

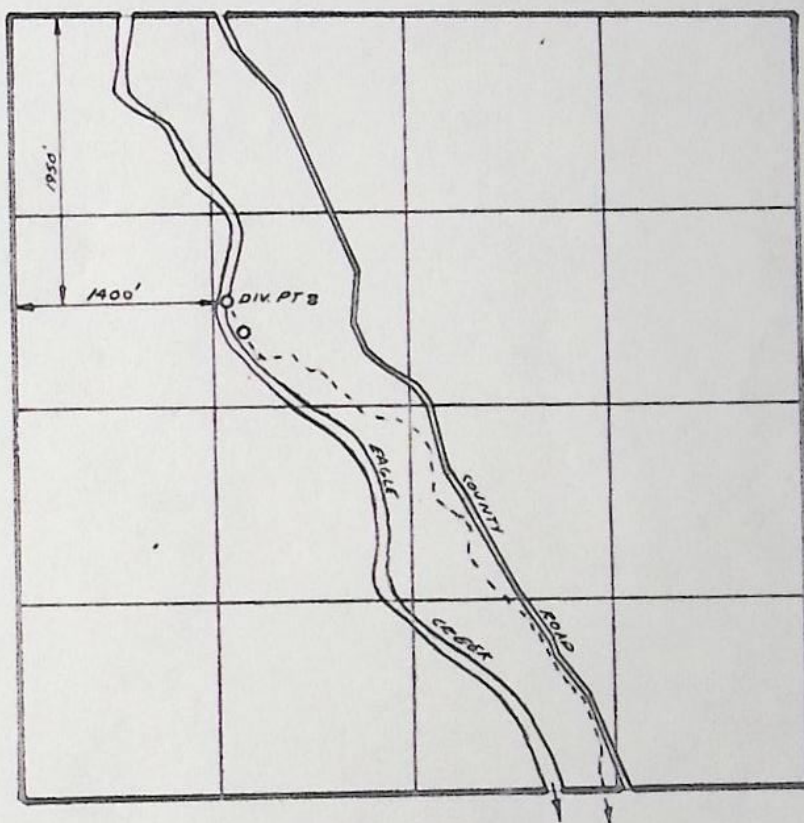
T-4444

FROM:

RECEIVED
MAR 21 1980
WATER RESOURCES DEPT
SALEM, OREGON

T 8S R 45E W.M.

