

Name Oran & Eloise McKittuck, Robt McKittuck,

By Bonnie Joy Dinwiddie

Address Sumpter Stage, Box 15

Baker, OR 97814

Change in POD

Date filed April 21, 1980

Date of hearing June 25, 1980

Place of hearing Baker

✓ Date of order 7-9-80 Vol. 33, page 421

Date for application of water completed

Proof mailed _____

Proof received _____

Certificate issued 2-24-83 Vol. 46, page 51425

4480

DESCRIPTION OF WATER RIGHT

Name of stream Powder River

Trib. of _____ County of Baker

Use irrigation

Quantity of water _____ No. of acres 33 ²

Name of ditch Smith Ditch

Date of priority March 1905

In name of Pacific Loan & Investment Co. Ltd

Powder R. Adjudication, Vol. 14, page 391 ^{SRB}

App. No. _____ Per. No. _____ Cert. No. 9167

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4/21/80</u>	<u>85.00</u>	<u>17195</u>
TOTAL . . .		
	Cert. Fee	

The Democrat Herald \$35.00 pd 6/24/80 CK#4261

FEES REFUNDED

Date	Amount	Check No.
<u>6/24/80</u>	<u>15.00</u>	<u>4262</u>

EX 20-
POD 15-
POD 35-
70-

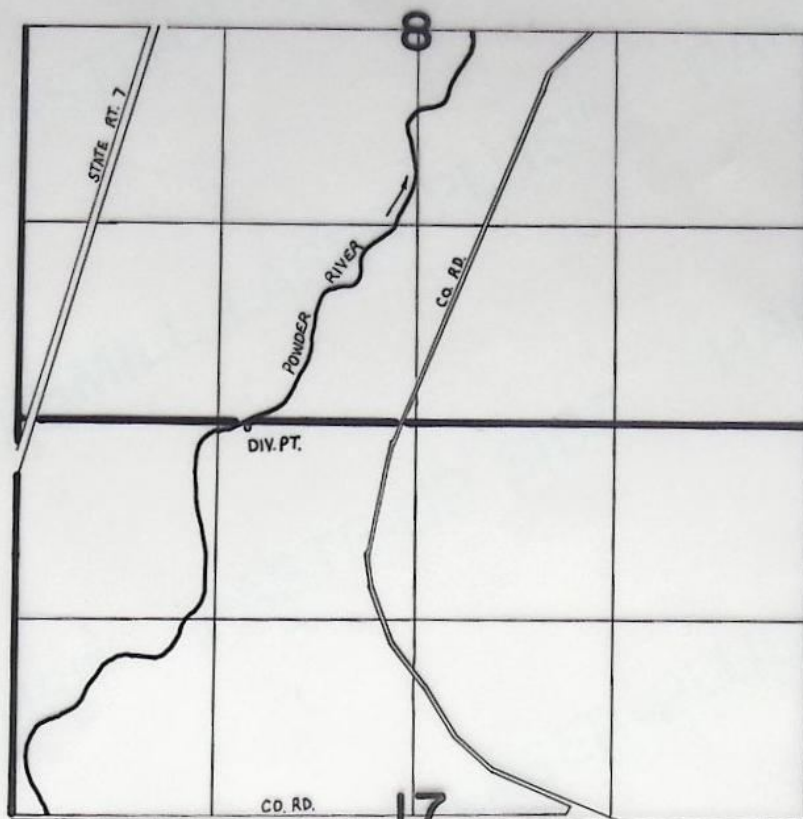
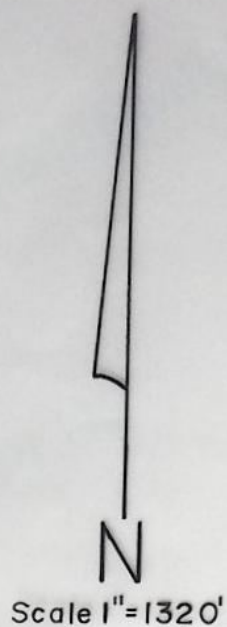
REMARKS

Hold issuance of Certificate, other transfers to be submitted showing
actual use and pod's
SEE NOTE ON T-3840.

