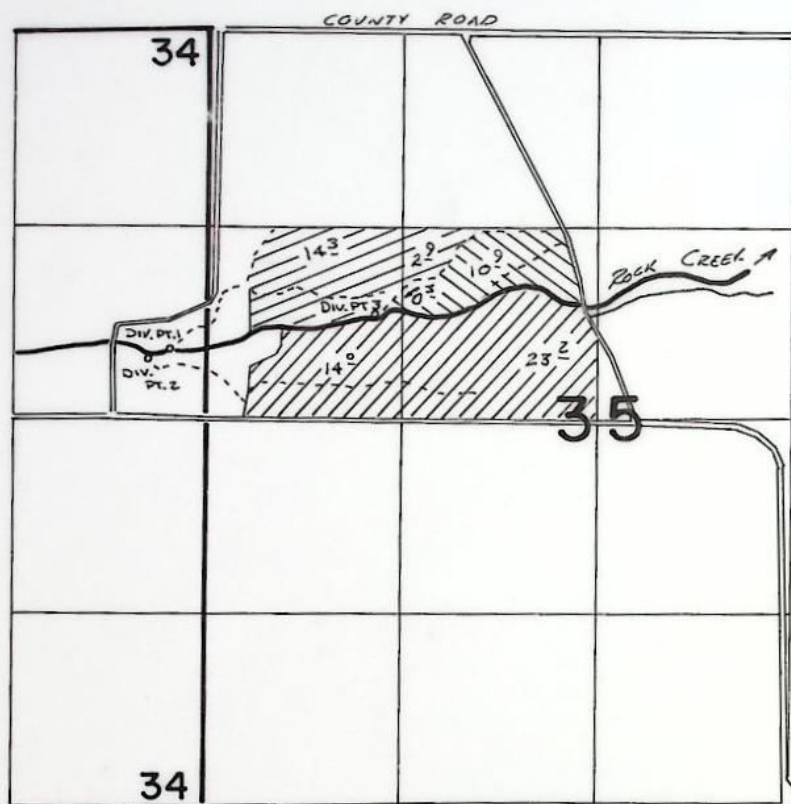
Assembled 5-15-85 by 501

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_



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. 2 Loc: 400' N. & 400' W. FROM E 1/4 COR. SEC 34 - FAVORITE DITCH  
 Div. Pt. 3 Loc: 710' N. & 1130' E. FROM W 1/4 COR. SEC 35 - TONEY DITCH




# FINAL PROOF SURVEY UNDER

TRANSFER 3925

IN NAME OF

.....DONALD.....STEPHENS.....

Surveyed April 13 1982, by V.H. Church

 Div. Pt. 3  
 Div. Pt. 2  
 Div. Pt. 1

## STATE OF OREGON

COUNTY OF

BAKER

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That**ESTATE OF D. FAVORITE, deceased  
By E. L. FAVORITE, Executorof  
a right to the use of the waters of  
Willow Creek and Rock Creek

Haines

, State of Oregon 97833 , has

a tributary of Powder River  
irrigation of 45.8 acres

for the purpose of

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 6 , at page 291 ; that the priority of the right thereby confirmed dates from

August 28, 1880 for Tract 1 and 1906 for 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 one-fortieth of one cubic foot per second per acre.

The point of diversion is located in the

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

Tract 1 from Rock Creek36.0 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 5Tract 2 from Willow Creek9.8 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 5

Township 8 South, Range 39 East, WM

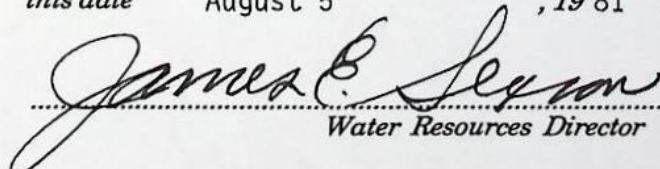
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 33386, Volume 25, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on December 18, 1978, approving Transfer Application 3925.

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.

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 August 5 , 19 81 .



James E. Laxon  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 44 , page 50118



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 )  
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ORDER APPROVING  
TRANSFER NO. 3925

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

The certificate recorded at page 33386, Volume 25, State Record of Water Right Certificates, in the name of Estate of D. Favorite, describes a right which includes the use of water from Rock Creek for irrigation of 19.5 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 4.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 8.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 40.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 5, Township 8 South, Range 39 East, W.M., with a date of priority of August 28, 1880.

