

4392 Corning

Name Jack Corning

By _____

Address Route 1
Richland, OR 97870Change in PODDate filed Feb 19, 1980Date of hearing May 22, 1980Place of hearing Baker✓ Date of order 5-22-80 Vol. 33, page 227Date for application of water complete

Proof mailed _____

Proof received _____

Certificate issued SEP 4 1980 Vol. 43, page 49427APR 25 1985 Vol. 4852919

DESCRIPTION OF WATER RIGHT

Name of stream Eagle CreekTrib. of _____ County of BakerUse irrigation + stockQuantity of water _____ No. of acres 8.1Name of ditch Nash to Little EagleDate of priority 1879In name of James EngumPowder River Adjudication, Vol. _____, page 471App. No. _____ Per. No. _____ Cert. No. 4647

Certificate cancelled _____

Notation made on record by _____

REMARKS

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

4392

FEES PAID

Date	Amount	Receipt No.
<u>2-19-80</u>	<u>85.00</u>	<u>16122</u>
TOTAL . . .		
	Cert. Fee	

Democrat Herald # 37.50 p. 5/2/80 32# 4188

FEES REFUNDED

Date	Amount	Check No.
<u>5/2/80</u>	<u>12.50</u>	<u>4189</u>

EX 20 -
POD 15 -
POD 37.50
12.50

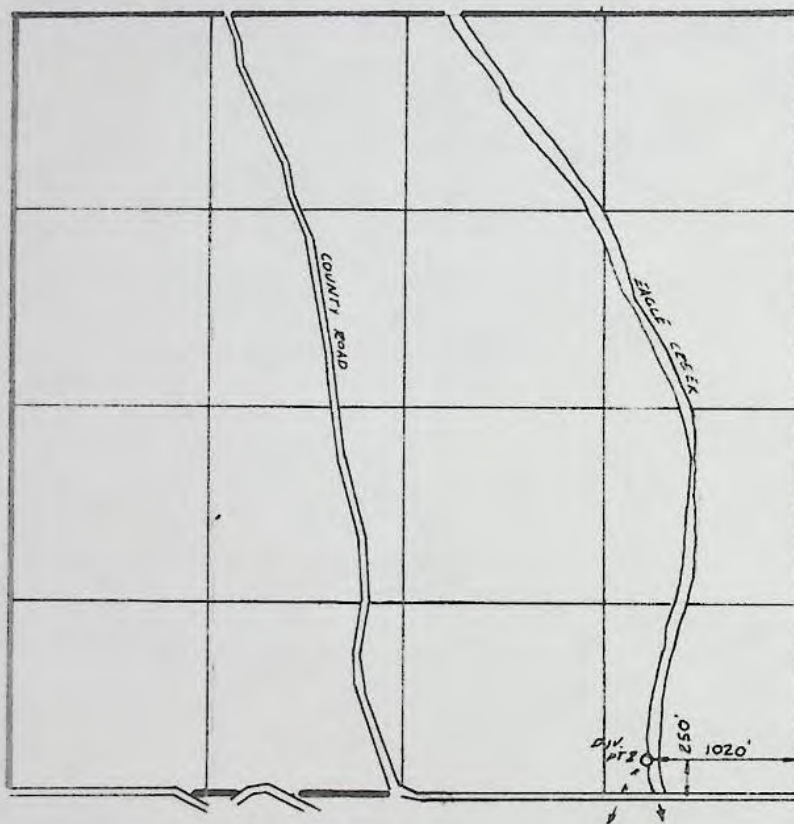
E ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
✓	Name <u>3026</u>	_____
✓	Stream <u>5026</u>	_____
✓	Pt. of Div. <u>Dg</u>	_____
✓	Calendar <u>5026</u>	_____
✓	Checked to Records: <u>5026</u>	_____
✓	Twp. & Rge. <u>5026</u>	_____
✓	Decree-vault <u>5026</u>	_____
✓	Decree-safe <u>5026</u>	_____
✓	Cert. of W/R <u>5026</u>	_____
✓	Per. Folder <u>5026</u>	_____
✓	Chainindex <u>5026</u>	_____
✓	Cross Ref. <u>5026</u>	_____
✓	Power Claim <u>5026</u>	_____
✓	Abstracts <u>5026</u>	_____

