

Name Leotis C. Saunders

4393

By _____

Address Box 224

Richland, OR 97870

Change in POD

Date filed Feb 19, 1980

Date of hearing May 22, 1980

Place of hearing Baker

Date of order 5-22-80 Vol. 33, page 229

Date for application of water complete

Proof mailed _____

Proof received _____

Certificate issued 10-28-80 Vol. 45, page 49631

48

52920

APR 25 1985

to survey 5/80

REMARKS

See T-4530 APOD

Map in T-4392

DESCRIPTION OF WATER RIGHT

Name of stream Eagle Creek

Trib. of _____ County of Baker

Use irrigation + stock

Quantity of water _____ No. of acres 3¹

Name of ditch Nash to Kay Young

Date of priority 1879

In name of Lanthis Chandler

Powder River Adjudication, Vol. 6, page 467

App. No. _____ Per. No. _____ Cert. No. 4619

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-19-80</u>	<u>85.00</u>	<u>16123</u>
TOTAL . . .		
	Cert. Fee	

Democrat Herald \$37.50 pd 5/12/80 ch #4191

FEES REFUNDED

Date	Amount	Check No.
<u>5/12/80</u>	<u>12.50</u>	<u>4190</u>

ex 20 -

pd 15 -

rem 37.50

72.50

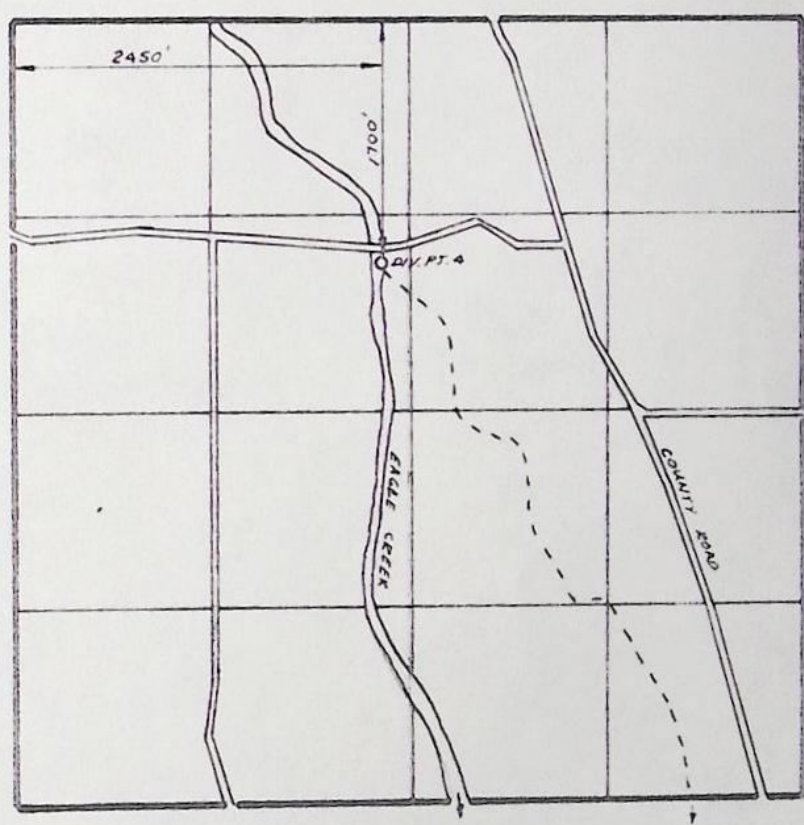
TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
☒	Name		<u>9828</u>	
☒	Stream		<u>5826</u>	
☒	Pt. of Div.			
☒	Calendar		<u>9828</u>	
☒	CHECKED TO RECORDS			
☒	Twp. & Rge.		<u>9828</u>	
☒	Decree-vault		<u>9828</u>	
☒	Decree-safe		<u>9828</u>	
☒	Cert. of W/R		<u>9828</u>	
☒	Per. Folder		<u>9828</u>	
☒	Chainindex			
☒	Cross Ref.			
☒	Power Claim			
☒	Abstracts		<u>9828</u>	