SECTION 33



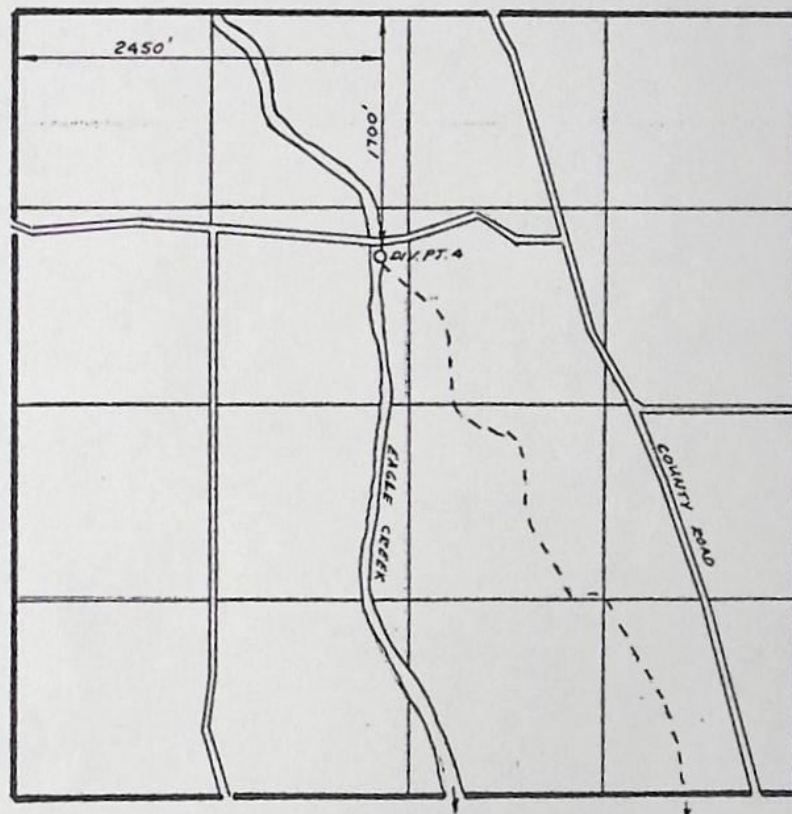
NEWT YOUNG DITCH

T-4444

To:

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

RECEIVED
MAY 2 1980
WATER RESOURCES DEPT
SALEM, OREGON



KAY YOUNG DITCH

: POD
POU
USE
Add '1 POD

County BAKER

1. Name John Randall, et al
Address _____ Richland, OR 97870

3. Use irrigation

5. Proposed Point of Diversion 1700' S + 2450' S from NW Corner, S10,
w/in SE $\frac{1}{4}$ NW $\frac{1}{4}$, S 10, T9S, R45E, WM.
Kang Young Ditch.

6. Completion Date completed

7. Place of Use:

[illegible]

JOHN RANDALL - MR RANDALL CLAIMS APPROX 60 ACRES
IRRIGATED FROM KAY YOUNG DITCH. THIS IS ALL LAND
LAYING BETWEEN KAY YOUNG DITCH AND EAGLE CREEK.
HE CLAIMS APPROX 22 ACRES IN THE SE $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 14
T. 9S. R. 4SE. IRRIGATED FROM THE NEWT YOUNG DITCH
ANOTHER 60 ACRES ARE IRRIGATED IN THE SE $\frac{1}{4}$ SEC 10,
T 9S R 4SE BELOW THE RICHLAND-NEWBRIDGE HIGHWAY
AND THE KAY YOUNG DITCH. THIS IS IRRIGATED FROM THE
MOODY DITCH. ALSO IRRIGATED FROM THE MOODY DITCH IS
APPROX 98 ACRES IN S $\frac{1}{2}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ SEC 14 T. 9S. R. 4SE.
EAST OF RICHLAND-NEWBRIDGE HIGHWAY AND S. OF
COUNTY ROAD.

CROPS: ALFALFA PASTURE LAWN/GARDEN

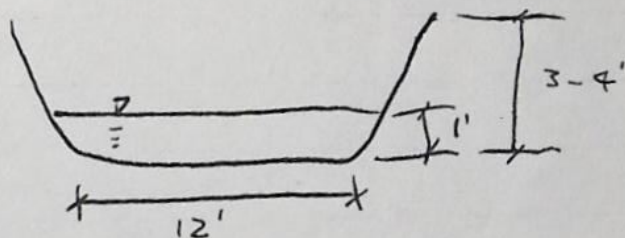
JUNE 30, 1980

James L. Church

FIELD ENGINEER.

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 HEADGATE



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOHN RANDALL, U. S. NATIONAL BANK)
OF OREGON AND LAWRENCE IMMOOS FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4444

On March 24, 1980, an application was filed in the office of the Water Resources Director by John Randall, U. S. National Bank of Oregon (Holcomb Estate) and Lawrence Immoos 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 W. E. Summers for use of waters of Eagle Creek for irrigation of, among other lands, a certain 2.0 acres in SE 1/4 SE 1/4, Section 10, Township 9 South, Range 45 East, W.M., being tabulated at Volume 6, page 485, with a date of priority of 1888, as evidenced by certificate recorded at page 4748, Volume 5, State Record of Water Right Certificates.

By said Decree, a water right was allowed in the name of D. N. Strayer for use of waters of Eagle Creek for irrigation of, among other lands, a certain 3.0 acres in NW 1/4 SW 1/4, Section 19, Township 9 South, Range ~~45~~ East, W.M., being tabulated at Volume 6, page 485, with a date of priority of 1887, as evidenced by certificate recorded at page 4744, Volume 5 of said record.

