

4450 Carnagey

Name Carl A. & Constance A. Carnagey

4450

By _____

Address Rt 1, Box 60

DESCRIPTION OF WATER RIGHT

FEES PAID

Richland, OR 97870Name of stream Eagle CreekTrib. of _____ County of BakerUse irrigation & stockQuantity of water _____ No. of acres 1.33 \$2.50Name of ditch Newt Young to JohnDate of priority 1888In name of Mat WalterPowder River Adjudication, Vol. 6, page 489, 496 SRBApp. No. _____ Per. No. _____ Cert. No. 4761 SRBCertificate cancelled 4676

Notation made on record by _____

| Date | Amount | Receipt No. |
|----------------|--------------|--------------------------|
| <u>3/24/80</u> | <u>47.50</u> | <u>16782</u> |
| | <u>47.50</u> | <u>16784 from T-4451</u> |
| TOTAL . . . | | |
| | Cert. Fee | |

Democrat Herald \$45.00 pd 5/12/80 ch # 4178

FEES REFUNDED

| Date | Amount | Check No. |
|----------------|-------------|-------------|
| <u>5/12/80</u> | <u>7.50</u> | <u>4177</u> |
| | <u>7.50</u> | <u>4178</u> |

Ex 20 -
 POP 15 -
 PON 45 -
80 -

Change in PODDate filed March 24, 1980Date of hearing June 10, 1980Place of hearing BakerDate of order 6-11-80 Vol. 33, page 310Date for application of water complete

Proof mailed _____

Proof received _____

Certificate issued OCT 28 1980 Vol. 43, page 49625APR 25 1985 48 496265294552946

REMARKS

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

Refund \$7.50 each to

Carnagey
WrightBill Wright
Carl A. Carnagey

361

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

W. C. JASPER
NEW BRIDGE, OR 97866

confirms the right to use the waters of Eagle Creek, a tributary of Powder River, for IRRIGATION of 55.48 acres.

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 6, at Page 291. The date of priority is 1883 for 25.9 acres in Tract No. 1 and 1898 for 19.7 acres in Tract No. 2.

The amount of water to which this right is entitled is limited to an amount actually beneficially used, and shall not exceed 1/40 CUBIC FOOT PER SECOND per acre and shall be subject to all other conditions and limitations contained in said decree.

The points of diversion are located on the Newt Young Ditch (Tract No.1) and Tobin Ditch (Tract No. 2).

A description of the place of use to which this right is appurtenant is as follows:

Tract No. 1 (Newt Young Ditch)
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.25 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.24 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 25.90 acres
SECTION 10

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.39 acres
SECTION 11

TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Tract No. 2 (Tobin Ditch)

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8.20 acres
SECTION 10

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 11.50 acres
SECTION 11

TOWNSHIP 9 SOUTH, RANGE 45 EAST, W.M.

This certificate is issued to correct the description of the priority dates associated with the lands in conformity with the Powder River Decree, and supersedes Certificate 49625. This certificate describes that portion of the water right confirmed by Certificate 4676, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered at Special Order Volume 33, page 310, approving Transfer Application 4450.

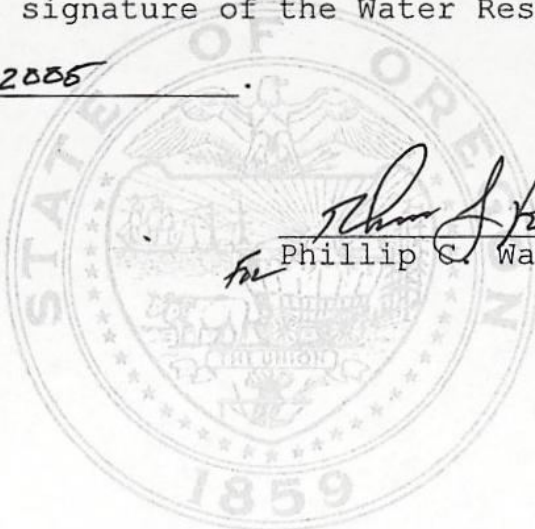
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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.

WITNESS the signature of the Water Resources Director,

affixed August 3, 2005.


for Phillip C. Ward, Director



Recorded in State Record of Water Right Certificates numbered 81573.