W.R.I.S.	
Assembled <u>2-24-83</u> by <u>SRB</u>	
Entered _____ by _____	
Verified _____ by _____	

INDEX CARDS:	Entered	Checked
✓ Name	<u>lgj</u>	_____
✓ Stream	<u>lgj</u>	_____
✓ Pt. of Div.	<u>lgj</u>	_____
✓ Calendar	<u>lgj</u>	_____
CHECKED TO RECORDS:		
✓ Twp. & Rgs.	<u>SRB</u>	_____
✓ Decree-vault	<u>SRB</u>	_____
✓ Decree-safe	<u>SRB</u>	_____
✓ Cert. of W/R	<u>SRB</u>	_____
✓ Per. Folder	_____	_____
✓ Chainindex	_____	_____
✓ Cross Ref.	_____	_____
✓ Power Claim	_____	_____
✓ Abstracts	<u>lgj</u>	_____

T. 10 S. R. 40 E. W.M.



DIV. PT. LOC. 30' S. $\frac{1}{4}$ 1530' E. FROM N.W. COR. SEC. 17

FINAL PROOF SURVEY
 UNDER
TRANSFER 4480

IN NAME OF

.....**ROBERT McKITTRICK**.....

Surveyed June...2... 1986, by V. Church.....

: POD
POU
USE
Add '1 POD

Transfer NO. 4480

County BAKER

Old Certificate NO. 9167

ROBERT MCKITTICK (SON)
8 ROCKWOOD CRT.
SAN MATEO, CA 94403
(415) 574-4457 WORN (415) 365-3420

RALPH MORGAN RENTER
523 7012

1. Name Oran, Eloise & Robert McKittrick & Bonnie Joy Dinwiddie SOLD OUT

Address Sumpter Stage, Bos 15, Baker, OR 97814

2. Source of Supply Powder River, Trib of _____

3. Use irrigation

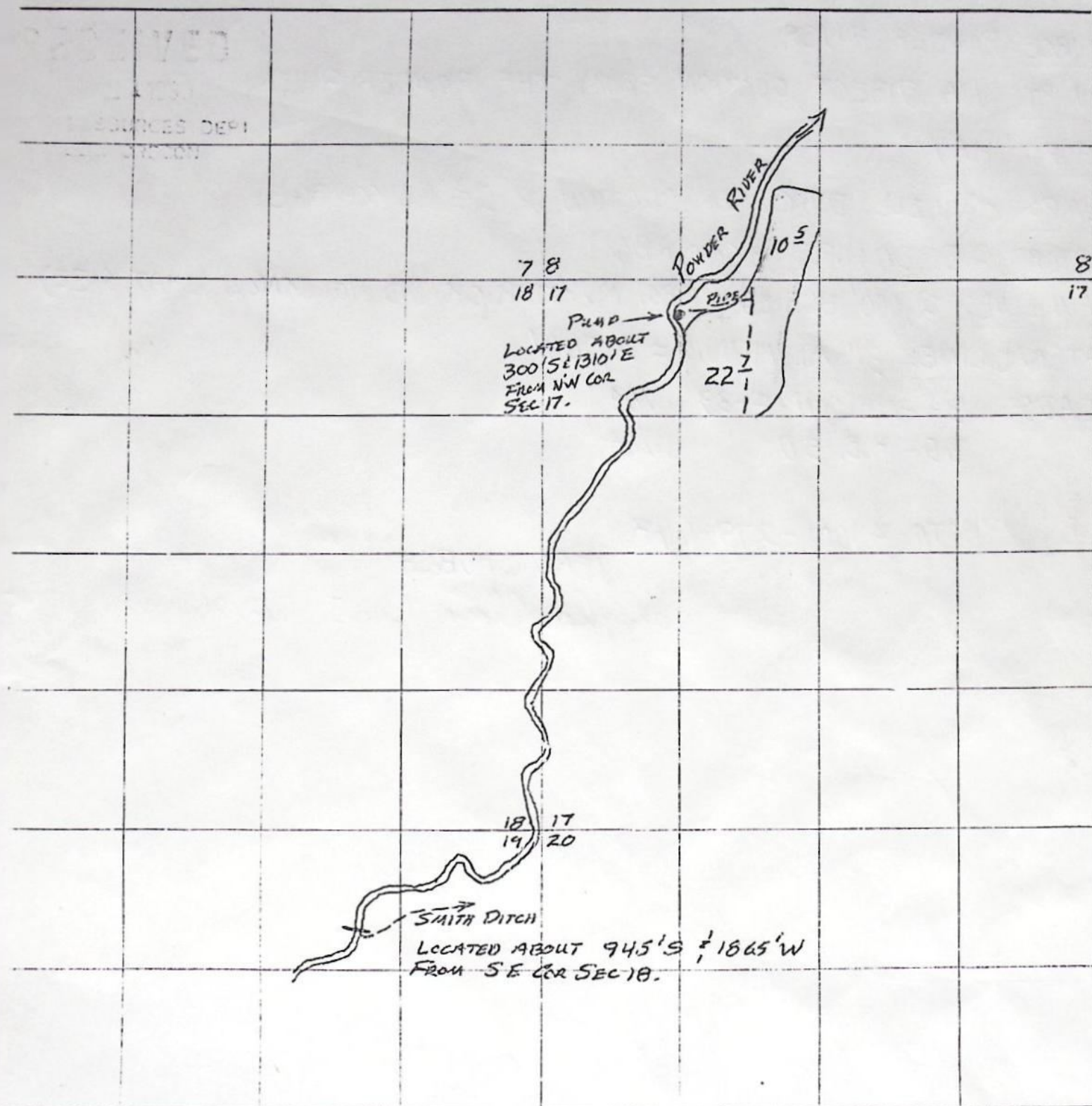
4. Amount of Water _____ Priority Date March, 1905