By said Decree, a water right was allowed in the name of William T. Bennehoft for use of waters of Eagle Creek for irrigation of, among other lands, a certain 0.8 acre in SW 1/4 NE 1/4 and 1.6 acres in SE 1/4 NE 1/4, Section 24, Township 9 South, Range 45 East, W.M., being tabulated at Volume 6, page 465, with a date of priority of 1887, as evidenced by certificate recorded at page 4602, 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 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 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:

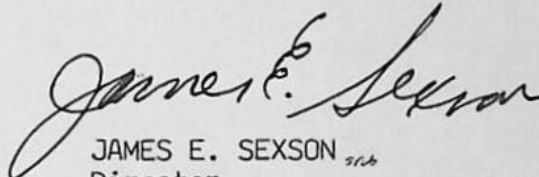
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 4748, 4744, and 4602, 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 ^{5/1/80}
Director

RECEIVED
MAR 21 1980
WATER RESOURCES DEPT
SALEM, OREGON
T-4444

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, John Randall
(Name of applicant)
of Box 29, Richland
(Mailing address) (City)
State of Oregon, 97870,
(Zip Code) (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 W.E. Summers
(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 4748
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 1/4 NW 1/4 of Section 33 Tp. 8 S R. 45 E 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 1700 ft. S and 2450 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. 9 S R. 45 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 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:

[illegible]

(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:

[illegible]

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

To document the 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

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, JOHN RANDALL, 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 20 day of Feb., 1980.

John Randall
(Name of applicant)

Subscribed and sworn to before me this 20th day of Feb, 1980.

[Notarial Seal]



Notary Public for Oregon

NOTARY PUBLIC FOR OREGON

My commission expires 2/26/83

T-4445

20
15

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

ESTATE OF:

U.S. NATIONAL BANK OF OREGON, Trustee for Linn Holcomb Estate

(Name of applicant)

of P. O. Box 3168, Portland

(Mailing address)

(City)

State of Oregon, 97208, 225-5902, 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 D. N. Strayer

(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 Decreenumber of certificate 47443. 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? 18876. 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 1/4 NW 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 1700 ft. S and 2450 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	46E	19	NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.0

(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 "

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

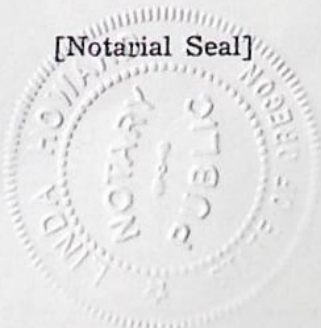
U. S. National Bank of Oregon, Trustee for Linn Holcomb Est., the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 26th day of February, 1980
United States National Bank of Oregon

By [Signature]
Trust, Real Estate Officer

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

[Notarial Seal]



[Signature]
NOTARY PUBLIC FOR OREGON

My commission expires October 4, 1982

Freeman Cockram
Trust Dept.
U. S. National Bank
Portland, Or.



22 50 w I. Power

25 without

T-4446

20
15

Application for Transfer of Water Right

RECEIVED
MAY 2 1980
WATER RESOURCES DEPT
SALMON, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Lawrence Immoos
(Name of applicant)
of Rt 1 Box 159, Richland
(Mailing address) (City)
State of Oregon, 97870, 893-3116, 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)

v6, p465

1. Is the water right recorded in your name? No William T. Bennehoff
(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 4602
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? 1887
6. 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. 8S R. 45E W. M.,
(N. or S.) (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 1700 ft. S and 1400 ft. E from the NW corner of Sec. 10 being within the SE 1/4 NW 1/4 of Section 10 Tp. 9S R. 45E W. M.,
(N. or S.) (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	24	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.8
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	1.6

(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

.....

.....

.....

.....