T 445

HAT WALTER

1888

1.33

18.50
-1.33
17.17

95 45E 10 NWNE

> Pod = NEWT Young Ditch

WC JASPER

1883 2.50

95 45E 10

SENE

△ Pod TO TOBIN DITCH

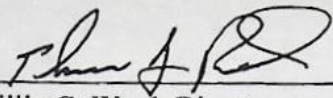
7
28.40
-2.50
25.90

entered MAR 09 2005, and recorded in Special Order Volume 63, Page 379, canceling a portion of the water right. This certificate supersedes Certificate 33482.

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.

The right to the use of water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued: MARCH 9, 2005



Phillip C. Ward, Director
Water Resources Department

RECEIVED
MAR 29 1993
WATER RESOURCES DEPT.
SALEM, OREGON

INTEROFFICE MEMO
WATERMASTER DISTRICT # 8
WATER RESOURCES DEPARTMENT
Phone: (503) 523-8224

TO: ~~Larry Nunn~~ *To: Jake, Carl Gordon* **DATE:** March 25, 1993
FROM: Karen Sword
SUBJECT: Certificate 49625

Attached are copies of Certificate 49625, Special Order Vol. 33, page 310-12, and Decree Certificate 4676.

It appears that the 2.5 acres in the third paragraph of the Special Order should have come out of the 1883 priority (Newt Young Ditch). However, it was subtracted from the 1898 priority (Tobin Ditch) in Tract No. 2 on the new certificate. Perhaps there was an error in the typing of the Special Order.

Please advise. Thank you.

Decree does not number the tracts, but shows 38.28 acres irrigated from Newt Young Ditch, priority 1883 and 19.7 acres irrigated from Tobin Ditch, priority 1898.

Original certificate 4676 was inconsistent in labeling the tracts in paragraph 1 and the listing below.

RR certificate 49625 followed this inconsistency, ~~taking~~ ^{subtracting} the 2.5 transferred acres from the ^{19.7} total for Tract 2 on page one (1898 priority), but subtracting from the listing for Tract 2 on page 2 that matches the Decree listing of the 38.28 acres with 1883 priority.

I have corrected the inconsistency by applying the same tract numbers on the listing ^(page 2) to match the ^{paragraph} ~~page~~ 2 description on the original certificate and the decree listing of lands/priority/ditch.

REP 7/29/05

(For other acreage, see name of user)

4675
Jasper, F. G.
New Bridge, Oregon
(Finding #30)

1877

64

Irrigation

Newt
Young
and
Moody
4 ACS. under
maddis - sec. 15
ERI, 60 ACS. NW 1/4

Eagle
Creek
and

Section 30
9 acres in NW 1/4 NE 1/4
19 acres in NE 1/4 NW 1/4
28 acres in NW 1/4 NW 1/4

Section 31
T 9 S. R. 46 E. W. M.

30 acres in NW 1/4 SW 1/4
30 acres in SW 1/4 SW 1/4

Section 11

4 acres in NE 1/4 NE 1/4

Section 15

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

4676 *Superficial*
Jasper, W. C.
New Bridge, Oregon
Cert. #49425, 52945

1898

19.7

Irrigation

Tobin

Eagle
Creek

Tract 2
8.2 acres in SE 1/4 NE 1/4

Section 10

11.5 acres in SW 1/4 NW 1/4

Section 11

(Finding #30)

T 4450
Sp. Or. V. 33 P. 310

1883

~~38.28~~

Irrigation

Newt
Young

Eagle
Creek

2.5 Trans to Tobin

Tract 1
0.25 acre in NE 1/4 NE 1/4

2.24 acres in SW 1/4 NE 1/4

28.4 acres in SE 1/4 NE 1/4

Section 10

7.39 acres in SW 1/4 NW 1/4

Section 11

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

4677
Jennings, Fannie
Richland, Oregon

1880

0.5

Irrigation

Kay
Young

Eagle
Creek

Lots 9 and 10, Block 1
in Duffy's Addition to
Richland, Oregon

(Finding #30)

4678
Jones, Martha
New Bridge, Oregon

1877

.75

Irrigation

Newt
Young

Eagle
Creek

0.50 acre in NW 1/4 NE 1/4

0.25 acre in SW 1/4 NE 1/4

Section 10

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

4679
Jones, Dan W.
New Bridge, Oregon

1894

35

Irrigation

Spring
Creek
Ditch

Little
Eagle
Creek
Conundrum

5 acres in NE 1/4 SW 1/4
30 acres in SW 1/4 SW 1/4
Section 12

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF CARL A. & CONSTANCE A. CARNAGEY)
AND GILL WRIGHT FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION)