305

T-4392

RECEIVED
FEB 19 1980
WATER RESOURCES DEPT
SALEM, OREGON

T 9S R 45E W.M.
SECTION 15



LITTLE EAGLE DITCH

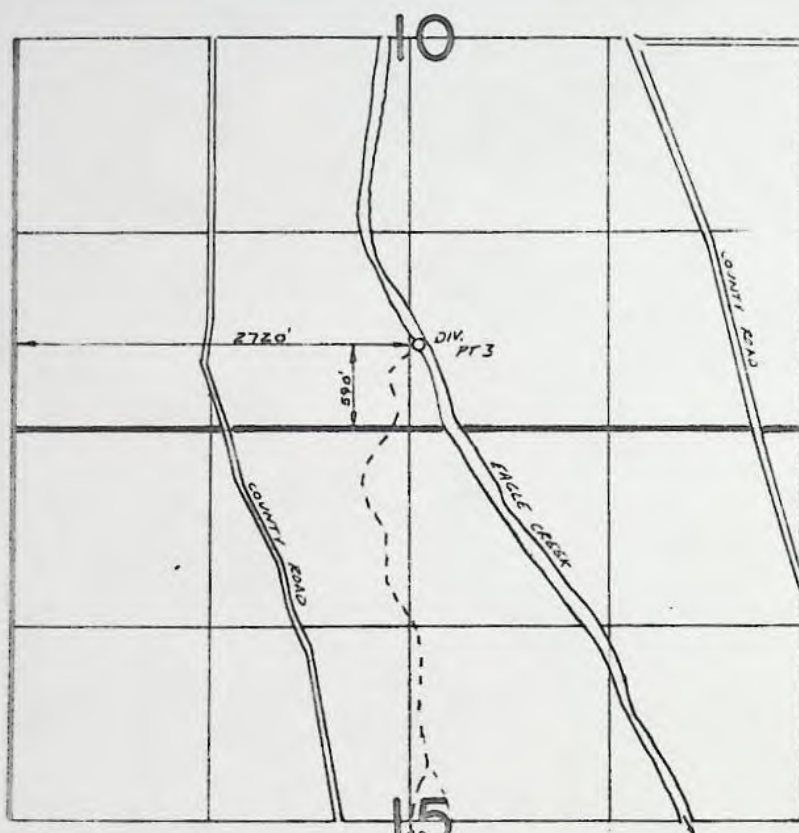
To

FROM

T-4392

RECEIVED
FEB 19 1980
WATER RESOURCES DEPT.
SALEM, OREGON

T 9S R 45E W.M.



NASH DITCH

From

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF JACK CORNING FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER NO. 4392

On February 19, 1980, an application was filed in the office of the Water Resources Director by Jack Corning 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 James Engum for the use of waters of Eagle Creek for irrigation of, among other lands, a certain 8.7 acres in SW 1/4 SE 1/4, Section 27, Township 9 South, Range 45 East, W.M., being tabulated at Volume 6, page 471, with a date of priority of 1879, as evidenced by certificate recorded at page 4647, 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 250 feet North and 1020 feet West from the Southeast Corner of Section 15, being within the SE 1/4 SE 1/4 of Section 15, Township 9 South, Range 45 East, W.M. (Little Eagle 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:

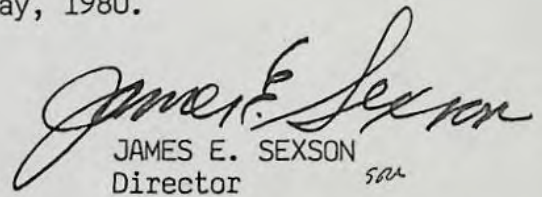
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 4647, 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 Jack Cornin
Address Rt 1, Richland, OR 97870

3. Use irrigation 8.7 ac

5. Proposed Point of Diversion _____

6. Completion Date complete

7. Place of Use:

[illegible]

