

Name J.W. Heaton

4436

By _____

Address P.O. Box 646, Rt 2, Box 290
Baker, OR 97814

DESCRIPTION OF WATER RIGHT

Name of stream Powder RiverTrib. of _____ County of BakerUse irrigation + stockQuantity of water _____ No. of acres 80[±]Name of ditch Baldock Slough to Heddes SnavelyDate of priority 1873 + 1893In name of Richard Inescatt_____ Adjudication, Vol. 6, page 452 ^{SRA}App. No. _____ Per. No. _____ Cert. No. 4516 ^{SRB}

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3/24/80</u>	<u>85.00</u>	<u>16780</u>
TOTAL . . .		
	Cert. Fee	
<u>Democrat Herald \$22.50 pd 6/24/80 EK#240</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>6/24/80</u>	<u>27⁵⁰</u>	<u>4241</u>

Ex 20-
POD 15-
PON 22⁵⁰ (b)
57⁵⁰

Change in PODDate filed March 24, 1980Date of hearing June 25, 1980Place of hearing BakerDate of order 7-21-80 Vol. 33, page 448Date for application of water 10-1-81

Proof mailed _____

Proof received _____

Certificate issued MAR 23 1989 Vol. 57, page 60564Cancelled - sp. or Rec. Vol. 51 p. 148to sur 12/81

REMARKS

Card for C NOV 20 1981

W.R.I.S.

Assembled 2-17-85 by 820

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:	Entered	Checked
☒ Name	<u>SRA</u>	_____
☒ Stream	<u>SRA</u>	_____
☒ Pt. of Div.	<u>Qcj</u>	_____
☒ Calendar	<u>Qcj</u>	_____
CHECKED TO RECORD:		
☒ Twp. & Rng.	<u>SEA</u>	_____
☒ Particulars	<u>SRA</u>	_____
☒ Description	<u>SEA</u>	_____
☒ Cert. of W/R	_____	_____
☒ Per. Folder	_____	_____
☒ Chandra	_____	_____
☒ Cross Ref.	_____	_____
☒ Power Claim	<u>Qcj</u>	_____
☒ Abstracts	_____	_____

40-6
4-14-82 vce

POD
POU
USI:
Add'l POD

County Baker

1. Name J. W. Heaton

2. Source of Supply Powder R., Trib of _____

3. Use in / 80° cc & stock

4. Amount of Water _____

5. Priority Date 1873 + 1893

6. Proposed Point of Diversion ²⁶⁴⁰~~2640~~' N ⁸⁵⁰~~594~~' E from ^{SW}~~1/4~~ Cor, S 33, w/in
SW 1/4 NW 1/4, S 33, T8S, R 40E, w/m (Geddes-Snavely Ditch)