5. Proposed Point of Diversion $\frac{30'}{945'}$ S & $\frac{1530'}{1865'}$ W from $\frac{NW}{SE}$ Corner, Sec 18, within $\frac{17}{NW \frac{1}{4} NW \frac{1}{4}}$
 Sec $\frac{17}{19}$, T 10S, R 40E, WM

6. Completion Date complete

7. Place of Use:

[illegible]



MAP TO ACCOMPANY APPLICATION OF:

Name Gavan D McKittrickCounty BakerDate Mar 17, 1950Scale 4 inches to 1 Mile

Note:

MAP PREPARED FROM: WATERMASTERS' DISTRIBUTION MAP

INFO: ELOISE MCKITTRICK SHOWED ME THE DIV. PT.

SOURCE: POWDER RIVER

DIV. PT.: VIA DIRECT SUCTION FROM THE POWDER RIVER

CROP: HAY

PUMP: CORNELL D.D.C. 3" SUCTION X 2 1/2" DISCHARGE

MOTOR: G.E. 30 H.P., 3540 R.P.M.

MAIN LINE: 2,000' BURIED (MRS. MCKITTRICK DID NOT KNOW WHAT SIZE)

LATERAL LINE: 3" ALUMINUM = 2,760'

HEADS: 34-NELSON F-33 1 1/4"

35-R.B. 30 1 1/4"

TIE: PHOTO 41001-279-66R

VERN CHURCH

BY: 22m Clark TECH. I 6/2/86

T-4480

Z-1883

Discussed with Larry J., Sam
A. & Broce E

Since there were several problems
with mapping & duplicating lands plus
no complaints from users now & since
the 90 acres in question should have
been addressed before now, Certs
4569 & 9167 will not show 90 acre
reduction. BVID permit is to be
supplemental.

Also, allow 105 acres SESW for
POD change

Tom Shook

(over)

Cert. 4483 S-144 1869

Beaver or Willow Creek (show. Stewart #1)

22.7 NENW

Sec 17

10.5 SESH

Sec 8

POU S-144 trans 20.00 from NENW

Cert 4569

1873

Powder - Beaver Creek

22.7 NENW

Sec 17

Cert 9167

March 1905

Powder River

22.7 NENW

Sec 17

10.5 SESH

Sec 8

POD

T-4480 (DQ)

(OVER)

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF ORAN MCKITTRICK, ET AL., FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4480

On April 12, 1980, an application was filed in the office of the Water Resources Director by Oran and Eloise McKittrick, Robert McKittrick and Bonnie Joy Dinwiddie for approval of a change in point of diversion of water from Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered March 28, 1946, 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 Pacific Loan and Investment Co., Limited for the use of waters of Powder River for irrigation of, among other lands, a certain 10.5 acres in SE 1/4 SW 1/4, Section 8 and 22.7 acres in NE 1/4 NW 1/4, Section 17, Township 10 South, Range 40 East, W.M., being tabulated at Volume 14, page 391, with a date of priority of March, 1905, as evidenced by certificate recorded at page 9167, Volume 9, State Record of Water Right Certificates.