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, LAWRENCE IMMOOS, 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

Lawrence B. Immoos
(Name of applicant)

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

[Notarial Seal]

Victor Kent Sealer
NOTARY PUBLIC FOR OREGON

My commission expires 2/26/83



EAGLE CREEK

T-0982-01

OREGON WATER RESOURCES DEPARTMENT
 WATER RIGHTS DIVISION
 WATER RIGHT DATA INPUT FORM

 PAGE 1
 RUN ON: 3/20/81 AT: 9:02

 WATER RIGHT NO. 1900044442 PERMIT NO. 006485 CERTIF. NO.
 ORIG. NO. C00007744/FREV. NO. C00004744/SUPER. NO.

NAME: JOHN RANDALL

ADDRESS: BOX 28

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 1887	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 RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

0905 450E 10 B D 09 4060 0140

0.075

V

P

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

 POD: KAY YOUNG DITCH, 1700' S
 2450' E FM NW COR S 10.
 CHANGES POD PART OF C-4744.
 RRC-79630.

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

0905 460E 19 C B 01 1R 100 3.00 V P

V.T.S.

 2-13-85 SBA
 F
 V

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. 500004444 / PERMIT NO. 006485 CERTIF. NO.
 ORIG. NO. C000047481 / REV. NO. C000047481 / SUPER. NO.
NAME: JOHN RANDALLADDRESS: Box 28CITY/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-->	<u>06 11 1980</u>	YR. LAST USED-->	---	NEXT ACTION DUE-->	---
PRIORITY-->	PUT TO USE-->	<u>06 11 1980</u>	LAST TRANS. DATE-->	---	LAST TRANS. TYPE-->	---
APPLICATION-->	SURVEYED-->	<u>03 24 1980</u>	EXAM. FEE-->	<u>20.00</u>	RECORDING FEE-->	<u>15.00</u>
PERMIT ISSUE-->	CONCURRENCE-->	<u>06 11 1980</u>	CYCLE STATUS-->	---	REPORTED FLAG-->	---
CONSTR. STRT.-->	CERTIFIED-->	<u>06 11 1980</u>	CORRES. INIT.-->	---	CORRES. DATE-->	---

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

0905 450E 10 B D 09 4060 0140

RIV. MI.

RATE

STATUS S OR P

0.050VP
 REMARKS: - - - - -
 DATED-->

 POD: KAY YOUNG DITCH, 1700' S
2450' E FM NW COR S 10.
 CHANGES POD PART OF C-4748

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

0905 450E 10 D D 01 1R 100 2.00 V P

V.I.S.

A- 2-13-85 SNA

E- - - - -

V.I.S. - - - - -

EAGLE CREEK

T-0982-C1

OREGON WATER RESOURCES DEPARTMENT

WATER RIGHTS DIVISION

PAGE 1
RUN ON: 3/20/81 AT: 9:02

WATER RIGHT DATA INPUT FORM

WATER RIGHT NO. 500004443 PERMIT NO. 006465 CERTIF. NO.

NAME: JOHN RANDALL

TRIG. NO. C000046021 REV. NO. C000046021 SUPER. NO.

ADDRESS: BOX 28

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

PUT TO USE-----> 06 11 1980

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 03 24 1980

SURVEYED----->

EXAM. FEE----->

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:
TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI. RATE

STATUS S OR P

0905 450E 10 B D 09 4060 0140

0.060

V P

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

POD: KAY YOUNG DITCH, 1700'S

2450'E FM NW COR S 10.

CHANGES POD PART OF C-4602-

RRC-49629.

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

0905 450E 24 A C 01 1R 100 0.80 V P

1 1 1 A D 1 1 1 1.60

V.O.I.S.