INFO: JACK CORNING MR CORNING CLAIMS APPROX 375 ACRES
IRRIGATED FROM NASH & LITTLE EAGLE DITCHES. 275 ACRES
IRRIGATES FROM LITTLE EAGLE DITCH. HE FLOODS & THE
LAND LAYES IN THE SW¹/₄ NW¹/₄, SW¹/₄ SW¹/₄, SE¹/₄ SW¹/₄
SEC 26, SE¹/₄ NE¹/₄, NE¹/₄ SE¹/₄, NW¹/₄ SE¹/₄, SW¹/₄ SE¹/₄,
SE¹/₄ SE¹/₄ SEC 27, NE¹/₄ NE¹/₄ SEC 34 NE¹/₄ NW¹/₄, NW¹/₄ NW¹/₄
SEC 35 T9S R4SE. THE OTHER 100 ACRES IS FROM THE
NASH. THE LAND IS FLOODED & LAYES IN THE SE¹/₄ NE¹/₄
NE¹/₄ SE¹/₄, NW¹/₄ SE¹/₄, SW¹/₄ SE¹/₄, NE¹/₄ SW¹/₄, NE¹/₄ SE¹/₄, NW¹/₄ SE¹/₄,
SW¹/₄ SE¹/₄, NE¹/₄ SW¹/₄, SE¹/₄ SW¹/₄ SEC 27 T9S R4SE. WM

THIS TRANSFER CAME ABOUT BECAUSE OF THE FINAL
PROOF SURVEY ON PERMIT 28626 THE LAND HAS
ALWAYS BEEN THAT WAY.

DIV. PT. LITTLE EAGLE DITCH - THREE 4' HEADGATES IN A 12'
CONCRETE STRUCTURE REGULATES FLOW INTO DITCH.
THE DITCH RUNS APPROX 50' WHERE IT INTERSECTS THE
NATURAL DRAINAGE CHANNEL OF EAGLE CREEK.

CROP: PASTURE & HAY

TIE: BBB-2KK-93 BBB-2KK-115 INSPECTION

JUNE 30, 1980

James L. Church

FIELD ENGINEER

Application for Transfer of Water Right

RECEIVED
FEB 19 1980
WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, JACK CORNING
(Name of applicant)
of RI
(Mailing address), RICHLAND
(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 James Engum
(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 4647
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? 1880 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 $\frac{1}{4}$ SE $\frac{1}{4}$ 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 250 ft. N and 1020 ft. W from the SE
(N. or S.) (E. or W.)
corner of Sec. 15 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15 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 Little Eagle

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	27	SW $\frac{1}{4}$ SE $\frac{1}{4}$	8.7

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands?
(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?
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

To document existing use

15. Construction work will be completed on or before COMPLETED

16. The water will be completely applied to the proposed use on or before COMPLETED

Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, Jack M. Corning, 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

Jack M. Corning
(Name of applicant)

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

[Notarial Seal]

Victor Kent Seaville
NOTARY PUBLIC FOR OREGON

My commission expires 2/26/80

EAGLE CR

W 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. T000043921 PERMIT NO. 006471 CERTIF. NO.
 ORIG. NO. C000046971 PREV. NO. C000046971 SUPER. NO.

NAME: JACK CORNINGADDRESS: RT 1CITY/STATE/ZIP/COUNTY: RICHLAND, OR 97870STREAM-ID 094060 0140

RIV. MI.

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

CANCEL YEAR--->

CONSTR. COMPLT--> 05 22 1980YR. LAST USED-----> NEXT ACTION DUE--> PRIORITY-----> 12 31 1979PUT TO USE-----> 05 22 1980LAST TRANS. DATE--> LAST TRANS. TYPE--> APPLICATION--> 02 19 1980

SURVEYED----->

EXAM. FEE-----> 20.00RECORDING FEE-----> 15.00PERMIT ISSUE--> 05 22 1980

CONCURRENCE----->

CYCLE STATUS-----> REPORTED FLAG-----> CONSTR. STRT.--> 05 22 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-->

0905 450E 15 D D 094060 01400.218VP

** POD: LITTLE EAGLE DITCH, 250' N &
1020' W FM SE COR S 15- CHANGES
POD PART OF C-4647. REC-49427.

PLACE-OF-USE DATA:

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

0905 450E 27 D C 01 1R 100 8.70VP

99927

V.D.I.S.