The authorized point of diversion for said rights is located 945 feet South and 1865 feet West from the Southeast Corner of Section 18, being within the NW 1/4 NE 1/4, Section 19, Township 10 South, Range 40 East, W.M., (Smith Ditch.)

The applicant proposes to change the point of diversion therefrom to a point located 300 feet South and 1310 feet East from the Northwest Corner of Section 17, being within the NW 1/4 NW 1/4 of Section 17, Township 10 South, Range 40 East, W.M.

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 May 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 carried out prior to the diverting of water at the new point of diversion as herein confirmed:

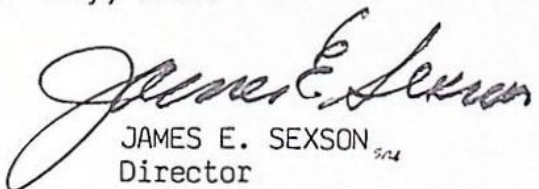
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 9167, Volume 9, 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 applicants herein.

Dated at Salem, Oregon this 9th day of July, 1980.


JAMES E. SEXSON
Director

POWDER RIVER

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. 5000044801 PERMIT NO. 014391 CERTIF. NO.
 ORIG. NO. 0000091671 PREV. NO. 0000091671 SUPER. NO.

NAME: MCKITTRICK & DINWIDDIE

ADDRESS: SUMPTER STAGE, BOX 15

CITY/STATE/ZIP/COUNTY: BAKER, OR 97814

01

STREAM-ID 09 4060

RIV. MI.