A-13-85 1, 500

E-13-85 1, 500

V.O.I.S. 1, 500

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION OF)
JOHN RANDALL, U.S. NATIONAL BANK OF)
OREGON AND LAWRENCE IMMOOS FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM EAGLE CREEK)

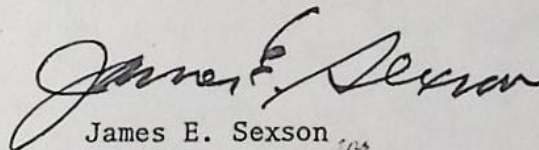
ORDER AMENDING
ORDER APPROVING
TRANSFER NO. 4444

On March 24, 1980, an application was filed in the office of the Water Resources Director by John Randall, U.S. National Bank of Oregon (Holcomb Estate) and Lawrence Immoos for approval of a change in point of diversion from Eagle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The order of the Water Resources Director entered on June 11, 1980, at pages 307, 308 and 309, Volume 33, Special Order Record of the Water Resources Department, approving said change in point of diversion, tabulated 3.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 9 South, Range 45 East, W.M. Said 3.0 acres is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, Township 9 South, Range 46 East, W.M.

NOW, THEREFORE, it is ORDERED that paragraph 3 on page 307, Volume 33, Special Order Record, be amended to show the location of said 3.0 acres in Range 46 East, W.M.

Dated at Salem, Oregon, this 3rd day of July, 1980.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF

BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, ThatU.S. NATIONAL BANK OF OREGON
TRUSTEE FOR LINN HOLCOMB ESTATEof PO Box 3168, Portland
a right to the use of the waters of Eagle Creek

, State of Oregon 97208 , has

a tributary of Powder River
irrigation of 3.0 acres

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6 , at page 291; that the priority of the right thereby confirmed dates from 1887

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one-fortieth cubic foot per second per acre, if available at the original point of diversion; SE 1/4 NW 1/4, Section 33, T8S, R45E, WM, Newt Young Ditch - 1950 feet South and 1400 feet East from NW Corner, Section 33.

The point of diversion is located in the SE 1/4 NW 1/4, Section 10, T9S, R45E, WM, Kay Young Ditch - 1700 feet South and 2450 feet East from NW Corner, Section 10.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

3.0 acres NW 1/4 SW 1/4
Section 19
Township 9 South, Range 46 East, WM

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered June 11, 1980 and together with certificate of water right recorded at page 49630, Volume 43, State Record of Water Right Certificates, supersedes certificate 4744.

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.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date April 25 , 19 85 .

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48 , page 52932

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION NO. 4444

On March 24, 1980, an application was filed in the office of the Water Resources Director by John Randall, U.S. National Bank of Oregon (Holcomb Estate) & Lawrence Immoos 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 W.E. Summers for use of waters of Eagle Cr for irrigation of, among other lands, a certain 2.0 ac in SE 1/4 SE 1/4, Sec 10, T9S, R45E, WM being tabulated at Volume 6, page 485, with a date of priority of 1888, as evidenced by certificates recorded at page 4748, Volume 5, State Record of Water Rights Certificates.

By said Decree, a water right was allowed in the name of D.N. Strayer for use of waters of Eagle Cr for irrigation of, among other lands, a certain 3.0 ac in NW 1/4 SW 1/4, Sec 19, T9S, R46E, WM, being tabulated at Volume 6, page 485, with a date of priority of 1887, as evidenced by certificate recorded at page 4744, Volume 5 of said record.

By said Decree, a water right was allowed in the name of William T. Bennehort for use of waters of Eagle Cr for irrigation of, among other lands, a certain 0.8 ac in SW 1/4 NE 1/4 & 1.6 ac in SE 1/4 NE 1/4, Sec 24, T9S, R45E, WM.

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 1700 ft S & 2450 ft E from the NW corner of Sec 10, being within the SE 1/4 NW 1/4 of Sec 10, T9S, R45E, WM (Kay Young 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 John Randall at Box 28, Richland, OR 97870, on U.S. National Bank of Oregon at P.O. Box 3168, Portland, OR 97208 & on Lawrence Immoos at Rt 1, Box 159, Richland, OR 97870; and one copy filed in the office of the Water Resources Director, Salem, Oregon 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. 100
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 #100 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

OK SRA

Tricia Bevers

Subscribed and sworn to before me this 30th

day of April, 1980

Stephen J. Fox
Notary Public for Oregon.