Water for this right is diverted, through the Favorite Ditch, from a point located 371 feet North and 536 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 36.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 36.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 35, Township 7 South, Range 38 East, W.M. The applicant herein also proposes to establish two additional points of diversion for the irrigation of these lands located: (1) 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. (Toney Blize Ditch); and (2) 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. (Toney Ditch).

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

131. P416



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 and two additional points of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points 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:

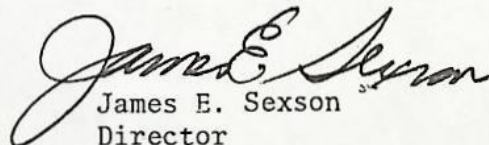
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 two additional points 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 33386, Volume 25, 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 18th day of December, 1978.

  
James E. Sexson  
Director

8477



T-5925

## STATE OF OREGON

COUNTY OF

BAKER

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

43 DONALD STEPHENS  
ESTATE OF D. FAVORITE, deceased  
By E. L. FAVORITE, Executor

Box 20

of Haines

State of

Oregon

, has a right

to the use of the waters of Willow Creek and Rock Creek

a tributary of Powder River  
irrigation of ~~117.8 acres~~

45.8 acres

65.6 acres

for the purpose of

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 6, at page 291; that the priority of the right thereby  
confirmed dates from August 28, 1880 for Tract No. 1 and 1906 for Tract No. 2that 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 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 pt. of  
diversion in the SE<sup>1</sup>NE<sup>1</sup> Sec 34, T.7S., R.38E., W.M.; Favorite Ditch - 400' N. & 400' W.

The point of diversion is located in the

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

## Diversions 1

14.3 ac SWNW  
2.9 ac SENW

## Diversions 2

14.0 ac SWNW  
23.2 ac SENW

## Diversions 3

0.3 ac SWNW  
10.9 ac SENW

Tract No. 1 from Rock Creek

T-3925

~~19.5 acres SW<sup>1</sup>NE<sup>1</sup>~~36.0 ~~10.0 acres SW<sup>1</sup>NW<sup>1</sup>~~~~8.5 acres SE<sup>1</sup>NW<sup>1</sup>~~~~10.0 acres NW<sup>1</sup>SW<sup>1</sup>~~

Section 5

T. 8 S., R. 39 E., W.M.

Tract No. 2 from Willow Creek

9.8 acres SW<sup>1</sup><sub>4</sub> SW<sup>1</sup><sub>4</sub>

Section 5

T. 8 S., R. 39 E., W.M.

This certificate is issued to confirm a change in place of use and points of  
diversion approved by an order of the Water Resources Director  
entered 12-18-78 and together with certificate of water right  
recorded at page 50118, Volume 44, State Record of  
Water Right Certificates, supersedes certificate 33386.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.

3296D 54107



T-3925

## STATE OF OREGON

COUNTY OF BAKER

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

43  
ESTATE OF D. FAVORITE, deceased  
By E. L. FAVORITE, Executorof Haines, State of Oregon, has a right  
to the use of the waters of Willow Creek and Rock Creeka tributary of Powder River for the purpose of  
irrigation of ~~117.8~~ 45.8 acresand 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 6, at page 291; that the priority of the right thereby  
confirmed dates from August 28, 1880 for Tract No. 1 and 1906 for Tract No. 2that 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 one  
cubic foot per second per acre; and shall be subject to all other conditions  
and limitations contained in said decree

The point of diversion is located in the

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

Tract No. 1 from Rock Creek T-3925  
~~19.5 acres SW 1/4 NE 1/4~~ 19.5  
 36.0 ~~40.0 acres SW 1/4 NW 1/4~~ 40.0  
~~8.5 acres SE 1/4 NW 1/4~~ 8.5  
~~40.0 acres NW 1/4 SW 1/4~~ 40.0  
 Section 5 22  
 T. 8 S., R. 39 E., W.M.

Tract No. 2 from Willow Creek  
 9.8 acres SW 1/4 SW 1/4  
 Section 5  
 T. 8 S., R. 39 E., W.M.

This certificate describes that portion of the water right confirmed by the prior  
 certificate recorded at page 33386, Volume 25, State Record of Water Right  
 Certificates, NOT modified by the provisions of an order of the Water Resources  
 Director entered on Dec 18, 1978, approving transfer application No. 3925.

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 State Engineer, affixed

this date

December 13 1966

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33386

50118

T-3925

SC 4345A