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

CANCEL YEAR--->

CONSTR. COMPLT---> 07 09 1980

YR. LAST USED-----> _____

NEXT ACTION DUE--> _____

PRIORITY-----> 03 31 1905

PUT TO USE-----> 07 09 1980

LAST TRANS. DATE--> _____

LAST TRANS. TYPE--> _____

APPLICATION---> 04 21 1980

SURVEYED-----> _____

EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE---> 07 09 1980

CONCURRENCE-----> _____

CYCLE STATUS-----> _____

REPORTED FLAG-----> _____

CONSTR. STRT.---> 07 09 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-->

100S 400E 17 B B 09 4060

0.830

V Y

 ** POD: 300'S & 1310'E FM NW
 ** COR S 17. CHANGES POD PART
 ** OF C-9167.

 PLACE-OF-USE DATA:
 TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

100S 400E 08 C D 01 1R 100 10.50 V Y

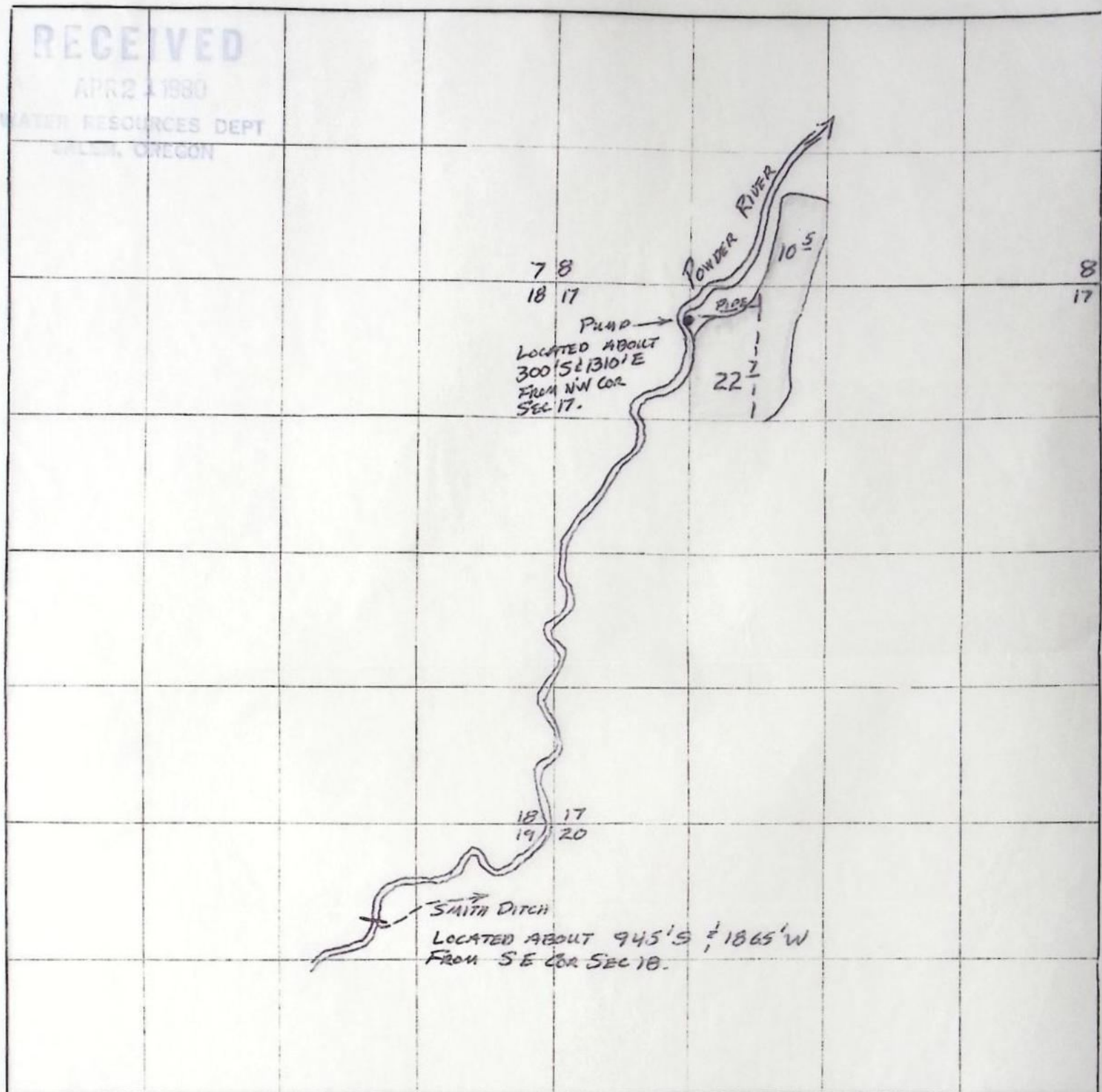
17 B A 22.70

V.D.S.

A-15-85 1, SNP

E-15-85 1, SNP

V-15-85 1, SNP

TOWNSHIP 10 S.RANGE 40 E.W.M.

MAP TO ACCOMPANY APPLICATION OF:

Name Oran D. McKittrickCounty BakerDate Mar. 17, 1950Scale 4 inches to 1 Mile

Note:

MAP PREPARED FROM: WATERMASTER'S DISTRIBUTION MAP

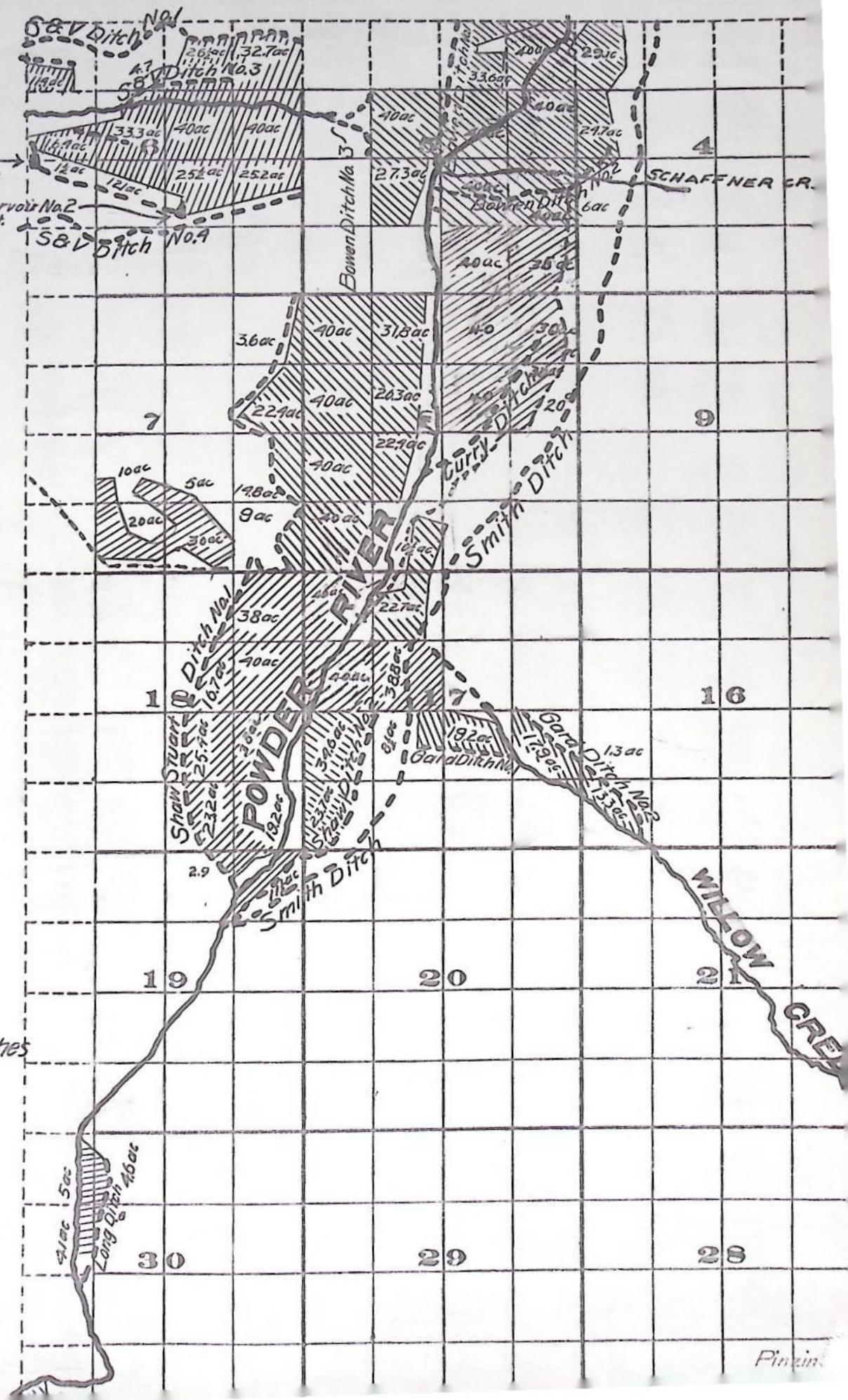
MAP DRAWN BY:

SIGNED BY APPLICANT: Oran D. McKittrick

Township 10 South

DITCHES and WATER-USERS

- Bowen Ditches**
Ed. Bowen
- Culbertson**
J.L. Culbertson
D.G. Cunningham
- Curry Ditch**
Lulu Curry
- Burden Ditches**
Lucy Burden
- Dougherty**
Dougherty
- Dunn Ditches**
T. Dunn
- Earheart**
W.L. Smith
- Ebell Ditches**
August Ebell
- Gard Ditches**
A.N. Gard
- Gould Ditches**
C.N. Gould
- Pinzinbrock**
V. Van Pinzinbrock
- Pil Ditch**
Peter Pil
- Richardson Ditches**
G.R. Richardson
- Palmer & Denham Ditches**
R.R. Palmer
H.E. Denham
- Shaw-Stewart Ditches**
D.H. Shaw
J.M. Stewart
- Shaw Ditch**
D.H. Shaw
D.P. Dyke
- Watts Ditches**
Watts
- Garrett**
Garrett
- Long Ditch**
J. Long



Application for Transfer of Water Right

RECEIVED
APR 21 1980
WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

WE

Oran & Eloise McKittrick, Robt. McKittrick & Bonnie Joy Dinwiddie
(Name of applicant)

of Sumpter Stage Box 15 Baker
(Mailing address) (City)