My commission expires September 8, 1982

RECEIVED
WATER RESOURCES DEPT
SALEM, OREGON
MAY 1 1980



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: APRIL 1, 1980.FROM: ** V. KEUT SEARLESSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4444

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 KEY 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? 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. S.
Watermaster's signature or initials

RECEIVED

MARCH 1950

WATER RESOURCES DEPT
SALEM, OREGON

EAGLE VALLEY TRANS. GROUPING

MOODY TO NEWT YOUNG

28.75 EACH

GILL WRIGHT T-4437
JOHN RANDALL
WILLIAMS BROS.
DAN L. FORSEA & SONS, INC. 15

DEUSLEY TO LITTLE EAGLE

85.00

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

KAY YOUNG TO NEWT YOUNG

35.00 EACH

GEORGE HOLCOMB T-4444
DALE ELLIS
DAN L. FORSEA & SONS, INC. 43

DEUSLEY TO KAY YOUNG

47.50 EACH

DAN L. FORSEA & SONS, INC. T-4455
G. OPPERMAN T-4456

NEWT YOUNG TO KAY YOUNG

35.00 EACH

JOHN RANDALL T-4444
HOLCOMB ESTATE
LAWRENCE IMMOS 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

NEWT YOUNG TO TOBIN

47.50 EACH

CARL CARNAGEY T-4450
GILL WRIGHT 51

TOBIN TO NEWT YOUNG

35.00 EACH

JOHN WRIGHT } P-6
ELDON DEARDORFF
D. HUALL

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
Hester Randall	4706	✓	x
Dan L. Forsee	4706	✓	x
John Randall	4697	✓	x
Dan L. Forsee	4639	/	x
John W. Heston	4416	✓	x
J. W. Heston	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
4740 St. Elizabeth Hospital, Baker, Oregon. (Finding #30)	1887 1908		10 8	Irrigation	Holcomb Dry Gulch	Eagle Creek Eagle Creek	13 acres in NE 1/4 SW 1/4 5 acres in SE 1/4 SW 1/4 Section 29 T 8 S. R. 45 E. W. M.
4741 St. John, C. C. Richland, Oregon. (Finding #30)	1881		.4	Irrigation	Kay Young	Eagle Creek	0.4 acres in SW 1/4 SW 1/4 Section 23 T 9 S. R. 45 E. W. M.
4742 Stone, Ella M. Richland, Oregon. (Finding #30)	1887		.2	Irrigation	Kay Young	Eagle Creek	Lot 8, Block 1, Halley's Addition to Richland, Oregon.
4743 Stone, J. L. Richland, Oregon. (Finding #30)	1881		.2	Irrigation	Kay Young	Eagle Creek	Lot 8 Block 2, Town of Richland, Oregon.
4744 Strayer, D. N. Baker, Oregon and Holcomb, Noble, Richland, Oregon. (Finding #30)	1887	(1) T-4444 Δ POP 3.076	28	Irrigation	Newt Young	Eagle Creek	28 acres in NW 1/4 SW 1/4 Section 19 T 9 S. R. 45 E. W. M.
4745 Strayer, W. H. Baker, Oregon. (Finding #30)	1891		30	Irrigation Domestic and stock		Baldy Gulch and Springs	30 acres in SE 1/4 Section 10 T 8 S. R. 44 E. W. M.
4746 Sullivan, Emma Richland, Oregon. (Finding #30)	1885		6	Irrigation	Newt Young	Eagle Creek	6 acres in SE 1/4 SW 1/4 Section 19 T 9 S. R. 45 E. W. M.
4747 Sullivan, Eugene, Richland, Oregon. (Finding #30)	1885		40	Irrigation	Newt Young	Eagle Creek	40 acres in NE 1/4 NE 1/4 Section 25 T 9 S. R. 45 E. W. M.
4748 Summers, W. E. Richland, Oregon. (Finding #30)	1888 1891		38 4	Irrigation	Newt Young Waterbury	Eagle Creek	23 acres in NE 1/4 SE 1/4 (15 acres in SE 1/4 SE 1/4 1.5 acres in SE 1/4 NW 1/4 2.5 acres in NE 1/4 NW 1/4
	1888		9		Holstine		1.5 acres in SE 1/4 NW 1/4 (7.5 acres in NE 1/4 NW 1/4 Section 10 T 9 S. R. 45 E. W. M.
				POWDER RIVER -171- (EAGLE CREEK)			

