

Name Lula Chamberlin

4394

By _____

Address Rt. 1, Box 92Richland, OR 97870Change in PODDate filed Feb 19, 1980Date of hearing May 22, 1980Place of hearing BakerDate of order 5-22-80 Vol. 33, page 231Date for application of water complete

Proof mailed _____

Proof received _____

Certificate issued January 1982 Vol. 44, page 50453

MAY 27 1982

APR 25 1985

APR 25 1985

44

45

48

48

50453

50888

52924

52925

Notation made on record by _____

DESCRIPTION OF WATER RIGHT

Name of stream Eagle CreekTrib. of _____ County of BakerUse irrigation + stockQuantity of water _____ No. of acres 5 1/2Name of ditch Kay Young to GoverDate of priority 1878 + 1879In name of John Fraser; Virginia A. UsherPowder River Adjudication, Vol. 6, page 473 486App. No. _____ Per. No. _____ Cert. No. 4650

Certificate cancelled _____

REMARKS

W.R.I.S.

Assembled 2-8-85 by SDA

Entered _____ by _____

Verified _____ by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-19-80</u>	<u>95.00</u>	<u>16124</u>
TOTAL . . .		
	Cert. Fee	

Democrat Herald 5/12/80 ck# 4192

FEES REFUNDED

Date	Amount	Check No.
<u>5/12/80</u>	<u>15.00</u>	<u>4193</u>

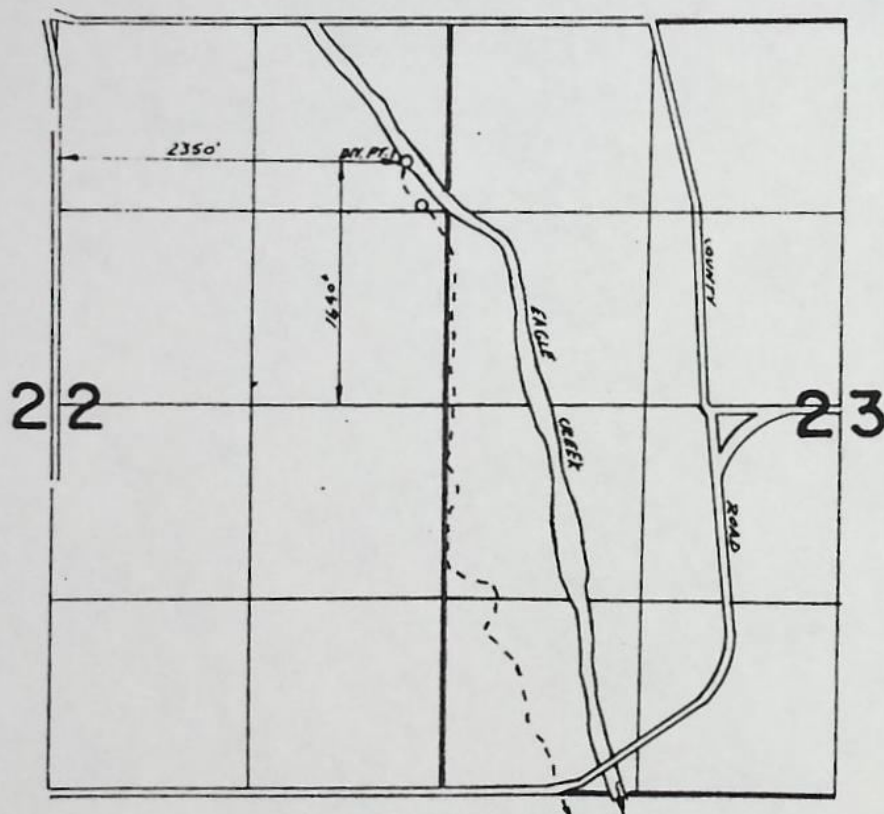
91 20 -POD 15 -POD 75 -80 20

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>SRD</u>	_____
<input checked="" type="checkbox"/> Stream	<u>SDA</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	_____	_____
<input checked="" type="checkbox"/> Calendar	<u>SDA</u>	_____
<input checked="" type="checkbox"/> Twp. & Rge.	<u>SDA</u>	_____
<input checked="" type="checkbox"/> Decree-vault	<u>SDA</u>	_____
<input checked="" type="checkbox"/> Decree-safe	<u>SDA</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>SDA</u>	_____
<input checked="" type="checkbox"/> Per. Folder	_____	_____
<input checked="" type="checkbox"/> Chainindex	_____	_____
<input checked="" type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	_____	_____
<input checked="" type="checkbox"/> Abstracts	<u>SDA</u>	_____

Chamberlin

T-4394
RECEIVED
FEB 16 1980
WATER RESOURCES DEPT
SALEM, OREGON

T 9S R 45E W.M.