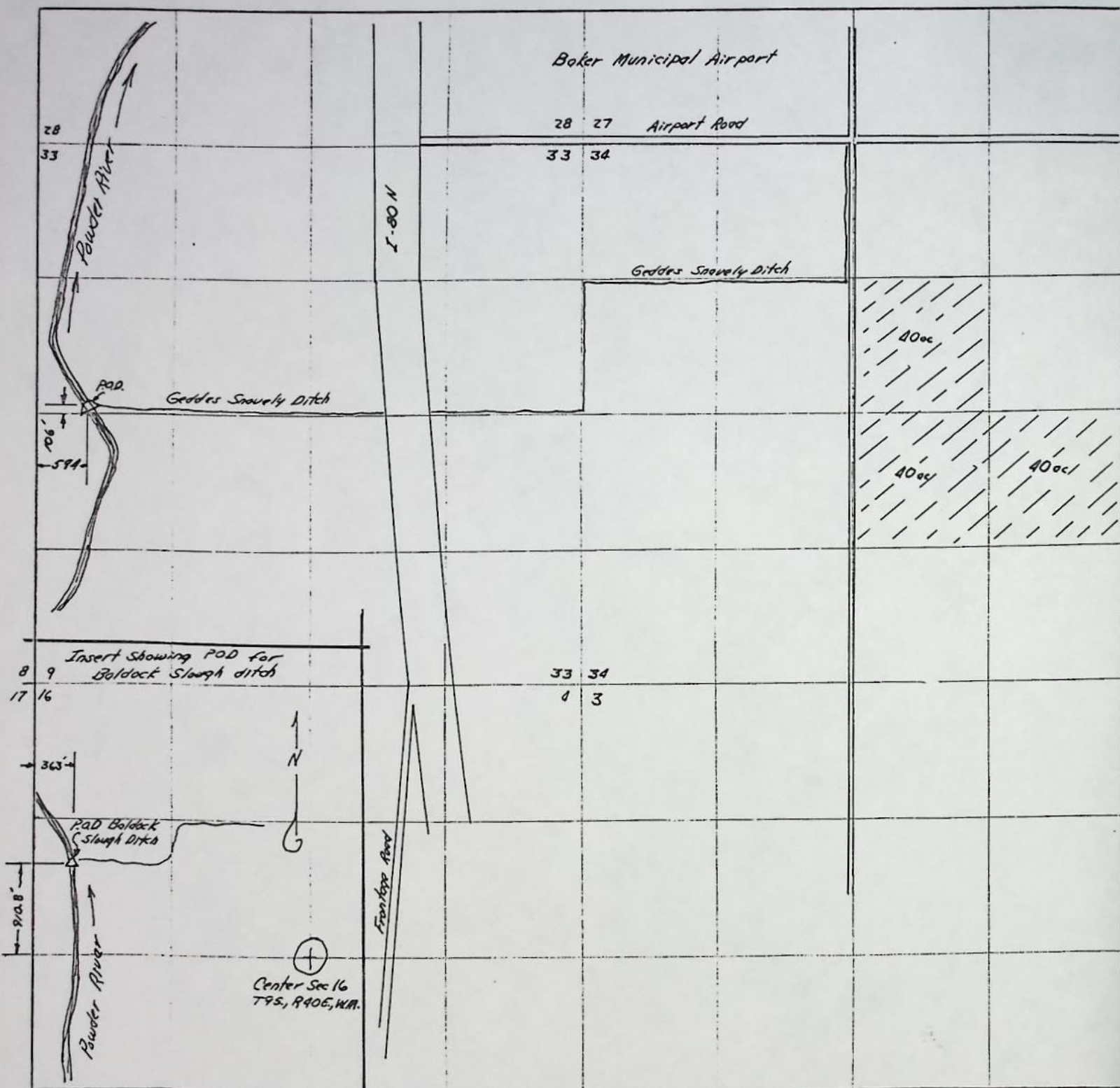
7. Completion Date 10-1-81

8. Place of Use:

[illegible]

TOWNSHIP.....8.....S.

RANGE.....40.....E.W.M.



MAP TO ACCOMPANY APPLICATION OF:

Name J.W. HeatonCounty BakerDate 3-15-78Scale 4 inches to 1 Mile

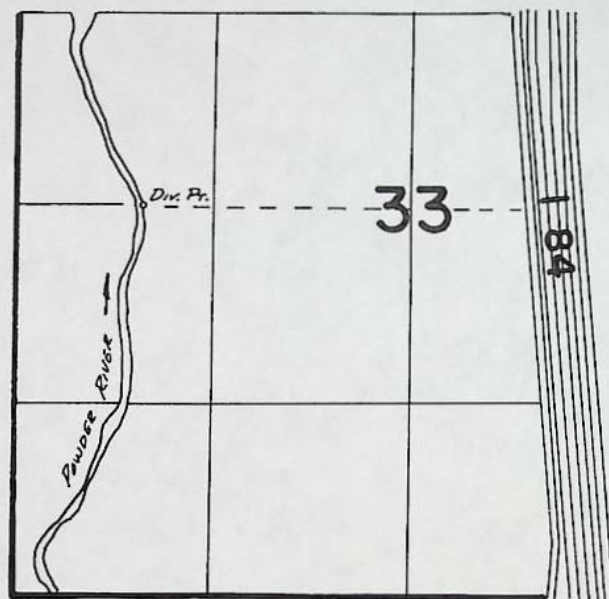
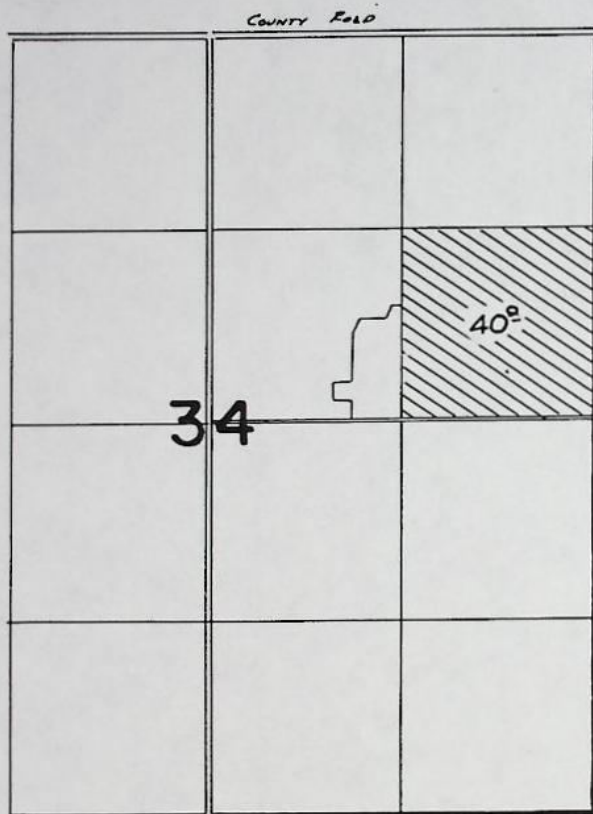
Note:

MAP PREPARED FROM: Powder River Distribution Map.

SEE FILE 59905 FOR REPORT ON DIV. PT.

Van Lee Chun
WATER RIGHTS EXAMINER
4-14-82

T. 8S., R. 40E., W.M.



Div. Pr. Loc. 2640' N. & 850' E. FROM SW COR. SEC 33

FINAL PROOF SURVEY

UNDER

TRANSFER 4435, 4436

Application No. 59905 Permit No. 45217.....
IN NAME OF

J. W. HEATON

Surveyed April 14, 1980, by L. R. Church

SPECIAL ORDER V. P.
SPECIAL ORDER V. P.

POWDER RIVER

WFT-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. T000044361 PERMIT NO. 006452 CERTIF. NO.

NAME: J. W. HEATON

ORIG. NO. C000045161 PREV. NO. C000045161 SUPER. NO.

ADDRESS: RT 2, Box 290

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

01

STREAM-ID 09 4060

RIV. MI.

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

CANCEL YEAR--->

CONSTR. COMPLT---> 10 31 1981

YR. LAST USED----->

NEXT ACTION DUE--->

PRICRITY-----> 12 31 1873

PUT TO USE-----> 10 31 1981

LAST TRANS. DATE--->

LAST TRANS. TYPE--->

APPLICATION---> 03 24 1980

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE---> 07 21 1980

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.---> 07 21 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 400E 33 B C 09 4060

0.050

V P

 ** ROR: GEDDES - SNAVELY DITCH,
 ** 106' N of 594' E FM W 1/4 COR
 ** S 33- CHANGES ROR PART OF
 ** C-4516. SEE T000044362.

PLACE-OF-USE DATA:

TWP/SP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

0805 400E 34 D A 01 1R 100 2.00

V P

V.D.S.

APPROVED 2-13-85 J. S. M.

EVALUATED

VERIFIED

POWDER RIVER

WF T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
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NAME: J. W. HEATON

ADDRESS: RT 2, Box 290

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

01

STREAM-ID 09 4060

RIV. MI.

