

Name Norman & Ruth A. English

4403

DESCRIPTION OF WATER RIGHT

By _____

Address Box 57, Eagle Cr. Rd. Rt. 1.
Richland, OR 97870

Change in POD

Date filed Feb 25, 1980

Date of hearing May 22, 1980

Place of hearing Baker

✓ Date of order 5-22-80 Vol. 33, page 235

Date for application of water complete

Proof mailed _____

Proof received SEP 4 1980

Certificate issued _____ Vol. 43, page 49428

APR 25, 1985

48

52927

Name of stream Eagle Creek

Trib. of _____ County of Baker

Use irrigation & stock

Quantity of water _____ No. of acres 82

Name of ditch Newt Young to Moody

Date of priority 1877

In name of Co-operative Trading Co, Inc

Powder River Adjudication, Vol. 6, page 468

App. No. _____ Per. No. _____ Cert. No. 4630

Certificate cancelled _____

Notation made on record by _____

REMARKS

W.R.I.S.	
Assembled	<u>2-8-85</u> by <u>SM</u>
Entered	_____ by _____
Verified	_____ by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-25-80</u>	<u>85⁰⁰</u>	<u>16208</u>
TOTAL . . .		
	Cert. Fee	

Democrat Herald 10.00 pd 5/12/80 ch 4196

FEES REFUNDED

Date	Amount	Check No.
<u>5/12/80</u>	<u>10⁰⁰</u>	<u>4197</u>

*EX 20⁻
POD 15⁻
PON 10⁻
75⁻*

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

English

FROM

T-4403

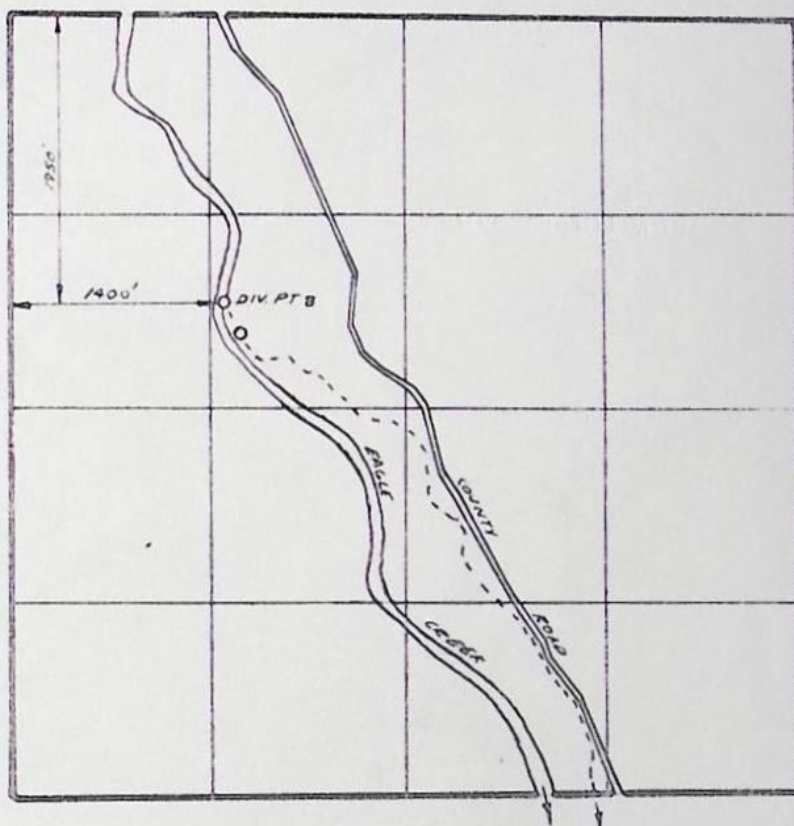
RECEIVED

FEB 25 1980

WATER RESOURCES DEPT
SALEM, OREGON

T 8S R 45E W.M.