GOVER DITCH

To


```

:   POD
   POU
   USE
Add'1 POD

```

County Baker

1. Name Lula Chamberlin
Address RT 1, Box 92, Richland, OR 97870

2. Source of Supply Eagle Cr., Trib of _____

3. Use irrigation 5.8 / 6.2 acres

4. Amount of Water _____ Priority Date _____

5. Proposed Point of Diversion _____

7. Place of Use:

[illegible]

INFO: LULA CHAMBERLIN MR ROSEY CHAMBERLIN CLAIMS IRRIGATION OF APPROX 63 ACRES IN THE NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ AND SW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 23, T.9S. R. 45E. THIS LAND IS EAST AND SOUTH OF THE RICHLAND - BAKER HIGHWAY AND EXTENDS TO THE CITY OF RICHLAND. ALL IS IRRIGATED FROM THE KAY YOUNG DITCH AND IS PLANTED TO HAY EXCEPT FOR LAWN / GARDEN AROUND HOUSES.

MR CHAMBERLIN ALSO IRRIGATES APPROX 40 ACRES EAST OF EAGLE CREEK AND WEST OF THE RICHLAND - BAKER HIGHWAY. ALL LAND IS PASTURE AND FLOODED FROM THE KAY YOUNG DITCH.

MR CHAMBERLIN IRRIGATES APPROX 50 ACRES IN THE W $\frac{1}{2}$ SW $\frac{1}{4}$ SEC 23, T9S R45E FROM THE COVER DITCH. THIS LAND IS PASTURE.

TIES INSPECTION

JUNE 30, 1980

Thom L. Thum

FIELD-ENGINEER

DIV. PT. COVER DITCH. - IT APPEARS ENTIRE CREEK IS DIVERTED AND PORTION NOT USED IS RETURNED TO EAGLE CREEK. TWO 2' HEADGATES REGULATE FLOW INTO THE COVER DITCH WITH THE REMAINDER RETURNED OVER A WEIR TO EAGLE CREEK.

EAGLE CREEK

LIF T-0982-01

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. T900043991 PERMIT NO. 006472 CERTIF. NO.

NAME: LULA CHAMBERLIN

ORIG. NO. C000046501 PREV. NO. C000046501/SUPER. NO.

ADDRESS: RT1, BOX 92

CITY/STATE/ZIP/COUNTY: RICHLAND, OR 97870 01

STREAM-ID 09 4060 0140

RIV. MI.

WM. DIST. 08 W.R. TYPE SC STATUS V

CANCEL YEAR-->

CONSTR. COMPLT--> 05 22 1980

YR. LAST USED-->

NEXT ACTION DUE-->

PRICRITY--> 12 31 1878

PUT TO USE--> 05 22 1980

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 02 19 1980

SURVEYED-->

EXAM. FEE-->

RECORDING FEE-->

PERMIT ISSUE--> 05 22 1980

CONCURRENCE-->

CYCLE STATUS-->

REPORTED FLAG-->

CONSTR. STRT.--> 05 22 1980

CERTIFIED-->

CORRES. INIT.-->

CORRES. DATE-->

 POINT-OF-DIVERSION DATA:
 TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

 ** REMARKS; - - - - ->
 ** DATED-->

0903 450E 22 A A 09 4060 0140

0.145

V

P

 ** POD: GOVER DITCH, 1640' N & 2350' E
 ** FM CENTER OF S 22. CHANGES POD
 ** PART OF C-4650. RRC-50888. SEE

** ALSO T0000 43992.

 PLACE-OF-USE DATA:
 TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES

STATUS S OR P

0903 450E 23 C C 01 1R 100 5.80

V

P

50888

V.D.S.