306

T-4393

RECEIVED
FEB 19 1980
WATER RESOURCES DEPT.
SALEM, OREGON

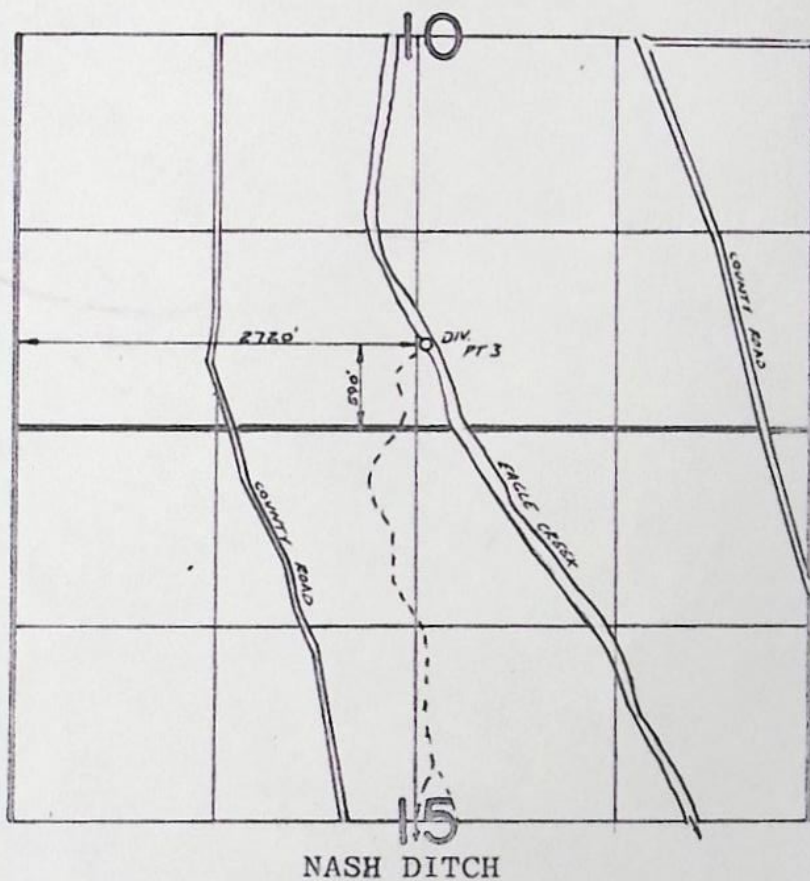
T 9S R 45E W.M.
SECTION 10



KAY YOUNG DITCH
To

T-4393
RECEIVED
FEB 19 1980
WATER RESOURCES DEPT
SALEM, OREGON

T 9S R 45E W.M.



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION OF)
LEOTIS C. SAUNDERS FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER NO. 4393

On February 19, 1980, an application was filed in the office of the Water Resources Director by Leotis C. Saunders 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 Lanthis Chandler for the use of waters of Eagle Creek for irrigation of, among other lands, a certain 3.1 acres in NW 1/4 NE 1/4, Section 15, Township 9 South, Range 45 East, W.M., being tabulated at Volume 6, page 467, with a date of priority of 1879, as evidenced by certificate recorded at page 4619, Volume 5, State Record of Water Right Certificates.

The authorized point of diversion is located 590 feet North and 2720 feet East from the Southwest Corner of Section 10, being within the SW 1/4 SE 1/4 of Section 10, Township 9 South, Range 45 East, W.M. (Nash Ditch).

The applicant proposes to change the point of diversion therefrom to a point 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).

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:

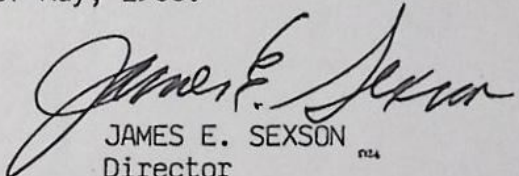
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 certificate recorded at page 4619, Volume 5, State Record of Water Right Certificates, be canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 22nd day of May, 1980.