ORDER APPROVING
TRANSFER NO. 4450

On March 24, 1980, an application was filed in the office of the Water Resources Director by Carl A. and Constance A. Carnagey and Gill Wright for approval 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 Mat Walter for use of waters of Eagle Creek for irrigation of, among other lands, a certain 1.33 acres in NW 1/4 NE 1/4, Section 10, Township 9 South, Range 45 East, W.M., being tabulated at Volume 6, page 489, with a date of priority of 1888, as evidenced by certificate recorded at page 4761, Volume 5, State Record of Water Right Certificates.

By said Decree, a water right was allowed in the name of W. C. Jasper for use of waters of Eagle Creek for irrigation of, among other lands, a certain 2.5 acres in SE 1/4 NE 1/4, Section 10, Township 9 South, Range 45 East, W.M., being tabulated at Volume 6, page 476, with a date of priority of 1883, as evidenced by certificate recorded at page 4676, Volume 5 of said record.

The authorized point of diversion is located 1950 feet South and 1400 feet East from the Northwest Corner of Section 33, being within the SE 1/4 NW 1/4 of Section 33, Township 8 South, Range 45 East, W.M. (Newt Young Ditch).

The applicants propose to change the point of diversion therefrom, without loss of priority, to a point located 1520 feet South and 1090 feet West from the Northeast Corner of Section 29, being within the SE 1/4 NE 1/4 of Section 29, Township 8 South, Range 45 East, W.M. (Tobin 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 16, 23 and 30, 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:

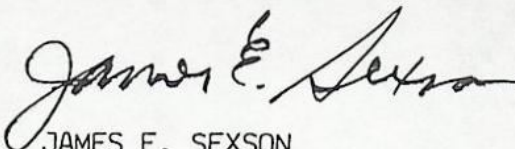
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 4761 and 4676, 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, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 11th day of June, 1980.


JAMES E. SEXSON
Director

T-4450
RECEIVED
MAR 21 1980
WATER RESOURCES DEPT
SALEM OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, CARLA & Constance A. Carnagey

(Name of applicant)

of Rt. 1, Box 60

(Mailing address)

Richland

(City)

State of Oregon

97870

(Zip Code)

893-3165

(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, Mat Walter 16, P489
(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 4761

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? 1888

6. The authorized point of diversion is located 1950 ft. S and 1400 ft. E from the NW
(N. or S.) (E. or W.)
corner of Sec. 33 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33 Tp. 8S R. 45E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Baker The name of the ditch used is Newt Young

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

7. The proposed point of diversion is located 1520 ft. S and 1090 ft. W from the NE
(N. or S.) (E. or W.)
corner of Sec. 29 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29 Tp. 8S 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 Tobin

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 | 10 | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 1.33 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

(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 |
|----------------------------|---|---------|---|------------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

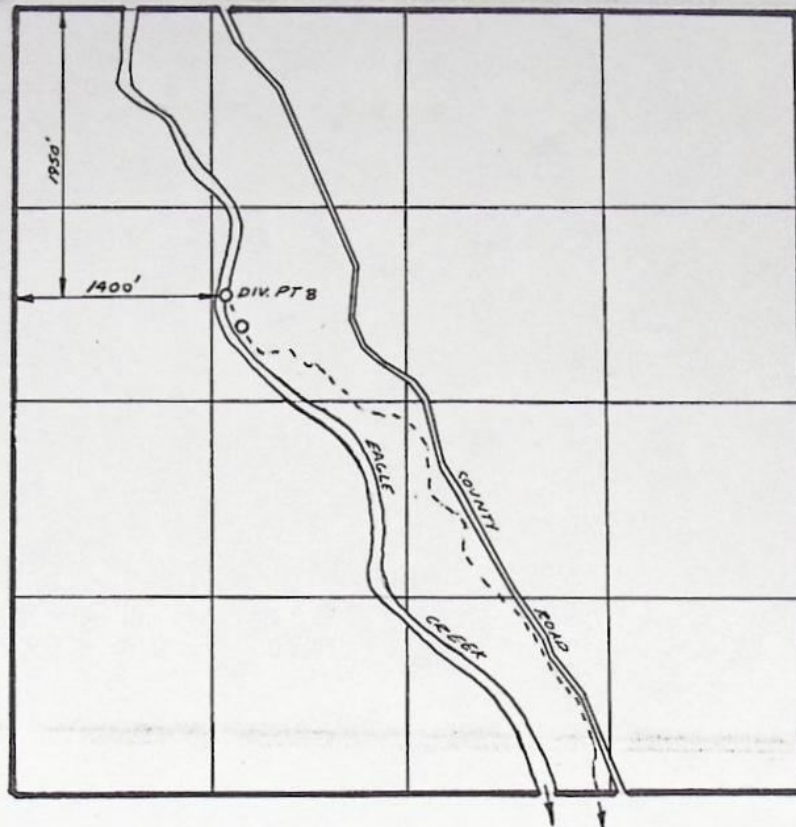
(If more space required, attach separate sheet)