WM. DIST. 08 W.R. TYPES C STATUS V

CANCEL YEAR---

CONSTR. COMPLT--> 10 31 1981

YR. LAST USED-----> _____

NEXT ACTION DUE--> _____

PRICRITY-----> 12 31 1893

PUT TO USE-----> 10 31 1981

LAST TRANS. DATE--> _____

LAST TRANS. TYPE--> _____

APPLICATION--> 03 24 1980

SURVEYED-----> _____

EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE--> 07 21 1980

CONCURRENCE-----> _____

CYCLE STATUS-----> _____

REPORTED FLAG-----> _____

CONSTR. STRT.--> 07 21 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-->

** ROR: GEDDES - SNAVELY DITCH,

** 106' N & 594' E FM W 1/4 COR

** S 33° CHANGES ROR PART OF

** C-4516. SEE T000044361.

** -----

** -----

** -----

** -----

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

0805 400E 34 D A 01 1R 100 38.00 V P

0805 400E 34 D B 01 1R 100 40.00 V P

V.I.S.

APPROVED 2-13-85 J. SPA

EVALUATED _____

VERIFIED _____

RECEIVED

DEC 2 1981

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

POD from Powder River

PURSUANT TO TRANSFER APPLICATION NO. 4436

I, J. W. Heston, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by July 1, 1981.

Nov 28 - 1981
Date

J. W. Heston
Signature

Route 1 Box 272-B

BAKER, ORE

(Mail to the Water Resources Department, Salem, Oregon 97310.)

OK
JCH

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF J. W. HEATON FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER NO. 4436

On March 24, 1980, an application was filed in the office of the Water Resources Director by J. W. Heaton 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 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 Richard Truscott for use of waters of Powder River for irrigation of, among other lands, a certain 40.0 acres in NE 1/4 SE 1/4 and 40.0 acres in NW 1/4 SE 1/4, Section 34, Township 8 South, Range 40 East, W.M., being tabulated at Volume 6, page 452, with dates of priority of 1873 and 1893, as evidenced by certificate recorded at page 4516, Volume 5, State Record of Water Right Certificates.

The authorized point of diversion is located 911 feet North and 363 feet East from the West Quarter Corner of Section 16, being within the SW 1/4 NW 1/4, Section 16, Township 9 South, Range 40 East, W.M. (Baldock Slough Ditch.)

The applicant proposes to change the point of diversion therefrom, without loss of priority, to a point located 106 feet North and 594 feet East from the West Quarter Corner of Section 33, being within the SW 1/4 NW 1/4, Section 33, Township 8 South, Range 40 East, W.M. (Geddes Snavelly 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 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 effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

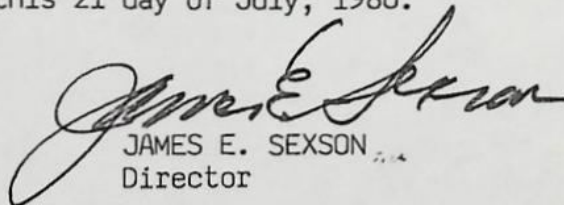
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 4516, Volume 5, State Record of Water Right Certificates, is canceled; 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.