JAMES E. SEXSON
Director

: POD
POU
USE
Add'1 POD

County Baker

1. Name Lestis C. Saunders
Address Box 224, Richland, OR 97870

5. Proposed Point of Diversion _____

7. Place of Use:

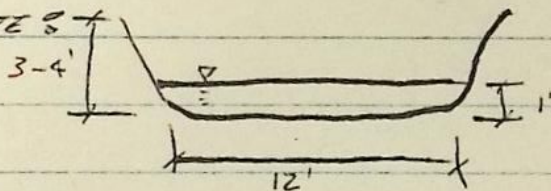
[illegible]

INFO: LEOTIS C. SAUNDERS MR BUCK SAUNDERS FLOOD IRRIGATES $\frac{1}{2}$ MILE OF BOTTOMLAND BOTH EAST AND WEST OF EAGLE CREEK. THIS LAND IS BELOW THE KAY YOUNG DITCH ON THE EAST SIDE OF EAGLE CREEK AND BELOW THE NASH DITCH ON THE WEST SIDE OF EAGLE CREEK. THIS LAND IS NEARLY ALL HAY & PASTURE WITH LAWN & GARDEN AROUND BUILDINGS.

BUCK SAUNDERS IRRIGATES APPROX 40 ACRES IN NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, & SW $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 14, T.9 S. R. 45 E. FROM THE NEWT YOUNG DITCH. APPROX 6 ACRES IN SW CORNER OF THIS PROPERTY IS NOW OWNED BY JOHN STANSBURY AND IS FLOODED THROUGH SAME CATERALS FROM NEWT YOUNG DITCH AS USED BY MR SAUNDERS. THE PORTION OWNED BY MR STANSBURY INCLUDES THE BUILDINGS AND IS PASTURED. THE REMAINDER OWNED BY MR SAUNDERS IS HAYED AND PASTURED.

DIV. PT. KAY YOUNG DITCH - A 4' HIGH LOG DAM ACROSS ENTIRE WIDTH OF EAGLE CREEK CONTROLS CREEK HYDRAULIC GRADE LINE. TWO 4' HEADGATES REGULATE FLOW INTO DITCH