T-4450 FROM:

T 8S R 45E W.M.

SECTION 33

RECEIVED
MAR 24 1980
WATER RESOURCES DEPT
SALEM, OREGON



NEWT YOUNG DITCH

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, CARL A. CARNAGEY & CONSTANCE A. CARNAGEY, 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 26 day of Feb, 1980

Carl A. Carnagey Constance A. Carnagey
(Name of applicant)

Subscribed and sworn to before me this 26th day of Feb, 1980

[Notarial Seal]

Walter H. Decker
NOTARY PUBLIC FOR OREGON

My commission expires 2/26/83

76-25

Tom C.

47 50

T-4451

Application for Transfer of Water Right

20
27.50RECEIVED
MAR 2 1980
WATER RESOURCES DEPT
SALMON, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

GILL WRIGHT

I,
(Name of applicant)of Rt 1 Box 33
(Mailing address) (City)State of Oregon 97870 893-3287 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, W. C. Jasper Page 467 476
(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 46763. 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 Creek5. What is the date of priority of your water right? 18836. The authorized point of diversion is located 1950 ft. S and 1400 ft. E from the NW corner of Sec. 33 being within the SE 1/4 NW 1/4 of Section 33 Tp. R. 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 Newt. Young

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

7. The proposed point of diversion is located 1520 ft. S and 1090 ft. W from the NE corner of Sec. 29 being within the SE 1/4 NE 1/4 of Section 29 Tp. 8S 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 Tobin

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

(If more space required, attach separate sheet)

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)

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)

| NATURE OF ENCUMBRANCE | HELD BY | AMOUNT |
|-----------------------|---------|--------|
| | | |
| | | |

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

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

15. Construction work will be completed on or beforeCOMPLETED.....

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

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, Geir @ Wright, 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 21st day of February, 1980

Geir @ Wright
(Name of applicant)

Subscribed and sworn to before me this 21st day of Feb, 1980

[Notarial Seal]



Frederick Sealus
NOTARY PUBLIC FOR OREGON

My commission expires 2/26/83

: POD
POU
USE
Add '1 POD

County BAKER

1. Name Carl A. & Constance A. Carnagey
Address Rt 1, Box 60 Richland, OR 97870

5. Proposed Point of Diversion 1520'S & 1090'W from NE Cor., Sec 29,
w/in SE $\frac{1}{4}$ NE $\frac{1}{4}$, S. 29, T8S, R45E, W1M
Tobin Ditch

7. Place of Use:

[illegible]