APPROVED 2-8-85 J.S.M.

EVALUATED

VERIFIED

EAGLE CREEK

WF T-0982-01

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

 PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. T900043942 PERMIT NO. 006986 CERTIF. NO.

NAME: LULA CHAMBERLIN

GRIG. NO. C000047551 PREL. NO. C000047551 SUPER. NO.

ADDRESS: RT1, Box 92

CITY/STATE/ZIP/COUNTY: RICHLAND, OR 97870

01

STREAM-ID 09 4060 0140

RIV. MI.

WM. DIST. 08 W.R. TYPE SC STATUS V

CANCEL YEAR-->

CONSTR. COMPLT--> 05 22 1980

YR. LAST USED-->

NEXT ACTION DUE-->

PRIORITY--> 12 31 1879

PUT TO USE--> 05 22 1980

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 02 19 1980

SURVEYED-->

EXAM. FEE-->

RECORDING FEE-->

15.00

PERMIT ISSUE--> 05 22 1980

CONCURRENCE-->

CYCLE STATUS-->

REPORTED FLAG-->

CONSTR. STRT.--> 05 22 1980

CERTIFIED-->

CORRES. INIT.-->

CORRES. DATE-->

 POINT-OF-DIVERSION DATA:
 TWP/SP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

 ** REMARKS; - - - - -
 ** DATED-->

0905 450E 22 AA 09 4060 0140

0.155

V P

** POD: GOVER DITCH, 1640' N & 235' E

** FM CENTER OF S 22. CHANGES

** POD PART OF C-4755. RR C-50453.

** SEE ALSO T000043941.

 PLACE-OF-USE DATA:
 TWP/SP RNGE SECT QTR/QTR CNTY USE % CHSMTV ACRES STATUS S OR P

0905 450E 23 C B 01 1R 100 6.20

V P

V.I.S.

A. 2-8-85 1, 50X

E. 1, 50X

V.I.S. 1, 50X

STATE OF OREGON

COUNTY OF

BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JOHN FRASER

of Richland
a right to the use of the waters of Eagle Creek

, State of Oregon 97870 , has

a tributary of Powder River
irrigation of 113.5 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 1878;

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:

0.3 acre SW 1/4 NE 1/4, Lots 1 and 2, Block 1
Duffy's North Addition to the town of Richland
6.2 acres SW 1/4 SW 1/4
40.0 acres SE 1/4 SW 1/4
39.0 acres SW 1/4 SE 1/4
Section 23

27.0 acres NE 1/4 NW 1/4
1.0 acre NW 1/4 NW 1/4
Section 26

Township 9 South, Range 45 East, WM

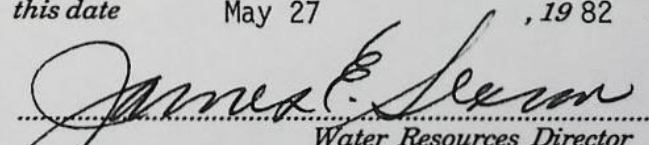
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 4650, Volume 5, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on May 22, 1980, approving Transfer Application 4394.

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 May 27, 1982 .


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 45, page 50888

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION OF)
LULA CHAMBERLIN FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER NO. 4394

On February 19, 1980, an application was filed in the office of the Water Resources Director by Lula Chamberlin for approval, without loss of priority, of a change in point of diversion from Eagle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered March 18, 1918, in the Matter of the Determination of the Relative Rights of the Various Claimants to the use of the waters of Powder River and Its Tributaries, a water right was allowed in the name of John Fraser for the use of waters of Eagle Creek for irrigation of, among other lands, a certain 5.8 acres in SW 1/4 SW 1/4, Section 23, Township 9 South, Range 45 East, W.M., being tabulated at Volume 6, page 472, with a date of priority of 1878, as evidenced by certificate recorded at page 4650, Volume 5, State Record of Water Right Certificates.

By said Decree a water right was allowed in the name of Virginia A. Usher for use of waters of Eagle Creek for irrigation of, among other lands, a certain 6.2 acres in NW 1/4 SW 1/4 of Section 23, Township 9 South, Range 45 East, W.M., being tabulated at Volume 6, page 486, with a date of priority of 1879, as evidenced by certificate recorded at page 4755, Volume 5, State Record of Water Right Certificates.