State of Oregon, 97 814, 523 3008, 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)

✓ 14 P391

1. Is the water right recorded in your name? No. Pacific Loan and Investment Co. Limited
(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 Incoute 3/28/46 number of certificate 9167

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 Powder River

5. What is the date of priority of your water right? March 1905

6. The authorized point of diversion is located 945 ft. S and 1865 ft. W from the SE
(N. or S.) (E. or W.)
corner of Sec. 18 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19 Tp. 10 S R. 40 E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Baker The name of the ditch used is SMITH DITCH

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

7. The proposed point of diversion is located 300 ft. S and 1310 ft. E from the NW
(N. or S.) (E. or W.)
corner of Sec. 17 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17 Tp. 10 S R. 40 E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Baker The name of the ditch to be used is McKittrick Pump

8. The use to which the water is applied is Irrigation
(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
10 S	40 E	8	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.5
10 S	40 E	17	NE $\frac{1}{4}$ NW $\frac{1}{4}$	22.7

(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)

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, ORAN D. McKITTRICK, 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 17 day of March, 1980

Oran D. McKittrick, agent
(Name of applicant)

Subscribed and sworn to before me this 17th day of MARCH, 1980

[Notarial Seal]

Richard H. Seidler
NOTARY PUBLIC FOR OREGON

My commission expires 2/26/83





STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: April 24, 1980FROM: ** V. Kent Searles, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4480IN THE NAME OF Oran McKittrick, et al

RECEIVED

APR 23 1980

WATER RESOURCES DEPT
SALEM, OREGON

In my opinion the proposed change in POD from Powder River
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 Searles
Watermaster's signature or initials

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION NO. 4480

The Water Resources Director of Oregon has received and filed an application by Oran McKittrick, et al, for approval, without loss of priority, of a change in point of diversion under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 9167, Volume 9, State Record of Water Right Certificates, in the name of Pacific Loan & Investment Co., Ltd., and is for the use of not to exceed 0.83 cubic foot per second from Powder River, under a priority date of March, 1905, for irrigation of a certain 10.5 ac in SE 1/4 SW 1/4, Sec 8; and 22.2 ac in NE 1/4 NW 1/4, Sec 17, T 10S, R 40E, WM.

The authorized point of diversion is located 945 ft S & 1865 ft W from the SE Corner of Sec 18, being within the NW 1/4 NE 1/4 of Sec 19, T 10S, R 40E, WM (Smith Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 300 ft S & 1310 ft E from the NW Corner of Sec 17, being within the NW 1/4 NW 1/4 of Sec 17, T 10S, R 40E, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Wednesday, June 25, 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 the applicant at Sumpter Stage, Box 15, Baker OR 97814; and one copy to be 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 22nd day of April, 1980.

James E. Sexson,
Director

Legal No. 113
Publish: May 1, 8, & 15, 1980

AFFIDAVIT OF PUBLICATION

Baker, Oregon, May 31, 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 preceeding the first publication of the attached Legal Advertisement #113 Water Right Transfer, and has more than 200 bona fide subscribers within said county; that the Legal Advertisement

