

Name DALE D. HOLCOMB

4323

DESCRIPTION OF WATER RIGHT

By _____

Address General Delivery

Richland, Oregon 97870

Change in POD

Date filed Nov 5, 1979

Date of hearing _____

Place of hearing _____

Date of order 11-27-79 Vol. 32, page 537

Date for application of water complete

Proof mailed _____

Proof received _____

Certificate issued NOV 07 2008 Vol. _____, page 84877

Name of stream Waste Water

Trib. of Eagle Creek County of Baker

Use Irrigation

Quantity of water 0.5 cfs No. of acres 26²

Name of ditch _____

Date of priority July 12, 1933

In name of W. War Veteran's State Aid Commission

Adjudication, Vol. _____, page _____

App. No. 15030 Per. No. 11105 Cert. No. 11033

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>11-5-79</u>	<u>\$35⁰⁰</u>	<u>14728 from P-6</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

to survey 12/79

W.R.I.S.

Assembled 4-3-85 by SPD

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:

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

MEMO

July 10, 2006

TO: Gerry Clark

FROM: Larry Nunn

SUBJECT: Problems with T-4323

This transfer was filed at the request of the Watermaster as the result of a complaint investigation.

The transfer requested a change in POD that resulted from road construction which apparently changed the POD location. What the field inspector found was two PODs being used. One to irrigate the lands east of the Kay Young Ditch; and the other to irrigate lands west of the ditch.

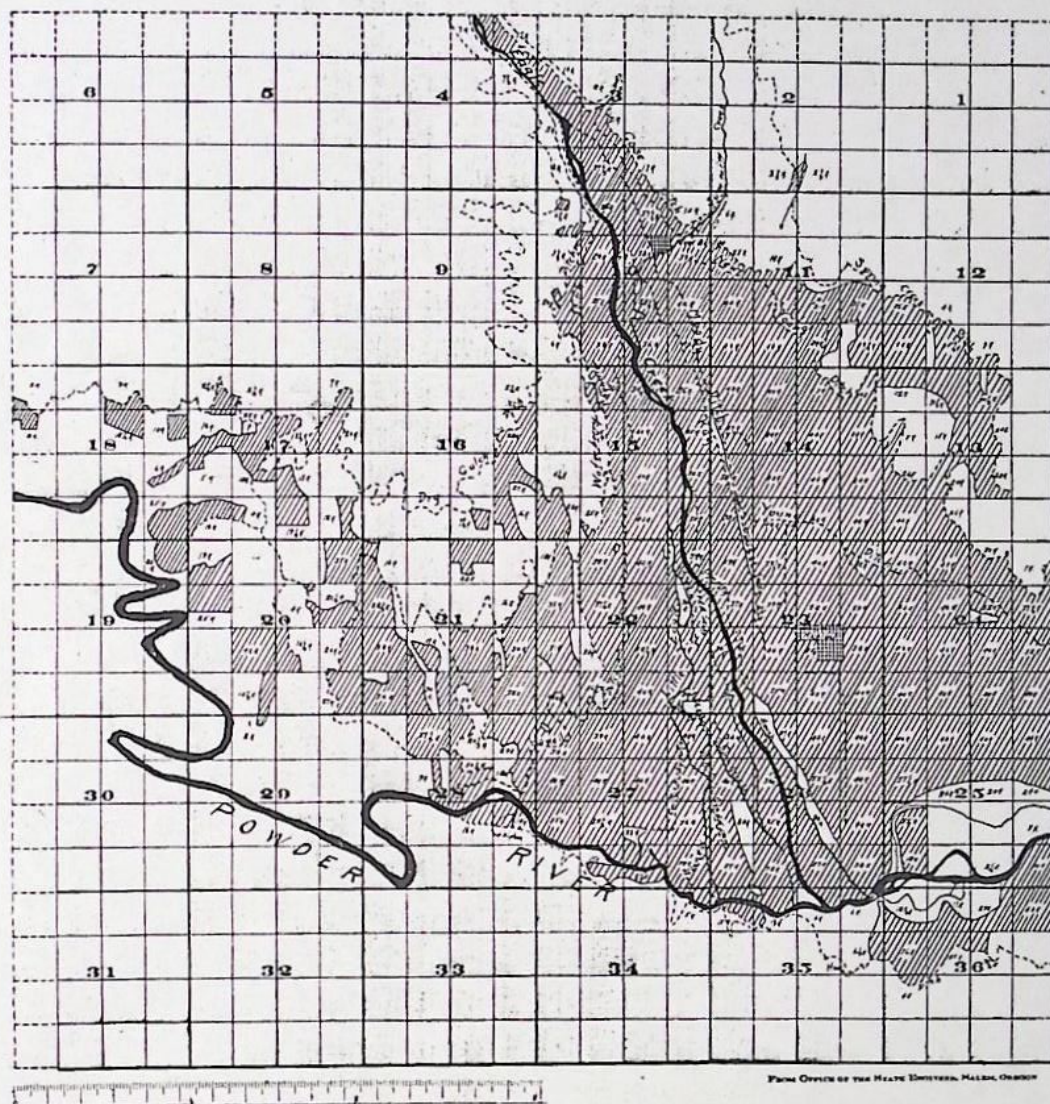
From the FPS map it appears that the eastern POD may be the actual POD, and the western POD only a re-diversion. At the time of the application, the Watermaster requested the transfer to change the POD to the western POD. Note the arrow on the ditch north of the road. It appears that the water is diverted from a drain ditch; which, by the way, is actually the Moody Ditch, supplying live flow from Eagle Creek. Apparently it also picks up return flow from flood irrigation. That return flow is the waste water that is subject to this right.