The authorized point of diversion for said rights is located 1700 feet South and 2450 feet East from the Northwest Corner of Section 10, being within the SE 1/4 NW 1/4 of Section 10, Township 9 South, Range 45 East, W.M. (Kay Young Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 1640 feet North and 2350 feet East from the Center of Section 22, being within the NE 1/4 NE 1/4 of Section 22, Township 9 South, Range 45 East, W.M. (Gover 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 April 1, 8 and 15, 1980.

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.

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:

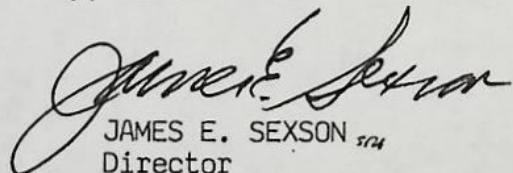
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 certificates recorded at pages 4650 & 4755, Volume 5, State Record of Water Right Certificates, be canceled; and in lieu thereof new certificates be issued covering the balance of the rights 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 May, 1980.


JAMES E. SEXSON ^{SR}
Director

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION
NO. 4394

On Feb. 19, 1980, an application was filed in the office of the Water Resources Director by Lula Chamberlin for approval, without loss of priority, of a change in point of diversion from Eagle Creek.

By Decree of the Circuit Court for Baker County, Oregon, entered March 18, 1918, in the Matter of the Determination of the Relative Rights of the Various Claimants to the use of waters of Powder River and its Tributaries, a water right was allowed in the name of John Fraser, for the use of waters of Eagle Cr for irrigation of, among other lands, a certain 5.8 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 23, T 9S, R 45E, WM, being tabulated at Volume 6, page 472, with a date of priority of 1878, as evidenced by certificate recorded at page 4650, Volume 5, State Record of Water Right Certificates.

By said Decree a water right was allowed in the name of Virginia A. Usher for use of waters of Eagle Creek for irrigation of, among other lands, a certain 6.2 ac in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 23, T 9S, R 45E, WM, being tabulated at Volume 6, page 486, with a date of priority of 1879, as evidenced by certificate recorded at page 4755, Volume 5, State Record of Water Right Certificates.

The authorized point of diversion for said rights is located 1700 ft S & 2450 ft E from the NW Corner of Sec 10, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 10, T 9S, R 45E, WM (Kay Young Ditch).

The applicant proposed to change the point of diversion therefrom to a point located 1640 ft N & 2350 ft E from the Center of Sec 22, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 22, T 9S, R 45E, WM (Gover Ditch).

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, May 22, 1980, at the Baker County Courthouse, Baker, Oregon. Any objections to the proposed change must be prepared in writing; one copy to be served on the applicant at Rt 1, Box 92, Richland, OR 97870; and one copy filed in the office of

AFFIDAVIT OF PUBLICATION

Baker, Oregon, April 30, 1980

STATE OF OREGON,
County of Baker

ss.

I, Tricia Bevers, 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 uninterruptedly published once each week for at least twelve consecutive months immediately preceding the first publication of the attached Legal Advertisemen #63 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 times being published three times commencing with the issue dated the 1st day of April, 19, 80, and ending with the issue dated the 15th day of April, 19, 80, and that the dates of publication were April 1, 1980-April 8, 1980-April 15, 1980

OK
SPA

Tricia Bevers

Subscribed and sworn to before me this 30th day of April, 19 80.

Shylessi Luge
Notary Public for Oregon.