SECTION 33



NEWT YOUNG DITCH

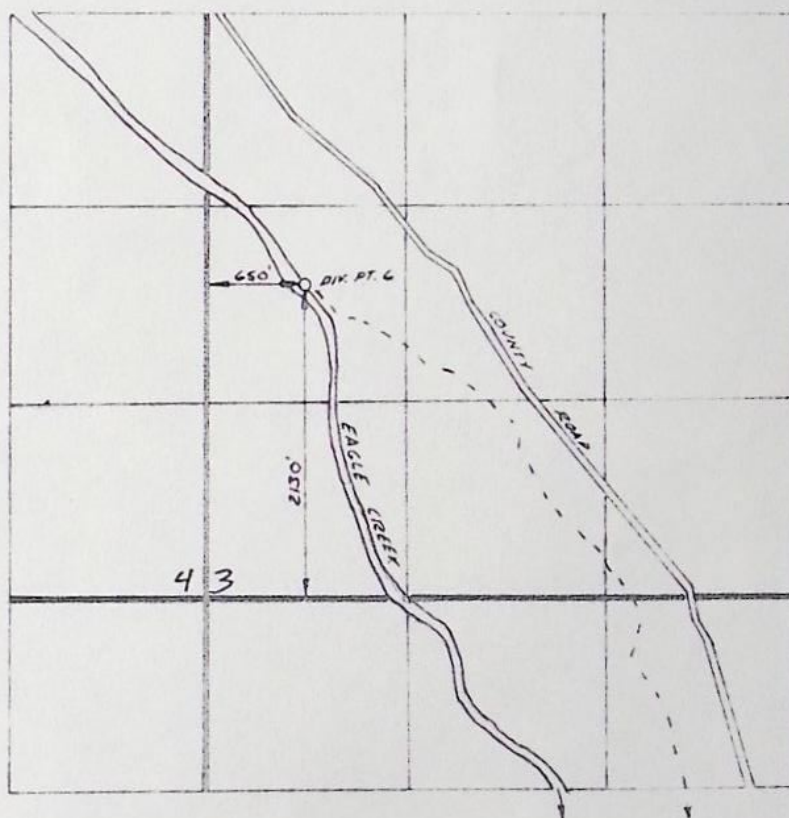
To

T-4403

RECEIVED
FEB 25 1980
WATER RESOURCES DEPT
SALEM, OREGON

T 9S R 45E W.M.

SECTION 3



MOODY DITCH

Call

85

T-4403

RECEIVED
FEB 25 1980
WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, NORMAN ENGLISH + RUTH A. ENGLISH
(Name of applicant)
of Box 57 Eagle Cr. Rd. RT 7, RICHLAND
(Mailing address) (City)
State of OREGON, 97870, 893-3177, 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 Co-operative Trading Company, Inc.
(If not, give name) Page 468

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 4630

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? 1877

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 2130 ft. N and 650 ft. E from the SW
(N. or S.) (E. or W.)
corner of Sec. 3 being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3 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 Moody

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	3	NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.0 ✓
			NW SW ²²⁰	5.2 ✓
			locations check with T.P. map SPD 3-19-60	

(If more space required, attach separate sheet)

9. Are you the legal owner⁵ 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-4403

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
Chandler, W. W. Richland, Oregon	1878		0.2	Irrigation	Kay Young	Eagle Creek	Lot No. 1, Ushers South Addition, Richland, Oregon. ✓
Chapman, John Richland, Oregon (Finding #30)	1886		20	Irrigation	Kay Young	Eagle Creek	20 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26 T 9 S. R. 45 E. W. M. ✓
Clark, David Richland, Oregon (Finding #30)	1888		40	Irrigation	Newt Young	Eagle Creek	40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25 T 9 S. R. 45 E. W. M. ✓
Cobb, Mrs. T. A. New Bridge, Oregon	1896		17	Irrigation	Robin Young	Eagle Creek	17 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33 T 8 S. R. 45 E. W. M. ✓
Cobb, T. A. New Bridge, Oregon (Finding #30)	1878		11.5	Irrigation	Newt Young	Eagle Creek	3.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33 T 8 S. R. 45 E. W. M. ✓
Coble, C. W. New Bridge, Oregon (Finding #30)	1896		6	Irrigation	Tobin	Eagle Creek	1.33 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.67 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 T 9 S. R. 45 E. W. M. ✓
Coble, George W. New Bridge, Oregon (Finding #30)	1884		8	Irrigation	Holstine	Eagle Creek	8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10 T 9 S. R. 45 E. W. M. ✓
Conrad, David H. Richland, Oregon (Finding #30)	1887		35	Irrigation	Newt Young	Eagle Creek	35 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19 T 9 S. R. 46 E. W. M. ✓
Cook, J. H. New Bridge, Oregon	1887		1.75	Irrigation	Newt Young	Eagle Creek	3/4 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 T 9 S. R. 45 E. W. M. ✓
Co-operative Trading Company, Inc., Richland, Oregon	1877		33.61	Irrigation	Newt Young	Eagle Creek	6.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 11.51 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 16 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3 T 9 S. R. 45 E. W. M. ✓



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Feb 21, 1980

FROM: ** _____

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4403IN THE NAME OF NORMAN & RUTH ENGLISH

In my opinion the proposed change in P.O.D. Newt Young → Moody
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 _____

**

[Signature]
Watermaster's signature or initials

RECEIVED

FEB 25 1980

WATER RESOURCES DEPT
SALEM, OREGON

14. Reasons for the proposed changes are

To document existing use

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, NORMAN L. ENGLISH & RUTH A. ENGLISH, 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 12th day of February, 1980
Norman L. English
Ruth A. English
(Name of applicant)

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

[Notarial Seal]

Walter Kent Seaver
NOTARY PUBLIC FOR OREGON

My commission expires 2/26/80-83



: POD
POU
USE
Add '1 POD

County Baker

1. Name Norman & Ruth A. English
Address RT 1, Box 57, Eagle Creek Rd, Richland, OR 97870

3. Use irrigation 8² ac

5. Proposed Point of Diversion _____

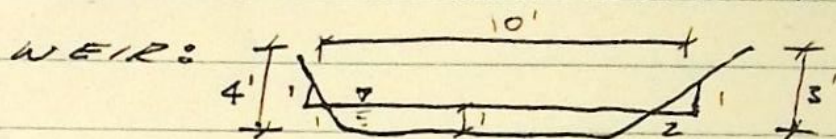
7. Place of Use:

[illegible]

INFO: NORMAN ENGLISH MR ENGLISH IRRIGATES APPROX
8¹/₂ ACRES OF BOTTOMLAND BETWEEN THE MOODY DITCH
AND EAGLE CREEK THE LAND IS LOCATED IN N¹/₂ SW¹/₄
SEC 3 T.9S. R.4SE. W.M.