It also appears that the eastern POD may actually be the original POD (just moved a bit to accommodate the road work). The POD coordinates listed in the order do not fit the POD location on the original certificate. I think that the transfer person (SRA) forgot that the application map was NOT 1"= 1320', but rather 1"= 660', and mis-measured. The coordinates for the order probably should have been, "1400 feet South and 650 feet east from the N $\frac{1}{4}$ corner, Section 10." June found the eastern POD to be "1350 feet South and 650 feet East from the N $\frac{1}{4}$ Corner, Section 10." That would fit with the idea that the eastern POD was moved from one side of the road to the other. In the proposed certificate, I used the original POD description from Certificate 11033, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10,

A conflict check also indicates that this land is covered by a Powder River adjudicated right from Eagle Creek; probably Certificate 4606 with an 1876 priority. This right should be changed to supplemental irrigation.

One last problem is that the tax lot to which this right is appurtenant is only 24.31 acres, not 26.0 acres. Also the original water right map shows the land to be rectangular, and not going to the $\frac{1}{4}$ - $\frac{1}{4}$ line on the south. June's map shows the land irregular in shape and going clear to the $\frac{1}{4}$ - $\frac{1}{4}$ line. The adjudication map does not clearly show the location of the land. But I also suspect the original water right map does not accurately reflect the location of the right either. I marked the FPS map to say to use it for POD location only.

Township 9 SOUTH, Range 45 EAST WM.



Scale of Feet.

Survey by Charles L. Swain. April 1910.

Eagle Creek Survey.