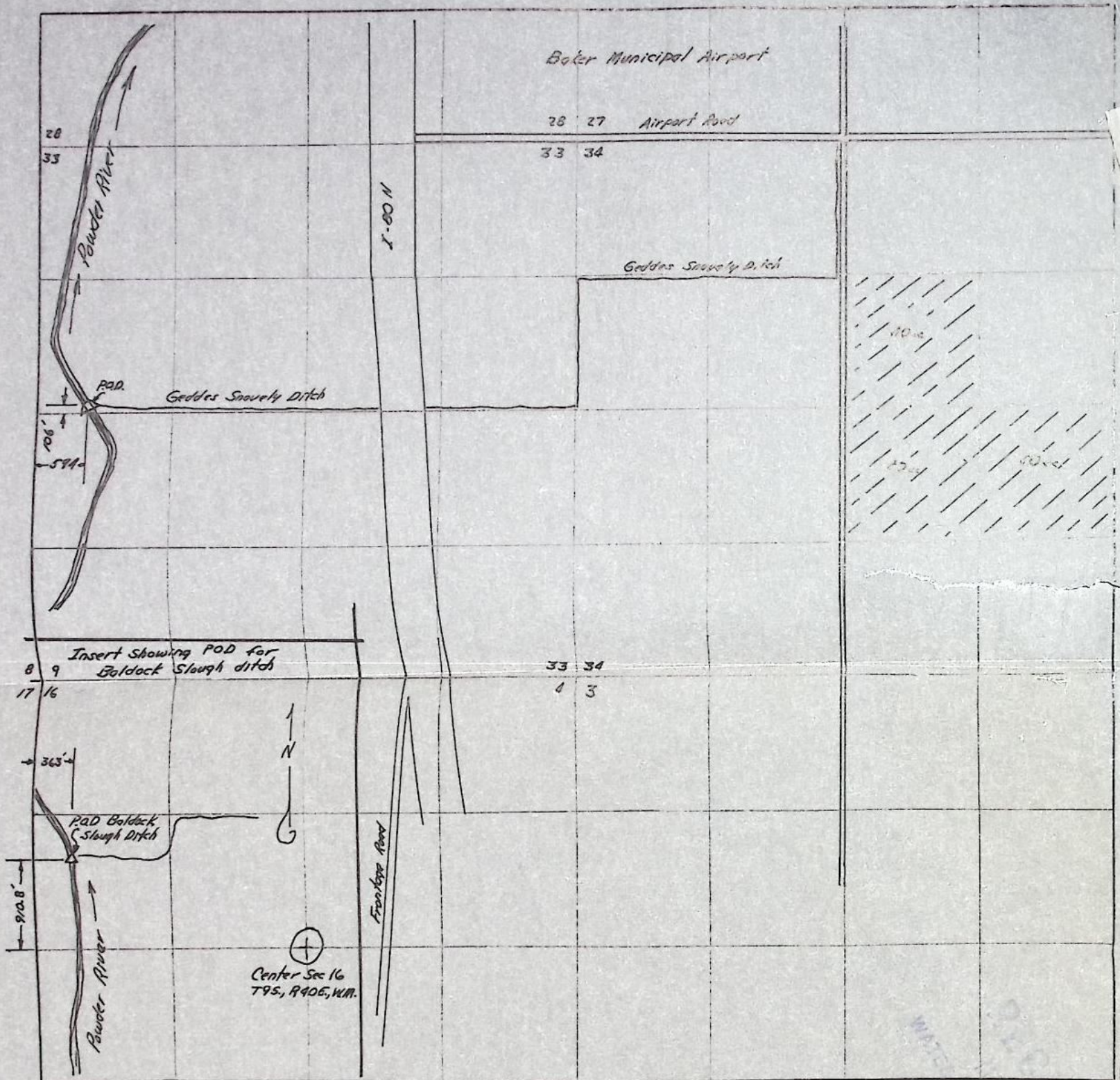
Dated at Salem, Oregon this 21 day of July, 1980.


JAMES E. SEXSON
Director

T-4436

TOWNSHIP 8 S.

RANGE 40 E.W.M.



MAP TO ACCOMPANY APPLICATION OF:

Name J.W. Heaton

County Baker

Date 3-15-78

Scale 4 inches to 1 Mile

Note:

MAP PREPARED FROM: Powder River Distribution Map.

SIGNED BY

MAP DRAWN BY:

T-4436
 RECEIVED
 MAR 21 1980
 WATER RESOURCES DEPT
 SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

RECEIVED
 APR 13 1980
 WATER RESOURCES DEPT
 SALEM, OREGON

I, J.W. Heaton (Name of applicant)
 of P.O. Box 646 (Mailing address) 2247 (City) Baker
 State of Oregon 97814 (Zip Code) 523-5778 (Phone number), do hereby make application for change
I 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. Richard Truscott ✓ 6 1452
 (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 446 7516
just

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? 1873 and 1893

6. The authorized point of diversion is located 911 ft. N and 363 ft. E from the W $\frac{1}{2}$
 (N. or S.) (E. or W.)
 corner of Sec. 16 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16 Tp. 9S R. 40E W. M.,
 (No. N. or S.) (No. E. or W.)
 in the county of Baker The name of the ditch used is Bal dock Slough Ditch

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

7. The proposed point of diversion is located 106 ft. N and 594 ft. E from the W $\frac{1}{2}$
 (N. or S.) (E. or W.)
 corner of Sec. 33 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33 Tp. 8S R. 40E W. M.,
 (No. N. or S.) (No. E. or W.)
 in the county of Baker The name of the ditch to be used is Geddes Snavelly

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
8S	40E	34	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
"	"	"	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40

(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

About Two miles less ditch.