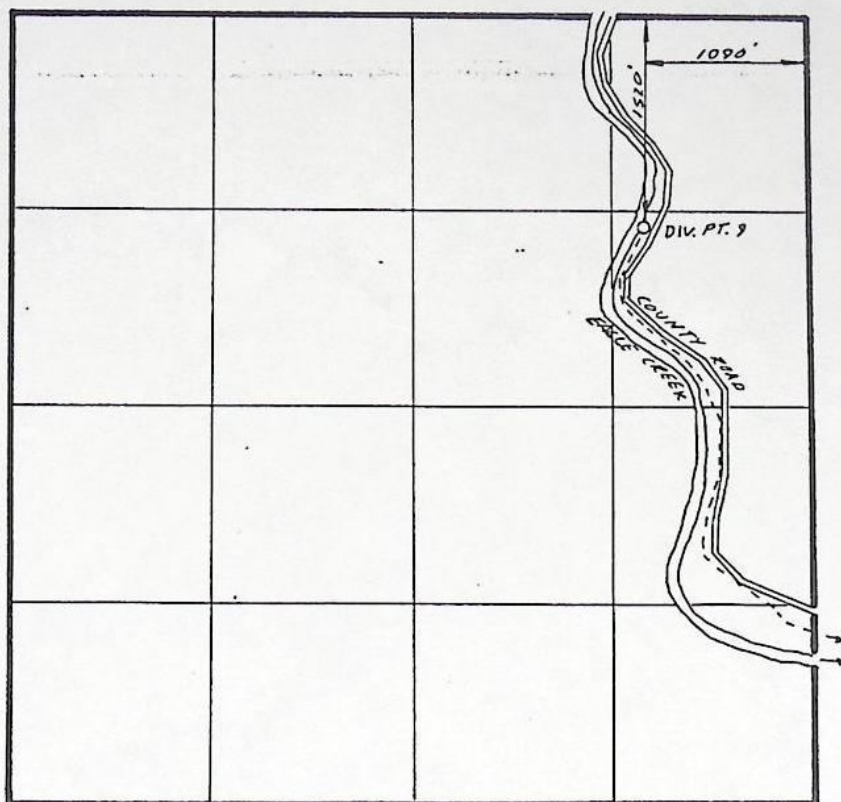
T-4450

To:

T 8S R 45E .

SECTION 29

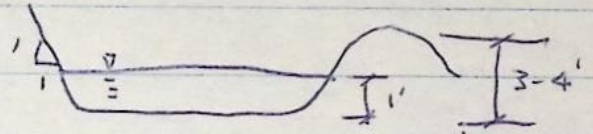
RECEIVED
MAY 11 1960
WATER RESOURCES DEPT
SALEM, OREGON



TOBIN DITCH

INFO: TOM CARNAGEY - MR CARNAGEY CLAIMS APPROX 5 ACRES
IRRIGATED FROM TOBIN DITCH. A SMALL GARDEN IS
SPRINKLED WHILE ALL LAWN & PASTURE IS FLOOD IRRIGATED.
TIE: BBB-2KK-97 INSPECTION
DIV. DT, A 5' CONCRETE H.G. STRUCTURE CONTROLS WATER
ENTERING DITCH. A 4' WEIR IS LOCATED 30' DOWNSTREAM
FROM THE H.G. ON THE DITCH.

X-SECTION BELOW WEIR



FLOW AT TIME OF INSPECTION IS AS SHOWN IN X-SECTION
AVERAGE VELOCITY \approx 2 FPS

JUNE 30, 1980

James L. Church

FIELD ENGINEER

EAGLE CREEK

T-0582-C1

 *** 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. *T900044501* PERMIT NO. *006489* CERTIF. NO.
 ORIG. NO. *C000047611* PREL. NO. *C000047611* SUPER. NO.

 NAME: *CARL & CONSTANCE CARNAGEY*
 ADDRESS: *RT1, Box 60*
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--> *06 11 1980*

YR. LAST USED-->

NEXT ACTION DUE-->

PRIORITY--> *12 31 1988*PUT TO USE--> *06 11 1980*

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> *03 24 1980*

SURVEYED-->

EXAM. FEE--> *20.00*RECORDING FEE--> *15.00*PERMIT ISSUE--> *06 11 1980*

CONCURRENCE-->

CYCLE STATUS-->

REPORTED FLAG-->

CONSTR. STRT.--> *06 11 1980*

CERTIFIED-->

CORRES. INIT.-->

CORRES. DATE-->

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

RIV. MI.

RATE

STATUS S OR P

 ** REMARKS: - - - - -
 ** DATED-->

0805 450E 29 A B 09 4060 0140
*0.033**V**P*
 ** *POD: TOBIN DITCH, 1520'S E*
 ** *1090' W FM NE COR S 29.*
 ** *CHANGES POD PART OF C-4761.*

 ** *RR C-49626.*

PLACE-OF-USE DATA:

TWP/SP RGE SECT QTR/QTR CNTY USE % CHSMTV ACRES

STATUS S OR P

0905 450E 10 A B 01 1R 100 1.33
*V**P*

V.I.S.

 A. *2-13-85*

E.

V.I.S.