My commission expires September 8, 1982

RECEIVED
MAY 3 1980
CLERK OF COURSES DEPT
BAKER, OREGON

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cable Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
4649 Evans, George W. Richland, Oregon. (Finding #30) <i>Baker Co.</i>	1886 1881		40 40.3	Irrigation Irrigation	Newt Young Kay Young	Eagle Creek Eagle Creek	40 acres in NW ¹ NE ¹ Lot 5, S ¹ / ₂ of Lot 3, Block 3, Town of Richland, Oregon. 40 acres in SW ¹ NE ¹ Section 30 T 9 S. R. 46 E. W. M.
4650 Fraser, John Richland, Oregon. (Finding #30) (1) T-4374 Δ P2D S ¹ / ₂ E. C. <i>Baker Co.</i>	1878		129.3	Irrigation	Kay Young	Eagle Creek	(1) 12 acres in SW ¹ SW ¹ 40 acres in SE ¹ SW ¹ 39 acres in SW ¹ SE ¹ Section 23 Lots 1 and 2, Block 1, Duffy's North Addition to Richland, Oregon. 27 acres in NE ¹ NW ¹ 1 acre in NW ¹ NW ¹ Section 26 T 9 S. R. 45 E. W. M.
4651 Gibson, Julia, Richland, Oregon. (Finding #30) <i>Baker Co.</i>	1886		41	Irrigation	Kay Young	Eagle Creek	20 acres in NE ¹ NE ¹ Section 26 21 acres in SE ¹ SE ¹ Section 23, T 9 S. R. 45 E. W. M.
4652 Givens, Medora L. Richland, Oregon. (Finding #30) <i>Baker Co.</i>	1880		.5	Irrigation	Kay Young	Eagle Creek	Lots 10, 11 and 12, Block 1, Halley's Addition to Richland, Oregon.
4653 Gorden, George W. Richland, Oregon. (Finding #30) <i>Baker Co.</i>	1881		1/3	Irrigation	Kay Young	Eagle Creek	1/3 acre in NW ¹ SE ¹ Section 23 T 9 S. R. 45 E. W. M.
4654 Goss, Leonard, New Bridge, Oregon. (Finding #30) <i>Baker Co.</i>	1903 1889		15 18.5	Irrigation	Tobin Newt Young	Eagle Creek	15 acres in NE ¹ SW ¹ 18.5 acres in SE ¹ SW ¹ Section 11. T 9 S. R. 45 E. W. M.
4655 Gover, David S. New Bridge, Oregon. (Finding #30 & 101) <i>Baker Co.</i>	1893		40	Irrigation	Allen and Arthur	Eagle Creek	12 acres in SE ¹ NW ¹ 10 acres in NW ¹ SE ¹ 5 acres in SW ¹ SE ¹ 13 acres in NE ¹ SW ¹ Section 20 T 8 S. R. 45 E. W. M.
4656 Gover, O. A. New Bridge, Oregon. (Finding #30) <i>Baker Co.</i>	1884		9	Irrigation	Holstine	Eagle Creek	9 acres in NE ¹ SW ¹ Section 10 T 9 S. R. 45 E. W. M.
4657 Gover, Rebecca, Richland, Oregon. (Finding #30) <i>Baker Co.</i>	1885		80	Irrigation	Newt Young	Eagle Creek	40 acres in NE ¹ SE ¹ 40 acres in NW ¹ SE ¹ Section 14 T 9 S. R. 45 E. W. M.
POWDER RIVER 162- (EAGLE CREEK)							

472

47 50 each or
#95 T-4394

RECEIVED
FEB 19 1980
WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

Page 1

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Lula Chamberlin
(Name of applicant)

of RR1 Box 92, Richland,
(Mailing address) (City)

State of Oregon, 97870,
(Zip Code) (Phone number), do hereby make application for change

In Point of Diversion
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No John Fraser
(If not, give name)

2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings
(Yes or No)
Powder River Decree number of certificate 4650

3. Was your water right acquired by Water Right Permit? No If so, give number
(Yes or No)
of permit Number of certificate

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Eagle Creek

5. What is the date of priority of your water right? 1878

6. The authorized point of diversion is located 1700 ft. S and 2450 ft. E from the NW corner of Sec 10 being within the SE 1/4 NW 1/4 of Section 10 Tp. 9S R. 45E W. M.,
(N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)
in the county of Baker The name of the ditch used is Kay Young

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 1640 ft. N and 2350 ft. E from the Center corner of Sec 22 being within the NE 1/4 NE 1/4 of Section 22 Tp. 9S R. 45E W. M.,
(N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)
in the county of Baker The name of the ditch to be used is Gover

8. The use to which the water is applied is Irrigation and stock
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
9S	45E	23	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.8

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? YES
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? NO
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

T-4394

RECEIVED
FEB 19 1980
WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

Page 2.