X - SECTION BELOW HEADGATES



AVERAGE VELOCITY $\approx$ 2.5fps

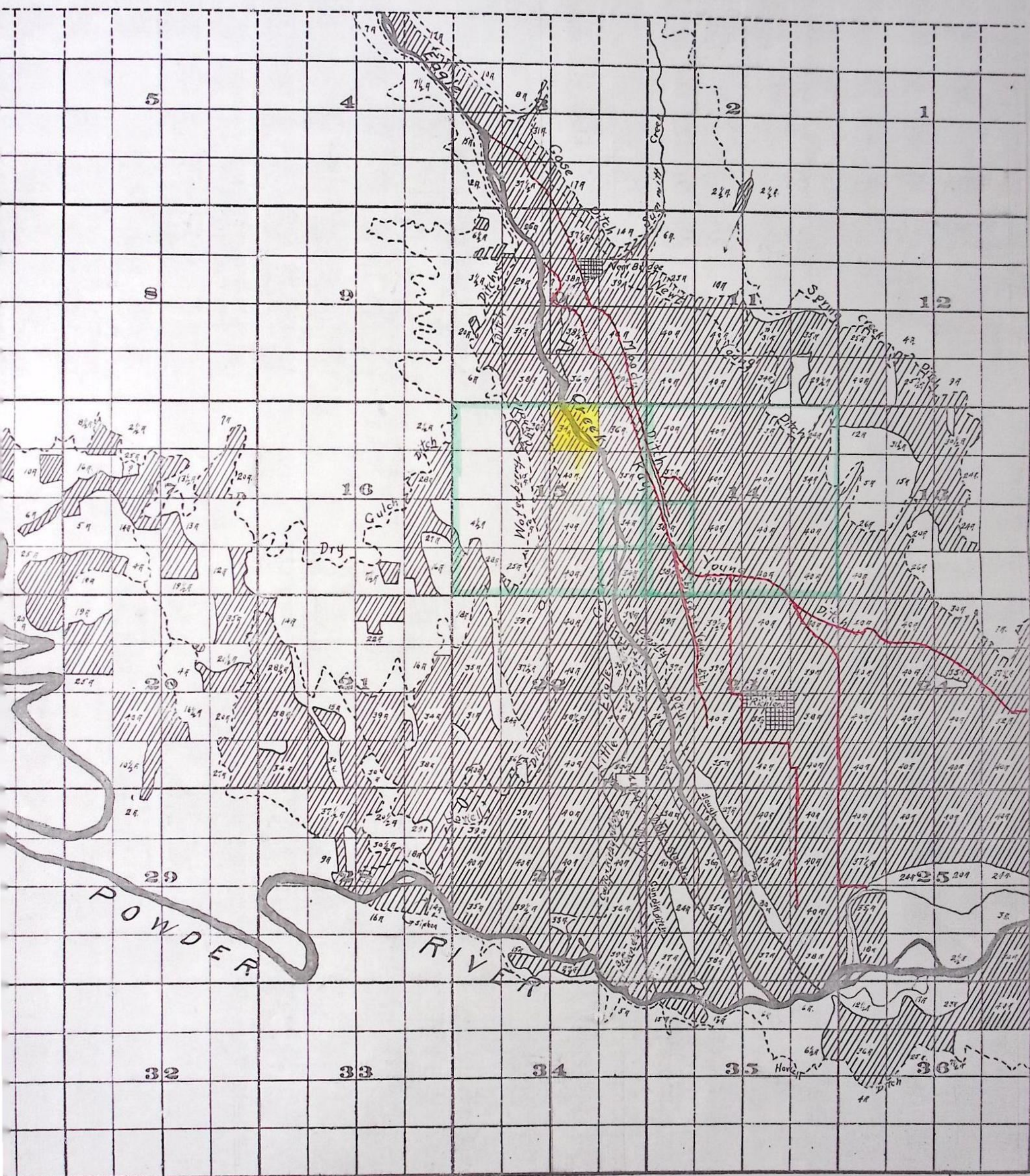
TIE: INSPECTION

JUNE 30, 1980

Vance L. Church

FIELD ENGINEER

Township 9 SOUTH, Range 45 EAST. W.M.



FROM OFFICE OF THE STATE ENGINEER, SALEM, OREGON

Scale of Feet.

Survey by Charles L. Swain. April 1910.

Eagle Creek Survey.

J. H. Lewis. State Engineer.

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
H613 Brown, Samuel Richland, Oregon. <i>Baker Co.</i>	1891 1881		8 22	Irrigation	Waterbury, Nash	Eagle Creek	8 acres in NE NW 12 acres in NW NE 10 acres in SW NE Section 22 T 9 S. R. 45 E. W. M.
H614 Campbell, J. W. Richland, Oregon. <i>Baker Co.</i>	1872 T-4704 A POP 72 SENE		8	Irrigation	Simonis & Gover	Eagle & Little Creek	12.14 acres in NW NE 14.59 acres in SE NE 1.23 acres in NE SE
	1900		29.3	Irrigation	Howell	Eagle Creek	11.04 acres in NW SE
	1905		2	Irrigation	Waterbury	Eagle	.5 acres in SW NE Section 22 T 9 S. R. 45 E. W. M.
H615 Carnahan, J. W. New Bridge, Oregon. <i>Baker Co.</i>	1877	Partial	65	Irrigation	Newt Young	Eagle Creek	10 acres in SW SW 25 acres in NE SW 10 acres in NW SW 20 acres in SE SW Section 11 T 9 S. R. 45 E. W. M.
(Finding #30)							
H616 Carter, B. P. Richland, Oregon. <i>Baker Co.</i>	1878		0.4	Irrigation	Kay Young	Eagle Creek	Lots 10 and 11, Block A, Ushers West Addition to Richland, Oregon.
H617 Chandler, Eli Richland, Oregon. <i>Baker Co.</i>	1878		0.4	Irrigation	Kay Young	Eagle Creek	Lots 6 and 7, Block 3, Richland, Oregon.
H618 Chandler, Eugene Richland, Oregon. <i>Baker Co.</i>	1878		25	Irrigation	Kay Young	Eagle Creek	22 acres in SE SW 3 acres in SW SW Section 14 T 9 S. R. 45 E. W. M.
(Finding #30)							
H619 Chandler, Ianthis Richland, Oregon. <i>Baker Co.</i>	1884		54.5	Irrigation	Holstine Young	Eagle Creek	1 acre in NW NE 28 acres in NE NW 10 acres in NE SW 15.5 acres in SE NW
(Finding #30)							
T-4373 A POP (N)	1879		16		Nash		25 acres in NW NE 40 acres in NW SE Section 15 T 9 S. R. 45 E. W. M.
	1899		49				
H620 Chandler, Mrs. Maggie E. Richland, Oregon. <i>Baker Co.</i>	1878		.4	Irrigation	Kay Young	Eagle Creek	Lots 1 and 2, Ushers Addition to Richland, Oregon. 467
H621 Chandler, W. W. Richland, Oregon. <i>Baker Co.</i>	1878		0.2	Irrigation	Kay Young	Eagle Creek	Lot No. 1, Ushers South Addition Richland, Oregon.
H622 Chapman, John Richland, Oregon. <i>Baker Co.</i>	1886		20	Irrigation	Kay Young	Eagle Creek	20 acres in NE NE Section 26 T 9 S. R. 45 E. W. M.
(Finding #30)							
H623 Clark, David Richland, Oregon. <i>Baker Co.</i>	1888		40	Irrigation	Newt Young	Eagle Creek	40 acres in NE NW Section 25 T 9 S. R. 45 E. W. M.
(Finding #30)							
H624 Cobb, Mrs. T. A. New Bridge, Oregon. <i>Baker Co.</i>	1896		17	Irrigation	Robin	Eagle Creek	17 acres in SW SE Section 23, T 8 S. R. 45 E. W. M.
POWDER RIVER -156- (EAGLE CREEK)							