EAGLE CREEK

T-0982-C1

 *** 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. T9000 + 4502 PERMIT NO. 006476 CERTIF. NO.
 ORIG. NO. C000046761 PREV. NO. C000046761 SUPER. NO.

NAME:

ADDRESS:

CITY/STATE/ZIP/COUNTY:

STREAM-ID 09 4060 0140

RIV. MI.

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

CANCEL YEAR----

CONSTR. COMPLT--> 06 11 1980

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 12 31 1983PUT TO USE-----> 06 11 1980

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION-----> 03 24 1980

SURVEYED----->

EXAM. FEE-----> 20.00RECORDING FEE-----> 15.00PERMIT ISSUE--> 06 11 1980

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 06 11 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-->

0805 450E 29 AB 09 4060 0140
0.063VP
 POD: TOBIN DITCH, 1520'S E
1090' W FM NE COR S 29.
 CHANGES POD PART OF C-4676.

RRC-49675.

PLACE-OF-USE DATA:

TWP/SP RNGE SECT QTR/QTR CNTY USE % CHSMTV ACRES

STATUS S OR P

0905 450E 10 A D 01 1R 100 2.50
VP

V.T.S.

A. 12-13-85 1:50M

E. 12-13-85 1:50M

V. 12-13-85 1:50M

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION NO. 4450

On March 24, 1980, an application was filed in the office of the Water Resources Director by Carl A. & Constance A. Carnegie & Gill Wright for approval of a change in point of diversion from Eagle Creek under certain water rights.

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 Mat Walter for use of waters of Eagle Cr for irrigation of, among other lands, a certain 1.33 ac in NW 1/4 NE 1/4, Sec 10, T9S, R45E, WM being tabulated at Volume 6, page 489, with a date of priority of 1888, as evidenced by certificate recorded at page 4761, Volume 5, State Record of Water Right Certificates.

By said Decree, a water right was allowed in the name of W.C. Jasper for use of waters of Eagle Cr for irrigation of, among other lands, a certain 2.5 ac in SE 1/4 NE 1/4, Sec 10, T9S, R45E, WM, being tabulated at Volume 6, page 476, with a date of priority of 1883, as evidenced by certificate recorded at page 4676, Volume 5 of said record.

The authorized point of diversion is located 1950 ft S & 1400 ft E from the NW corner of Sec 33, being within the SE 1/4 NW 1/4 of Sec 33, T8S, R45E, WM (Newt Young Ditch).

The applicants propose to change the point of diversion therefrom, without loss of priority, to a point located 1520 ft S & 1090 ft W from the NE corner of Sec 29, being within the SE 1/4 NE 1/4 of Sec 29, T8S, R45E, WM (Tobin Ditch).

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Tuesday June 10, 1980 at the Baker County Courthouse, Baker, Oregon. Any objection to the proposed change must be prepared in writing; one copy to be served on Carl A. & Constance A. Carnegie at Rt. 1 Box 60 & on Gill Wright at Rt. 1, Box 33, Richland, OR 97870; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 10th day of April, 1980.

James E. Sexson
Director

Legal No. 102
Publish: April 16, 23, & 30, 1980

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 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 #102
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 16th day of April, 1980, and ending with the issue dated the 30th day of April, 1980, and that the dates of publication were April 16, 1980-April 23, 1980-April 30, 1980

Tricia Bevers

Subscribed and sworn to before me this 30th day of April, 1980

Shylla Luge
Notary Public for Oregon.

My commission expires September 8, 1982

RECEIVED
WATER RESOURCES DEPT
SALEM, OREGON
JUN 10 1980



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: APRIL 1, 1980.FROM: ** V. KENT SEARLESSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4450
IN THE NAME OF _____**RECEIVED**
APR 3 1980
WATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed change in P.O.D. FROM NEWT YOUNG TO TOBIN DITCH
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? No
(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 . . .
 L (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.K.S.
Watermaster's signature or initials

RECEIVED

MARCH 1980
WATER RESOURCES DEPT
SALEM, OREGON

EAGLE VALLEY TRANS. GROUPING

MOODY TO NEWT YOUNG

28.75 EACH

GILL WRIGHT

JOHN RANDALL

WILLIAMS BROS.

DAN L. FORSEA & SONS, INC.