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Lula Chamberlin
(Name of applicant)
of _____,
(Mailing address) (City)
State of _____, _____, _____, do hereby make application for change
(Zip Code) (Phone number)
In Point of Diversion
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No Virginia A. Usher
(If not, give name)
2. Was your water right determined by Decree of Court? YES If so, give title of proceedings
(Yes or No) Powder River Decree number of certificate 4755
3. Was your water right acquired by Water Right Permit? No If so, give number
(Yes or No)
of permit _____ Number of certificate _____

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Eagle Creek
5. What is the date of priority of your water right? 1879
6. The authorized point of diversion is located 1700 ft. S and 2450 ft. E from the NW
(N. or S.) (E. or W.)
corner of Sec 10 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10 Tp. 9S R. 45E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Baker The name of the ditch used is Kay Young

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 1640 ft. N and 2350 ft. E from the Center
(N. or S.) (E. or W.)
corner of Sec 22 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22 Tp. 9S R. 45E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Baker The name of the ditch to be used is Gover

8. The use to which the water is applied is Irrigation and stock
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
9S	45E	23	NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.2

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? no
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? _____
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is _____
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

[illegible]

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

To document existing use

15. Construction work will be completed on or before COMPLETED

16. The water will be completely applied to the proposed use on or before COMPLETED

Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Lula A Chamberlin, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 13th day of Feb, 1980.

Lula A Chamberlin
(Name of applicant)

Subscribed and sworn to before me this 13th day of Feb, 1980.

[Notarial Seal]

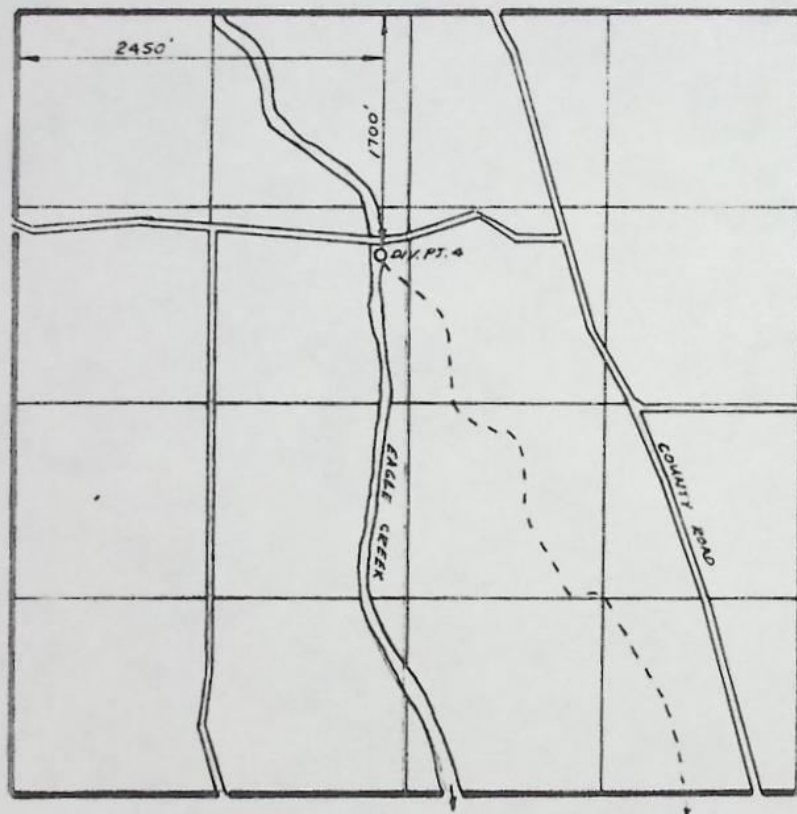
Arthur Kent Sealer
NOTARY PUBLIC FOR OREGON

My commission expires 2/26/83

ECOTM
T-4394
RECEIVED

FEB 19 1990
WATER RESOURCES DEPT
SALEM, OREGON

T 9S R 45E W.M.
SECTION 10



KAY YOUNG DITCH
From

14. Reasons for the proposed changes are

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(Name of applicant)

Subscribed and sworn to before me this 13th day of Feb, 1980.