484

114021-1
 Sec. TP. 1 Range
 Decree May 31, 1920
 Recorded Vol. 13, p. 52
 Decree May 31, 1924
 Recorded Vol. 7, p. 432
 Decree Mar. 31, 1918
 Recorded Vol. 3

4601 Bennehoff, John D. Richland, Oregon. <i>Baker Co.</i>	1881	10	Irrigation	Newt Young	Eagle Creek	10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13 T 9 S. R. 45 E. W. M. ✓
4602 Bennehoff, William T. Richland, Oregon. <i>Baker Co.</i>	1887	20	Irrigation	Newt Young	Eagle Creek	09 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 011 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24 T 9 S. R. 45 E. W. M. ✓
(Finding #30)						
4603 Bernard, Carrie New Bridge, Oregon. <i>Baker Co.</i>	1876	1	Irrigation	Moody	Eagle Creek	3/4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1/4 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10 T. 9 S. R. 45 E. W. M. ✓
4604 Binheimer, George Richland, Oregon. <i>Baker Co.</i>	1880	0.3	Irrigation	Kay Young	Eagle Creek	Lot 3 and E $\frac{1}{2}$ of Lot 4, Block 1, Duffey's North Addition to Richland, Oregon.
(Finding #30)						
4605 Binheimer, Susie Richland, Oregon. <i>Baker Co.</i>	1886	1/4	Irrigation	Kay Young	Eagle Creek	1/4 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 T 9 S. R. 45 E. W. M. ✓
(Finding #30)						
4606 Blue, Cora M. New Bridge, Oregon. <i>Baker Co.</i>	1876	26.5	Irrigation	Moody	Eagle Creek	20.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10 T 9 S. R. 45 E. W. M. ✓
(Finding #30)						
4607 Bogart, Clarence M. Richland, Oregon. <i>Baker Co.</i>	1901	6	Irrigation	Howell	Eagle Creek	6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35 T 9 S. R. 45 E. W. M. ✓
4608 Bowen, J. C. New Bridge, Oregon. <i>Baker Co.</i>	1877	34.5	Irrigation	Newt Young	Eagle Creek	11 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4 21 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3 T 9 S. R. 45 E. W. M. ✓
4609 Bradford, I. N. Richland, Oregon. <i>Baker Co.</i>	1878	0.2	Irrigation	Kay Young	Eagle Creek	Lot 6, Block 2, Richland, Oregon. Section 23, T. 9 S. R. 45 E. W. M. ✓
4610 Bradford, Rachel Richland, (Finding #30) <i>Baker Co.</i>	1881	1/4	Irrigation	Kay Young	Eagle Creek	1/4 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 T 9 S. R. 45 E. W. M. ✓
4611 Brooks, C.H. Richland, Oregon. <i>Baker Co.</i>	1881	10	Irrigation	Newt Young	Eagle Creek	10 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13 T 9 S. R. 45 E. W. M. ✓
	1881	.2	Irrigation	Kay Young	Eagle Creek	Lots 7 and 8 Duffey's North Addition to Richland, Oregon.
	July 12 1900	50	Irrigation	Howell	Eagle Creek	40 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30 T 9 S. R. 46 E. W. M. ✓
4612 Brown, Eugene E. and Brown, Laura M. Richland, Oregon. <i>Baker Co.</i>	1873	28	Irrigation	Brown	Little Eagle Creek	21 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 14 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35.
(Finding #30)	1870	55	Irrigation	County Kirby & Brown	Little Eagle Creek	39 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27 9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34 T 9 S. R. 45 E. W. M. ✓
POWDER RIVER -157- (EAGLE CREEK)						

465

466