15. Construction work will be completed on or before Oct. 1, 1980

16. The water will be completely applied to the proposed use on or before Oct. 1, 1981

Remarks

PLEASE READ PP 106 pages 57 & 58 of the Boulder River
Decree for Stock usage. d.p.

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, J. W. HEATON, 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 19 day of MARCH, 1980.

JW Heaton
(Name of applicant)

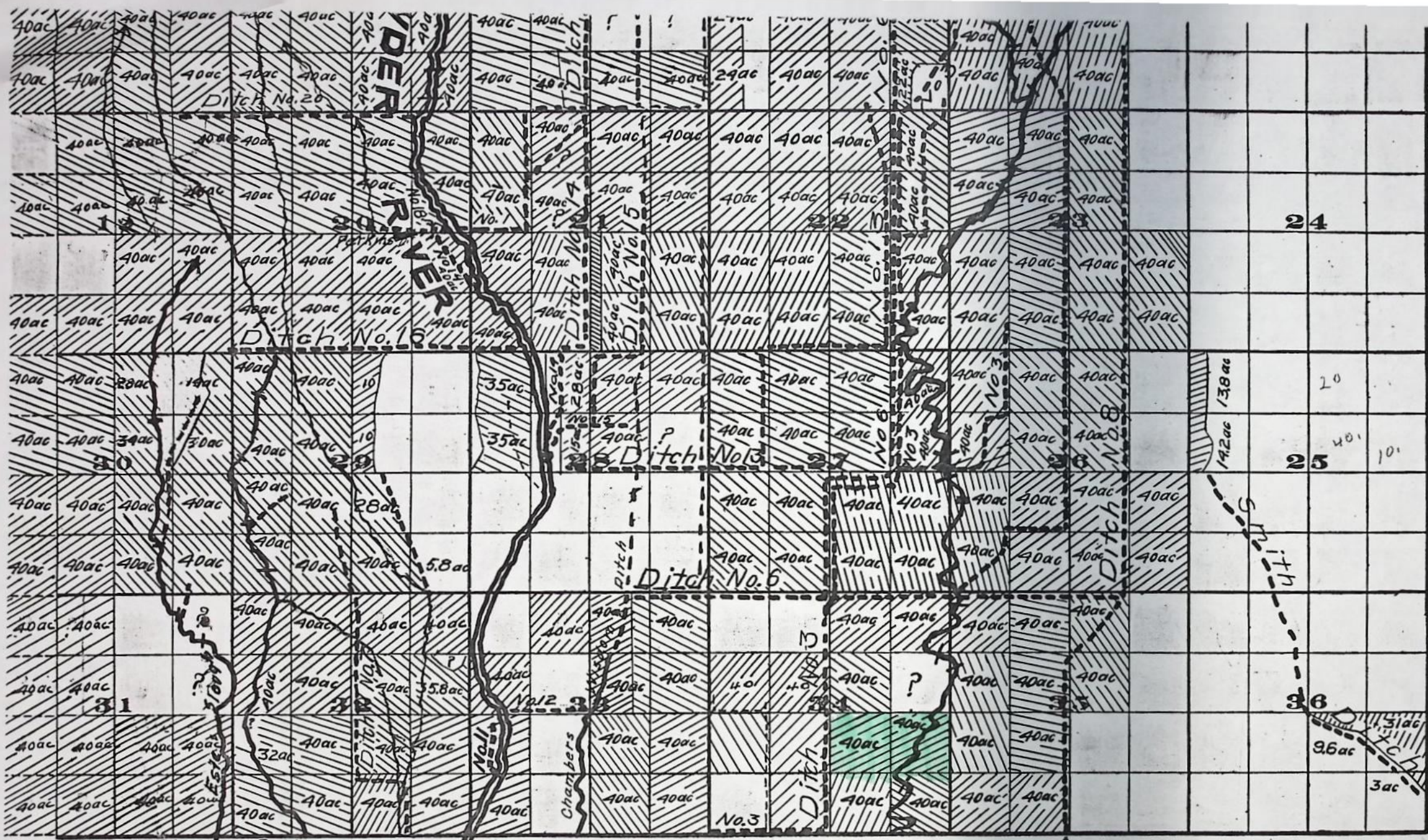
Subscribed and sworn to before me this 19th day of MARCH, 1980.