[Notarial Seal]

Glenn Kent Seale
NOTARY PUBLIC FOR OREGON

My commission expires 2/26/83

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
4649 Evans, George W. Richland, Oregon. (Finding #30) <i>Baker Co.</i>	1886 1881		40 40.3	Irrigation Irrigation	Newt Young Kay Young	Eagle Creek Eagle Creek	40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Lot 5, S $\frac{1}{2}$ of Lot 3, Block 3, Town of Richland, Oregon. 40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30 T 9 S. R. 46 E.W. M.
4650 Fraser, John Richland, Oregon. (Finding #30) (1) T-4394 Δ P2D S.E. = c <i>Baker Co.</i>	1878		129.3	Irrigation	Kay Young	Eagle Creek	(1) 12 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 39 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 Lots 1 and 2, Block 1, Duffy's North Addition to Richland, Oregon. 27 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26 T 9 S. R. 45 E. W. M.
4651 Gibson, Julia, Richland, Oregon. (Finding #30) <i>Baker Co.</i>	1886		41	Irrigation	Kay Young	Eagle Creek	20 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26 21 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T 9 S. R. 45 E. W. M.
4652 Givens, Medora L. Richland, Oregon. (Finding #30) <i>Baker Co.</i>	1880		.5	Irrigation	Kay Young	Eagle Creek	Lots 10, 11 and 12, Block 1, Halley's Addition to Richland, Oregon.
4653 Gorden, George W. Richland, Oregon. (Finding #30) <i>Baker Co.</i>	1881		1/3	Irrigation	Kay Young	Eagle Creek	1/3 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 T 9 S. R. 45 E. W. M.
4654 Goss, Leonard, New Bridge, Oregon. (Finding #30) <i>Baker Co.</i>	1903 1889		15 18.5	Irrigation	Tobin Newt Young	Eagle Creek	15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 18.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11 T 9 S. R. 45 E. W. M.
4655 Gover, David S. New Bridge, Oregon. (Finding #30 & 101) <i>Baker Co.</i>	1893		40	Irrigation	Allen and Arthur	Eagle Creek	12 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 10 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ 13 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20 T 8 S. R. 45 E. W. M.
4656 Gover, O. A. New Bridge, Oregon. (Finding #30) <i>Baker Co.</i>	1884		9	Irrigation	Holstine	Eagle Creek	9 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 T 9 S. R. 45 E. W. M.
4657 Gover, Rebecca, Richland, Oregon. (Finding #30) <i>Baker Co.</i>	1885		80	Irrigation	Newt Young	Eagle Creek	40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14 T 9 S. R. 45 E. W. M.
				POWDER RIVER 162- (EAGLE CREEK)			

472



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Feb 21, 19 80

FROM: **

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4394IN THE NAME OF CHAMBERLIN & CHAMBERLIN

In my opinion the proposed change in P.O.D. KAY YOUNG → GOVER
MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which serves this right.

If for change in point of diversion, is there any intervening point of diversion between the authorized and the proposed points of diversion? YES
(yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

 (1) PRIOR to the diverting of water at the new point of diversion . . .

✓ (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water rights because _____

** V. Kent Seader
Watermaster's signature or initials

RECEIVED
FEB 25 1980
WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF

BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

VIRGINIA A. USHER

of Richland
a right to the use of the waters of Eagle Creek

, State of Oregon 97870 , has

a tributary of Powder River
irrigation of 84.0 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 1881 for 43.2 acres in Tract 1; 1879 for 40.8 acres in 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

30.0 acres NE 1/4 SW 1/4
13.0 acres NW 1/4 SE 1/4
0.2 acre NW 1/4 SE 1/4 (Lot 2, Block 3, Town of Richland)

Tract 2

10.0 acres NE 1/4 SW 1/4
30.8 acres NW 1/4 SW 1/4
Section 23
Township 9 South, Range 45 East, WM

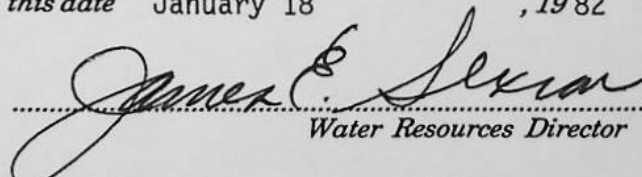
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 4755, Volume 5, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on May 22, 1980, approving Transfer Application 4394.

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 January 18, 1982 .


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 44, page 50453