APR 12-8-85 1:30

E: _____

V: _____

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION
NO. 4392

On February 19, 1980, an application was filed in the office of the Water Resources Director by Jack Corning for approval, without loss of priority, of a change in point of diversion from Eagle Creek.

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The authorized point of diversion is located 590 ft N & 2720 ft E from the SW Corner 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 250 ft N & 1020 ft W from the SE Corner of Sec 15, being within the SE 1/4 SE 1/4 of Sec 15, T 9S, R 45E, WM (Little Eagle 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 objection to the proposed change must be prepared in writing: one copy to be served on the applicant at Rt 1, 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. 61
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 #61 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

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 3 1980



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Feb 21, 1980.

FROM: ** _____

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4392IN THE NAME OF JACK CORNING

In my opinion the proposed change in P.O.D. NASH → LITTLE EAGLE
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 _____

RECEIVED

FEB 25 1980

WATER RESOURCES DEPT
SALEM, OREGON

** J. Kent Seader
Watermaster's signature or initials

AFFIDAVIT OF PUBLICATION

RECEIVED

APR 21 1980

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon, County of Baker, ss.

I, Byron C. Brinton, being first duly sworn,

depose and say that I am the owner - printer of
The Record-Courier, which is a weekly 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 uninterrupted-
ly published once each week for at least twelve consecutive
months immediately preceding the first publication of the
attached Notice of Water Right Transfer

Application No. 4392

and has more than 200 bona fide subscribers within said
county; that the Notice of Water Right Transfer

Application No. 4392

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 3 successive and consecutive weeks, being pub-
lished 3 times, commencing with the issue dated the
3rd day of April, 1980, and ending with
the issue dated the 17th day of April, 1980.

That the amount of charge actually made and to be collect-
ed by such newspaper for such publication is \$17.15.

Subscribed and sworn to before me this 18th day of
April, 1980.

Barbara Lee Shuman
Notary Public for Oregon.

My commission expires June 6, 1981.

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4392

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prior to the date set hearing. Rules for filing ob-
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IF NO OBJECTIONS ARE FILED, THE AP-
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HEARING.

Dated at Salem, Oregon this 24th day of
March, 1980.

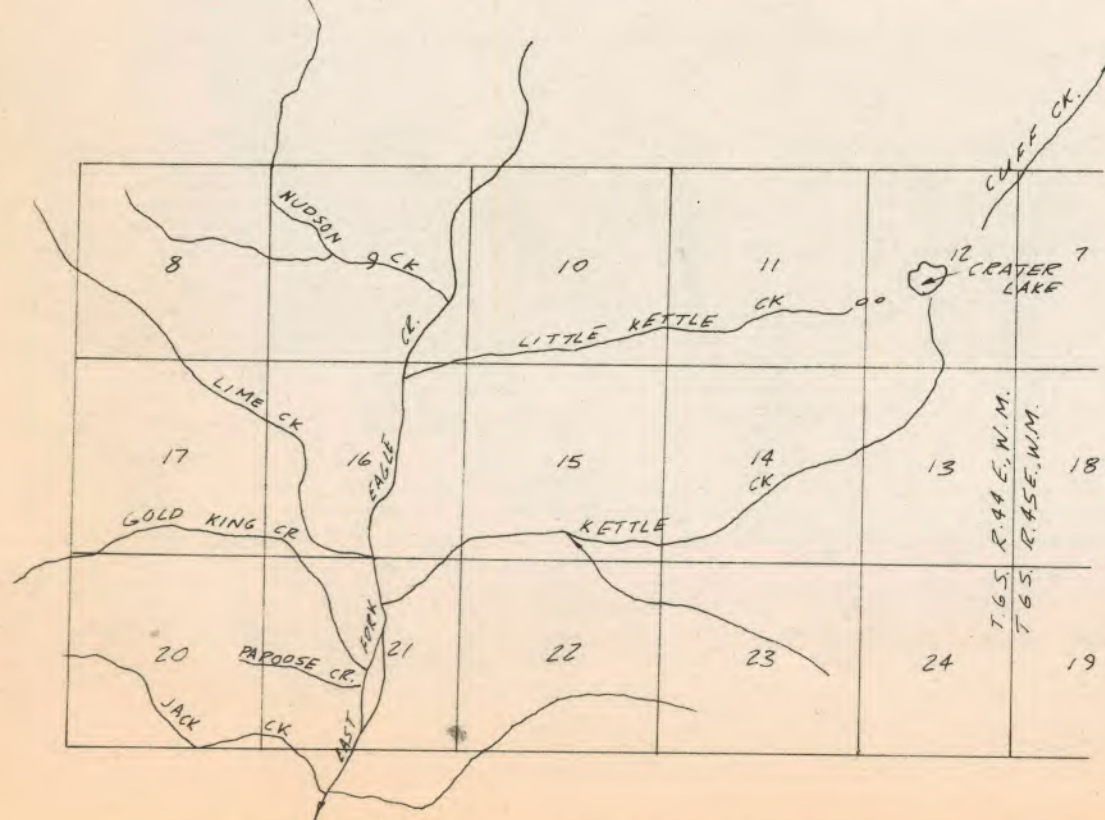
JAMES E. SEXSON, Director
(14-16)