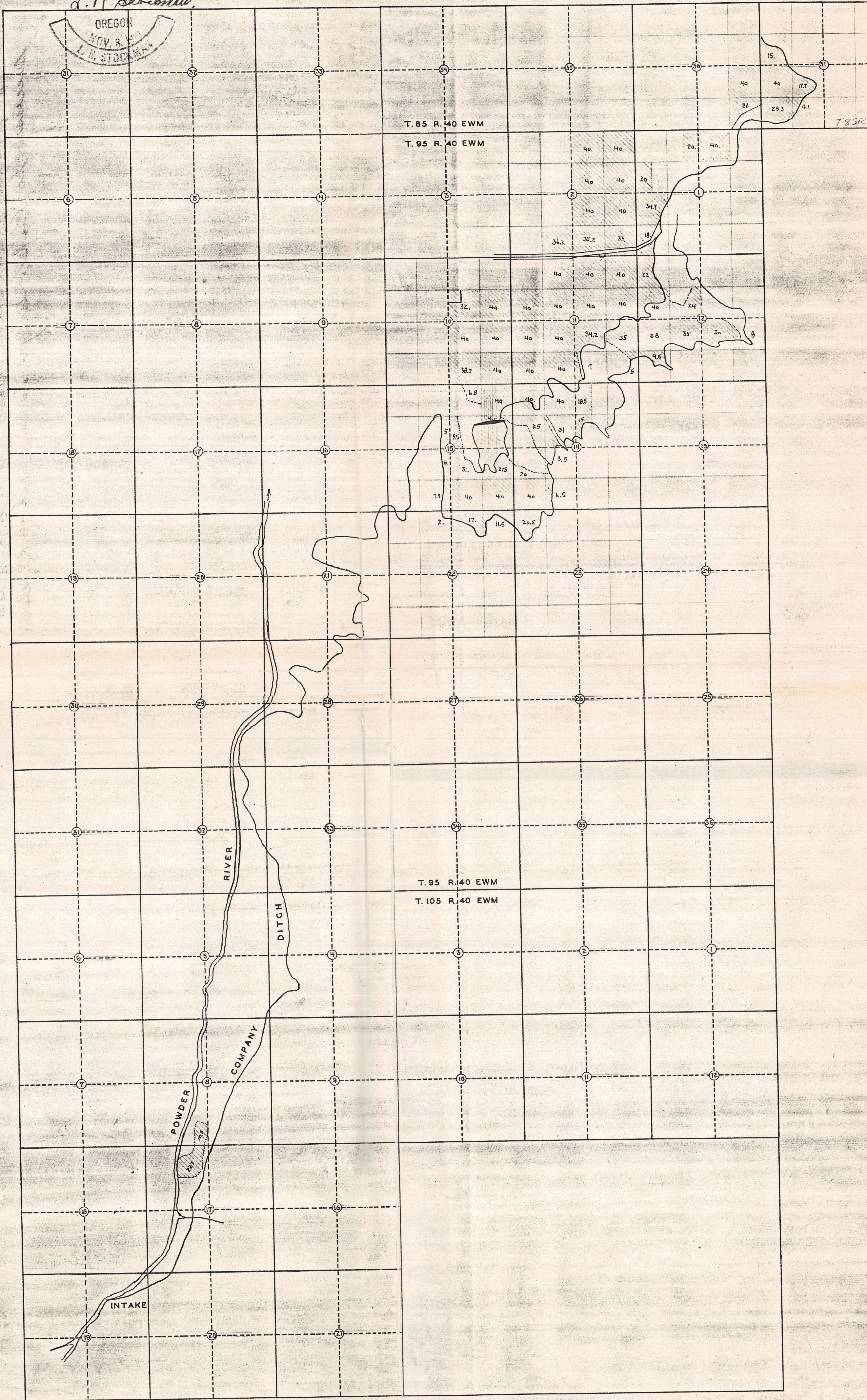
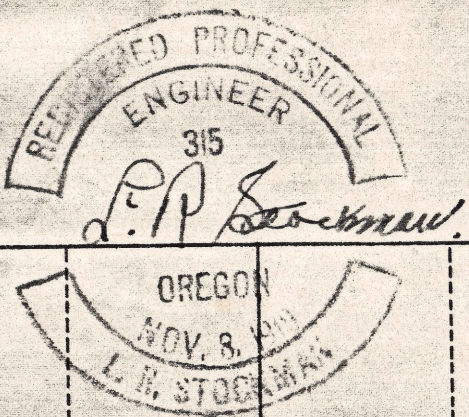
of which the one hereto attached is a true and correct copy as printed, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, once each week for three successive and consecutive times being published three times commencing with the issue dated the 1st day of May, 1980, and ending with the issue dated the 15th day of May, 1980, and that the dates of publication were May 1, 1980-May 8, 1980-May 15, 1980

Tricia Bevers

Subscribed and sworn to before me this 31st day of May, 1980

Shirley L. Lusk
Notary Public for Oregon.

My commission expires September 8, 1982



Powder River

Proof of Pacific Loan and Investment Co.
Successor to Baker Irrigation Company.

43-04 1304

In adjudication map file, pocket 6-1