T-4437

77

29

10

DEUSLEY TO LITTLE EAGLE

85.00

DAN L. FORSEA & SONS, INC. T-4454

KAY YOUNG TO NEWT YOUNG

35.00 EACH

GEORGE HOLCOMB

DALE ELLIS

DAN L. FORSEA & SONS, INC.

T-4441

77

43

DEUSLEY TO KAY YOUNG

47.50 EACH

DAN L. FORSEA & SONS, INC. T-4455

G. OPPERMAN

77

NEWT YOUNG TO KAY YOUNG

35.00 EACH

JOHN RANDALL

HOLCOMB ESTATE

LAWRENCE IMMOS

T-4444

77

16

CHECKS ENCLOSED :

DAN L. FORSEA & SONS, INC. 231.25

JOHN RANDALL 98.75

DALE ELLIS 35.00

CHESTER RANDALL 35.00

L. IMMOS 35.00

D. HUALL 35.00

GEORGE HOLCOMB 35.00

WILLIAMS BROS. 28.75

HOLCOMB ESTATE 35.00

G. OPPERMAN 47.50

GILL WRIGHT 76.25

CARL CARNAGEY 47.50

JOHN WRIGHT 205.00

ELDON DEARDORFF 35.00

MOODY TO KAY YOUNG

35.00 EACH

DAN L. FORSEA & SONS, INC.

CHESTER RANDALL

JOHN RANDALL

T-4447

77

49

NEWT YOUNG TO TOBIN

47.50 EACH

CARL CARNAGEY

GILL WRIGHT

T-4450

51

TOBIN TO NEWT YOUNG

35.00 EACH

JOHN WRIGHT

ELDON DEARDORFF

D. HUALL

P-6

HAS NOT
PAID YET

NEWT YOUNG TO WATERBURY ALLEN

85.00

JOHN WRIGHT

T-4452

TOBIN TO WATERBURY ALLEN

85.00

JOHN W. WRIGHT

T-4453

| Name | C# | Cont filled | Cont copied |
|-----------------|-------|----------------|----------------|
| Lawrence Immoos | 4602 | ✓ | x |
| John W. Wright | 4624 | ✓ | x |
| | 4680 | ✓ | x |
| | 4686 | ✓ | x |
| Gill Wright | 4676 | ✓ | x |
| Carnagey | 4761 | ✓ | x |
| Williams Bros | 4765 | ✓ | x |
| | 4697 | ✓ | x |
| | 4660 | ✓ | x |
| | 4706 | ✓ | x |
| Gary Opperman | 4639 | ✓ | x |
| Dan L. Forsee | 4639 | ✓ | x |
| John Randall | 4748 | ✓ | x |
| David Hvall | 4728 | ✓ | x |
| Dale Ellis | 47244 | ✓ | x |
| George Holcomb | 4669 | ✓ | x |
| Dan L. Forsee | 4660 | ✓ | x |
| USNB | 4744 | ✓ | x |
| Chester Randall | 4706 | ✓ | x |
| Dan L. Forsee | 4706 | ✓ | x |
| John Randall | 4697 | ✓ | x |
| Dan L. Forsee | 4639 | ✓ | x |
| John W. Heaton | 4416 | ✓ | x |
| J. W. Heaton | 4457 | ✓ | x |