*Jack Corning took this into
Record-Larimer himself. We had
sent the notice to
Democrat-Herald
Do not pay this
SRS
4/22/80*

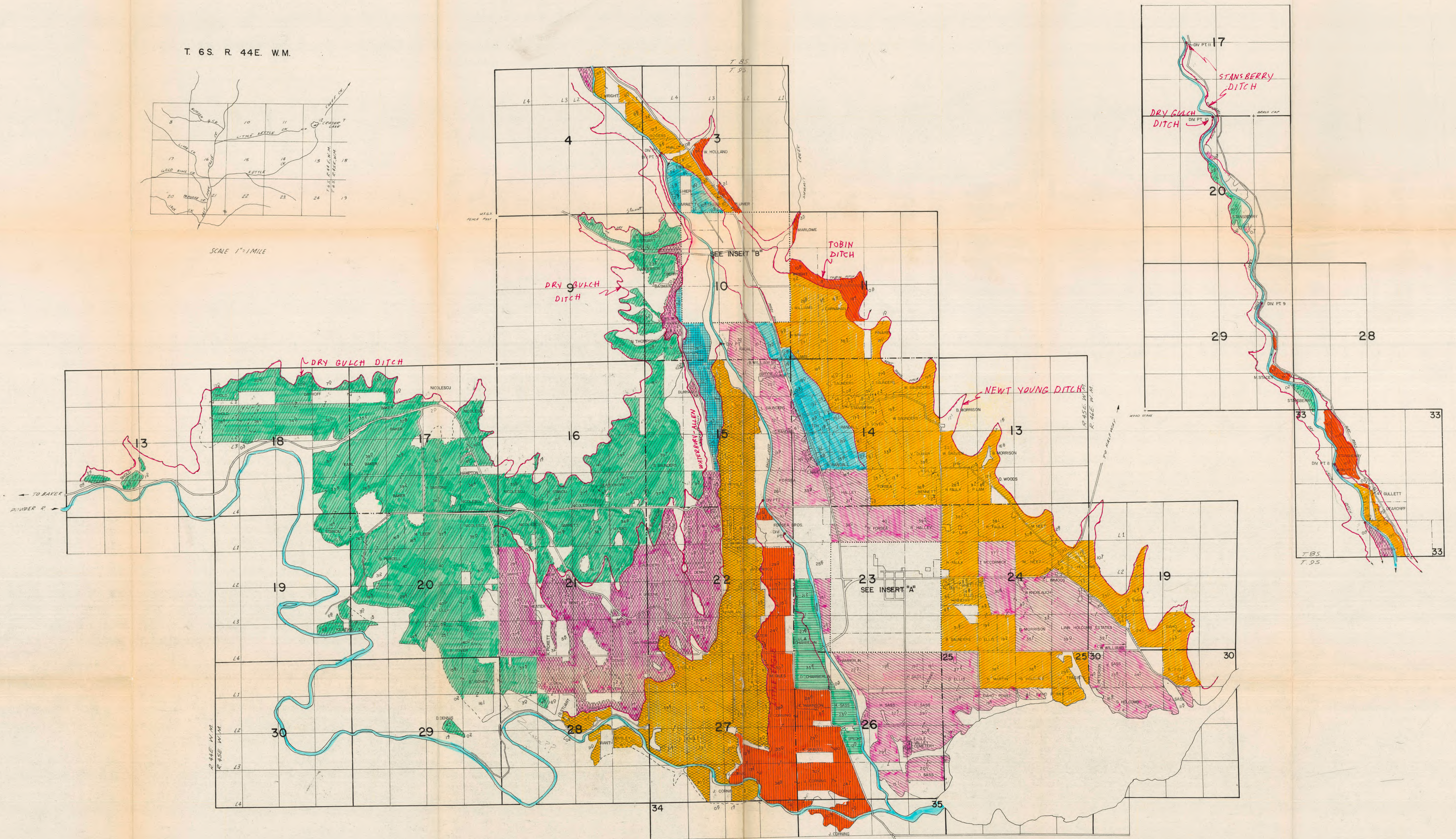
ok

TOWNSHIP 8 & 9 SOUTH, RANGE 44, 45 & 46 EAST, W.M.

T. 6S. R. 44E. W.M.



SCALE 1"=1 MILE



DIV. PT. 1 LOCATED 1640' N. & 2300' E. FROM CENTER SEC. 22 T. 8S. R. 45E. W.M. - GOVER
 DIV. PT. 2 LOCATED 250' N. & 1020' W. FROM SE COR. SEC. 15 T. 8S. R. 45E. W.M. - LITTLE EAGLE
 DIV. PT. 3 LOCATED 990' N. & 2720' E. FROM SW COR. SEC. 10 T. 8S. R. 45E. W.M. - NASH
 DIV. PT. 4 LOCATED 1700' S. & 2450' E. FROM NW COR. SEC. 10 T. 9S. R. 45E. W.M. - KAY YOUNG
 DIV. PT. 5 LOCATED 2020' N. & 610' E. FROM SW COR. SEC. 3 T. 8S. R. 45E. W.M. - HOLSTINE
 DIV. PT. 6 LOCATED 230' N. & 650' E. FROM SW COR. SEC. 3 T. 8S. R. 45E. W.M. - MOODY
 DIV. PT. 7 LOCATED 1250' N. & 2480' E. FROM SW COR. SEC. 33 T. 8S. R. 45E. W.M. - WATERBURY-ALLEN