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION

NO. 4393

On Feb. 19, 1980, an application was filed in the office of the Water Resources Director by Leotis C. Saunders 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 the waters of Powder River and its Tributaries, a water right was allowed in the name of Lanthis Chandler, for the use of waters of Eagle Cr for irrigation of, among other lands, a certain 3.1 ac in NW 1/4 NE 1/4 of Sec 15, T 9S, R 45E, WM, being tabulated at Volume 6, page 467, with a date of priority of 1879, as evidenced by certificate recorded at page 4619, Volume 5, State Record of Water Right Certificates.

The authorized point of diversion is located 590 ft N & 2720 ft E from the SW Corner of Sec 10, being within the SW 1/4 SE 1/4 of Sec 10, T 9S, R 45E, WM (Nash Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 1700 ft IS & 2450 ft E from the NW Corner of Sec 10, being within the SE 1/4 NW 1/4 of Sec 10, T 9S, R 45E, WM (Kay Young Ditch).

Pursuant to ORS 540.520(2), a hearing is scheduled for 9d: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 Box 224, 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 day 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 24th day of March, 1980.

James E. Sexson
Director

Legal No. 62

Publish: April 1, 8, and 15, 1980

AFFIDAVIT OF PUBLICATION

Baker, Oregon, April 30, 1980

STATE OF OREGON,
County of Baker

ss.

Tricia Bevers

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 #62 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

Tricia Bevers

Subscribed and sworn to before me this 30th

day of April, 19, 80

Theresa L. Fuge
Notary Public for Oregon.

My commission expires September 8, 19, 82



Application for Transfer of Water Right

85
T-4393
RECEIVED
FEB 10 1980
WATER RESOURCES DEPT
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Buck Saunders Lestis C. Saunders
(Name of applicant)
of Bozeman, Richland
(Mailing address) (City)
State of Oregon, 97870, 8933683, 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 Lanthis Chandler
(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 4619
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 590 ft. N and 2720 ft. E from the SW
(N. or S.) (E. or W.)
corner of Sec 10 being within the SW 1/4 SE 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 Nash

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

7. The proposed point of diversion is located 1700 ft. S and 1450 ft. E from the NW
(N. or S.) (E. or W.)
corner of Sec 10 being within the SE 1/4 NW 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 to be used is Kay Young

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	15	NW $\frac{1}{4}$ NE $\frac{1}{4}$	3.1

(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.? Yes
(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.
(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, LEOTIS SAUNDERS, 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 12 day of Feb., 1980

Leotis C. Saunders
(Name of applicant)

Subscribed and sworn to before me this 12th day of Feb, 1980

[Notarial Seal]

Leotis C. Saunders
NOTARY PUBLIC FOR OREGON

My commission expires 2/26/83





STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Feb 21, 1980.

FROM: ** _____

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4393IN THE NAME OF LECTIS SAUNDERS

In my opinion the proposed change in POD. NASH → KAY YOUNG
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 . . .
✓ (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 _____

** N. J. Saunders
Watermaster's signature or initials

RECEIVED

FEB 25 1980

WATER RESOURCES DEPT
SALEM, OREGON