| 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 |
|---|----------------------------------|------------------------------|-------------------------|------------|-----------------|-------------|---|
| --Martin, George W. Richland, Oregon. | 1891 (1) T-4700 Δ PCC 9.3 cc | | 28 | Irrigation | Waterbury Allen | Eagle Creek | 28 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15 T 9 S. R. 45 E. W. M. |
| --Saunders, Sam J. New Bridge, Oregon. | 1891 | | 26 | Irrigation | Waterbury Allen | Eagle Creek | 20 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 T 9 S. R. 45 E. W. M. |
| --Sharp, William A. Richland, Oregon. | 1891 | | 59 | Irrigation | Waterbury Allen | Eagle Creek | 40 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 19 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21 T 9 S. R. 45 E. W. M. |
| --Shelton, C. C. Richland, Oregon. | 1891 | | 15.5 | Irrigation | Waterbury Allen | Eagle Creek | 15.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28 T 9 S. R. 45 E. W. M. |
| --Shelton, J. M. Richland, Oregon. | 1891 | | 16 | Irrigation | Waterbury Allen | Eagle Creek | 16 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27 T 9 S. R. 45 E. W. M. |
| --Simonis, M. D. New Bridge, Oregon. | 1891 | | 2.5 | Irrigation | Waterbury Allen | Eagle Creek | 2.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10 T 9 S. R. 45 E. W. M. |
| --Thompson, F. S. Langells Valley Oregon. | 1891 | | 30 | Irrigation | Waterbury Allen | Eagle Creek | 30 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21 T 9 S. R. 45 E. W. M. |
| --Wallace, James E. Richland, Oregon. | 1891 | | 56 | Irrigation | Waterbury Allen | Eagle Creek | 20 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 36 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22 T 9 S. R. 45 E. W. M. |
| --Wright, Pearl New Bridge, Oregon. | 1891 | | 3 236. 111 637 | Irrigation | Waterbury Allen | Eagle Creek | 3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 T 9 S. R. 45 E. W. M. |
| 4760 Webb, Richard E. (Manager of Cooperative Trading Company, Inc.) Richland, Oregon. | 1878 | | 0.5 | Irrigation | Kay Young | Eagle Creek | Lots 1,2,3 and 4, Block 1, Halley's Addition to Richland, Oregon. |
| 4761 Welter, Mat New Bridge, Oregon. (Finding #30) | 1888 (1) T-4450 Δ PCC 1.33 cc | | 18.5 | Irrigation | Newt Young | Eagle Creek | 0.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 18 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 T 9 S. R. 45 E. W. M. |

488

POWDER RIVER -174-
(EAGLE CREEK)

Decree ... May 4, 1920
Decree ... May 31, 1924
Decree ... Mar. 31, 1919
Recorded ... Vol. 13, p. 52
Recorded ... Vol. 7, p. 437
Recorded ... Vol. 7, p. 437

| 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 |
|---|---------------------------|------------------------------|--------------|---------------------------------------|-------------------------------|--|--|
| Howell Ditch Company (continued) | | | | (For other acreage, see name of user) | | | 37 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 27 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30 9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 19 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 28 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31 T. 9 S. R. 46 E. W. M. |
| ¹⁶⁷⁵ Jasper, F. G. New Bridge, Oregon. (Finding #30) | 1877 | | 64 | Irrigation | Newt Young and Moody | Eagle Creek | 30 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11 4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15 T. 9 S. R. 45 E. W. M. |
| ¹⁶⁷⁶ Jasper, W. C. New Bridge, Oregon. (Finding #30) | 1898 | | 19.7 | Irrigation | Tobin | Eagle Creek | 8.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 11.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11 |
| ¹⁶⁷⁷ Jennings, Fannie Richland, Oregon. (Finding #30) | 1883 | | 38.28 | Irrigation | Newt Young | Eagle Creek | 0.25 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.24 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 28.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 7.39 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11 T. 9 S. R. 45 E. W. M. |
| ¹⁶⁷⁸ Jones, Martha New Bridge, Oregon. (Finding #30) | 1877 | | .75 | Irrigation | Newt Young | Eagle Creek | 0.50 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.25 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 T. 9 S. R. 45 E. W. M. |
| ¹⁶⁷⁹ Jones, Dan W. New Bridge, Oregon. (Finding #18) | 1894 | | 35 | Irrigation | Spring Creek Ditch | Little Eagle Creek | 5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12 |
| ¹⁶⁸⁰ Jones, Geo. W. New Bridge, Oregon. (Finding #30) | 1877 | | 33.5 | Irrigation | Newt Young | Conundrum Spring & Summit Creek Eagle Creek | 9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4 T. 9 S. R. 45 E. W. M. |
| ¹⁶⁸¹ Jones, Laura A. Richland, Ore. (Finding #30) | 1896 | | 1 | Irrigation | Tobin | Eagle Creek | 13 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33 T. 8 S. R. 45 E. W. M. 6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 14.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4 T. 9 S. R. 45 E. W. M. 1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33 T. 8 S. R. 45 E. W. M. |
| | 1882 | | 0.5 | Irrigation | Kay Young | Eagle Creek | Lots 3 and 4 of Block 2, Duffey's North Addition to Richland, Oregon. |

POWDER RIVER - 164
(EAGLE CREEK)

Decree ... May 4, 1920
Recorded ... Vol. 13, p. 52
Decree ... May 31, 1924
Recorded ... Vol. 7, p. 437
Decree ... Mar. 31, 1913
Recorded ... Vol. 7