 DIV. PT. 8 LOCATED 1950' S. & 1400' E. FROM NW COR. SEC. 33 T. 8S. R. 45E. W.M. - NEWT YOUNG
 DIV. PT. 9 LOCATED 1320' S. & 1090' W. FROM NE COR. SEC. 29 T. 8S. R. 45E. W.M. - TOBIN
 DIV. PT. 10 LOCATED 305' S. & 2540' E. FROM NW COR. SEC. 20 T. 8S. R. 45E. W.M. - DRY GULCH
 DIV. PT. 11 LOCATED 2640' N. & 1560' E. FROM SW COR. SEC. 17 T. 8S. R. 45E. W.M. - STANSBERRY

FINAL PROOF SURVEY
UNDER

APPL. 37065 PER. 28626
IN NAME OF
EAGLE VALLEY IRRIGATION DIST.

SURVEYED 1/11/10 BY J. J. JENSEN

Filed in Transfer No. 4292

DITCHES

KAY YOUNG	DRY GULCH	TOBIN
NEWT YOUNG	LITTLE EAGLE	NASH
WATERBURY-ALLEN	STANSBERRY	HOLSTINE
GOVER	MOODY	

INSPECTION
P.S. 1979 - P.A.
JESSE W. JENSEN, JR.
JESSE W. JENSEN, JR., 84' - 123'
JESSE W. JENSEN, JR., 84' - 123'

RECEIVED
MAR 10 1931
WATER RESOURCES DEPT
SALEM, OREGON