[Notarial Seal]

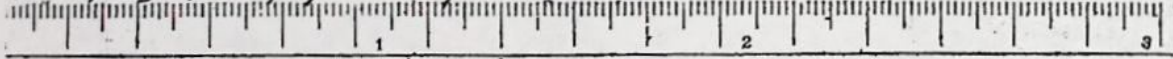
Walter K. Seal

NOTARY PUBLIC FOR OREGON

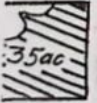
My commission expires 2/26/83



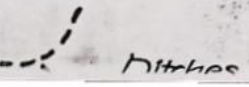
Survey By Robt Shepard Sept 1911



Scale of Feet.



Irrigated land with area



Ditches

FROM OFFICE OF THE STATE ENGINEER, SALEM, OREGON

Powder River Adjudication

John H Lewis State Engineer

Examined June 6 1912

7-4436

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount in Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
4512 Toney, W. L. Haines, Oregon. (Finding #12, 14, 21, & 23)	1874 1883		39.9 39.9	Irrigation	McCullough & Toney Locken-Toney	Rock Creek	26.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 26.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 26.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31 T 7 S. R. 39 E. W. M.
4514 Travillion, H. C. North Powder, Oregon.	1883		240	Irrigation	Travillion	Powder	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ S. D. McFiee 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Earl E. Trach 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ " 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Dave Wilson 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ " 40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Earl E. Trach Section 35 T 6 S. R. 39 E. W. M.
4514 Travillion, Fannie J. North Powder, Oregon.	1886		101	Irrigation	Travillion Koester	Powder	35 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Earl E. Trach 30 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ " 36 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ " Section 36 T 6 S. R. 39 E. W. M.
4515 Travillion, J. C. North Powder, Oregon.	1883		323.5	Irrigation	Travillion	Powder	39.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Earl E. Trach 38 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ " 38 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ " 39 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ " 38 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ " 38 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ " Section 36 T 6 S. R. 39 E. W. M. 451
	1886		164.5	Irrigation	Travillion Koester	Powder	40 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Earl E. Trach 40 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ James Dalton Est. 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Earl E. Trach 30.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ James Dalton Est. 25 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Earl E. Trach 7 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Isaac Jackson Est. Section 2 38 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Earl E. Trach 17 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ " 6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ " 14 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ " Section 1, T 7 S. R. 39 E. W. M.
4516 Truscott, Richard (Heirs) by Susanna Truscott, Baker, Oregon. (Finding #32 & 66)	1873 1893		2 78	Irrigation	Baldock Slough	Powder	(1) 40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ (2) 40 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T 8 S. R. 40 E. W. M.
4517 Truscott, Susanna Baker, Oregon. (Finding #32 & 66)	1865		48	Irrigation	Baldock Slough	Powder	40 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T 8 S. R. 40 E. W. M. 8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3 T 9 S. R. 40 E. W. M.
4518 Tunncliffe, A. E. Baker, Oregon.	1897		20	Irrigation	Spillman	Pine Creek	20 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 26 T 8 S. R. 38 E. W. M.
4519 Turley, S. L. Baker, Oregon. (Finding #32 & 65)	1879		800	Irrigation	Estes, Old Settlers Slough (Carter & Miller, Hodgins & Rohner, Payton & Perkins, for stock)	Powder	40 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$