CROPS HAY, PASTURE, LAWN & GARDEN, ORCHARD

DIV. PT.: A 5' STEEL WEIR w/ MOVEABLE WEIR BOARDS
REGULATES FLOW INTO DITCH X-SECTION BELOW



AVG VELOCITY @ TIME OF INSPECTION $\hat{=}$ 1 FPS

TIE'S INSPECTION

JUNE 30, 1980

Samuel Church

FIELD ENGINEER

EAGLE CREEK

LF T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***

*** WATER RIGHTS DIVISION ***

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

*** WATER RIGHT DATA INPUT FORM ***

WATER RIGHT NO. T900049031 PERMIT NO. 006468 CERTIF. NO.

NAME: NORMAN F RUTH ENGLISH

ORIG. NO. C000046301-RE: NO. C000046303/SUPER. NO.

ADDRESS: BOX 57, EAGLE CR RD RT 1

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 1877

PUT TO USE-----> 05 22 1980

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION---> 02 25 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:
TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

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

0905 450E 03 C B 09 4060 0140

0205

V

P

** POD & MOODY DITCH, 2130' N &
** 650' E FM SW COR S 3. CHANGES
** POD PART OF C-4630. RRC-49428.

PLACE-OF-USE DATA:

TWNSP RNGE SECT QTR/QTR CNTY USE % CSM TV ACRES STATUS S OR P

0905 450E 03 C A 01 1R 100 3.00

V

P

C B

5.20

99428

V.T.S.

APR 2-8-85 1:50 PM

FRI

V.T.S.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF NORMAN & RUTH A. ENGLISH FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4403

On February 25, 1980, an application was filed in the office of the Water Resources Director by Norman and Ruth A. English 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 Cooperative Trading Co., Inc. for the use of waters of Eagle Creek for irrigation of, among other lands, a certain 3.0 acres in NE 1/4 SW 1/4 and 5.2 acres in NW 1/4 SW 1/4, Section 3, Township 9 South, Range 45 East, W.M., being tabulated at Volume 6, page 468, with a date of priority of 1877, as evidenced by certificate recorded at page 4630, Volume 5, State Record of Water Right Certificates.

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 to a point located 2130 feet North and 650 feet East from the Southwest Corner of Section 3, being within the NW 1/4 SW 1/4 of Section 3, Township 9 South, Range 45 East, W.M. (Moody 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:

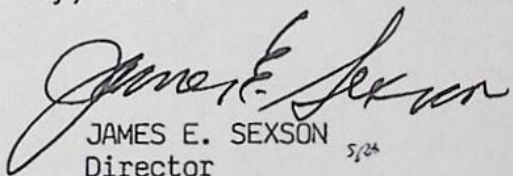
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 4630, 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

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION

NO. 4403

On Feb. 25, 1980, an application was filed in the office of the Water Resources Director by Norman & Ruth A. English for approval, without loss of priority, of a change in point of diversion from Eagle Creek.

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The applicants propose to change the point of diversion therefrom to a point located 2130 ft N & 650 ft E from the SW Corner of Sec 3, being within the NW 1/4 SW 1/4 of Sec 3, T 9S, R 45E, WM (Moody 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 applicants at Rt. 1, Box 57, Eagle Creek Rd, 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 24th day of March, 1980.

James E. Sexson
Director

Legal No. 65

Publish: April 1, 8, and 15, 1980

AFFIDAVIT OF PUBLICATION

Baker, Oregon, April 30, 1980

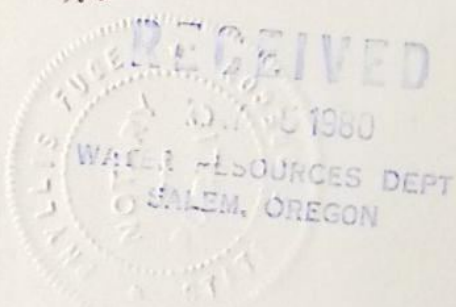
STATE OF OREGON,
County of Baker

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 #65 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, 1980, and ending with the issue dated the 15th day of April, 1980, and that the dates of publication were April 1, 1980-April 8, 1980-April 15, 1980

OK

5/26



Tricia Bevers

Subscribed and sworn to before me this 30th

day of April, 1980

Shepherd
Notary Public for Oregon.

My commission expires September 8, 1982