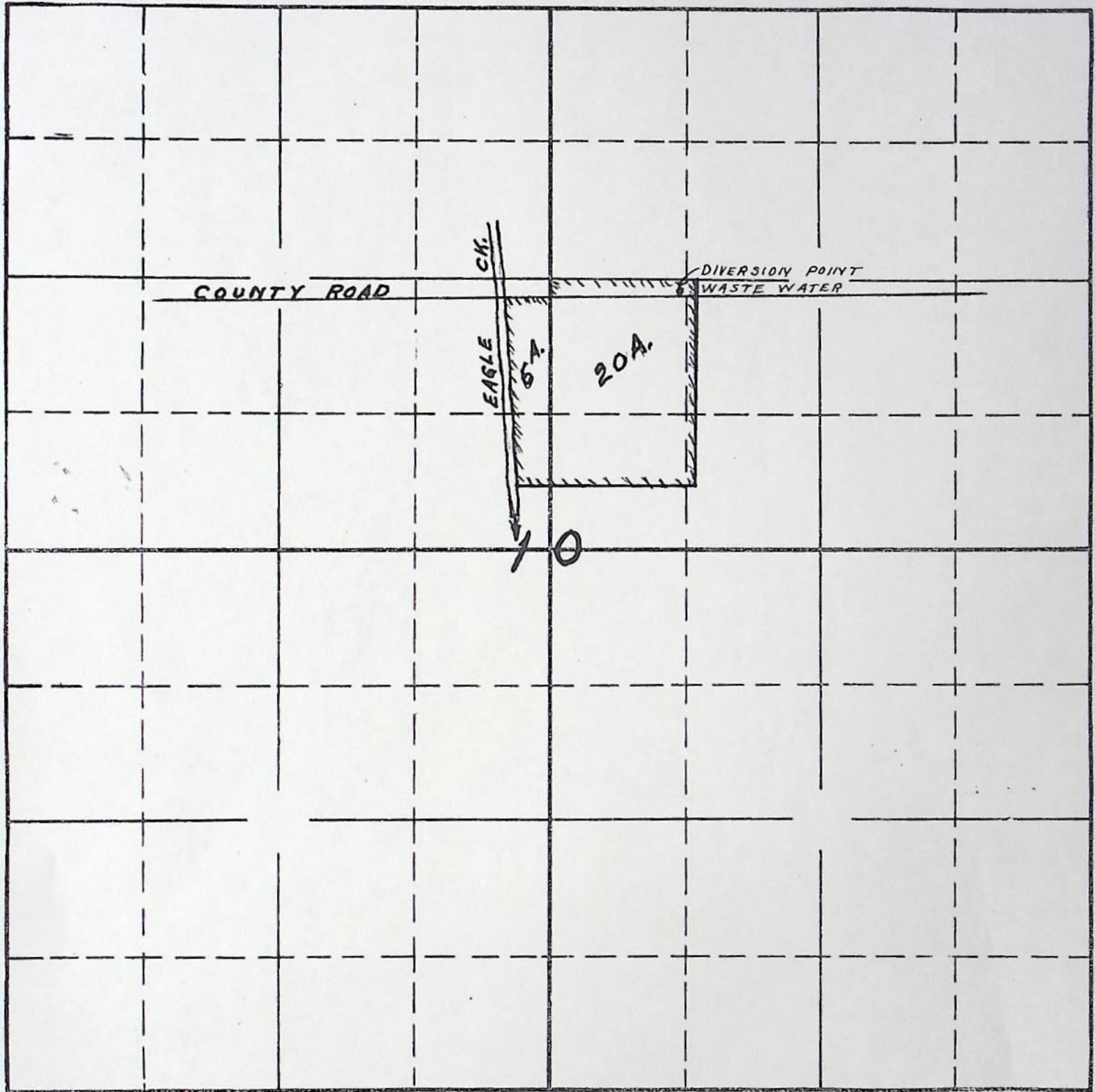
J. H. Lewis. State Engineer

SECTION

TOWNSHIP 9S, RANGE 45E, W. M.

North

West



South

APPLICATION No. 15030

PERMIT No. 11105

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DALE D HOLCOMB
GENERAL DELIVERY
RICHLAND OREGON 97870

confirms the right to use the waters of WASTE WATER FROM EAGLE CREEK, for SUPPLEMENTAL IRRIGATION of 26.0 ACRES.

This right was perfected under Permit 11105. The date of priority is JULY 12, 1933. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.50 CUBIC FOOT PER SECOND, if available at the original point of diversion located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 10, T 9 S, R 45 E, WM, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion (POD) are located as follows:

Pod	Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Survey Coordinates
1	9 S	45 E	WM	10	SE NW			1400 FEET SOUTH AND 120 FEET WEST FROM THE N $\frac{1}{4}$ CORNER, SECTION 10
2	9 S	45 E	WM	10	SE NE			1350 FEET SOUTH AND 650 FEET EAST FROM THE N $\frac{1}{4}$ CORNER, SECTION 10.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season from April 1 to October 1 of each year, and does not carry with it the right to require the wasteful use of water by others. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
9 S	45 E	WM	10	SW NE			20.0
9 S	45 E	WM	10	SE NW			6.0

The quantity of water diverted at the new point of diversion, together with the quantity diverted at the old point of diversion, shall not exceed the quantity of water available at the original point of diversion under the right.

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

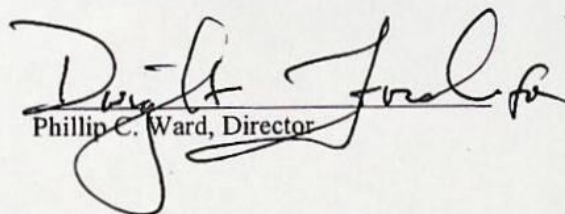
When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices, the diversion works shall include in-line flow meters, weirs, or other suitable devices for measuring the water to which the water user is entitled. The types and plans of the measuring devices shall be approved by the Watermaster before the beginning of construction work and the weirs or measuring devices shall be installed under the general supervision of the Watermaster.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered NOVEMBER 27, 1979, at Special Order Volume 32, Page 537, approving Transfer Application 4323, and supersedes Certificate 11033, State record of Water Right Certificates.

This certificate also designates this right supplemental to the water right evidenced by Certificate 4606.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued NOV 07 2008


Phillip C. Ward, Director

T9S R45E WM



POD1-1400' S & 120' W FROM N1/4 COR, SEC 10
POD2-1350' S & 650' E FROM N1/4 COR, SEC 10

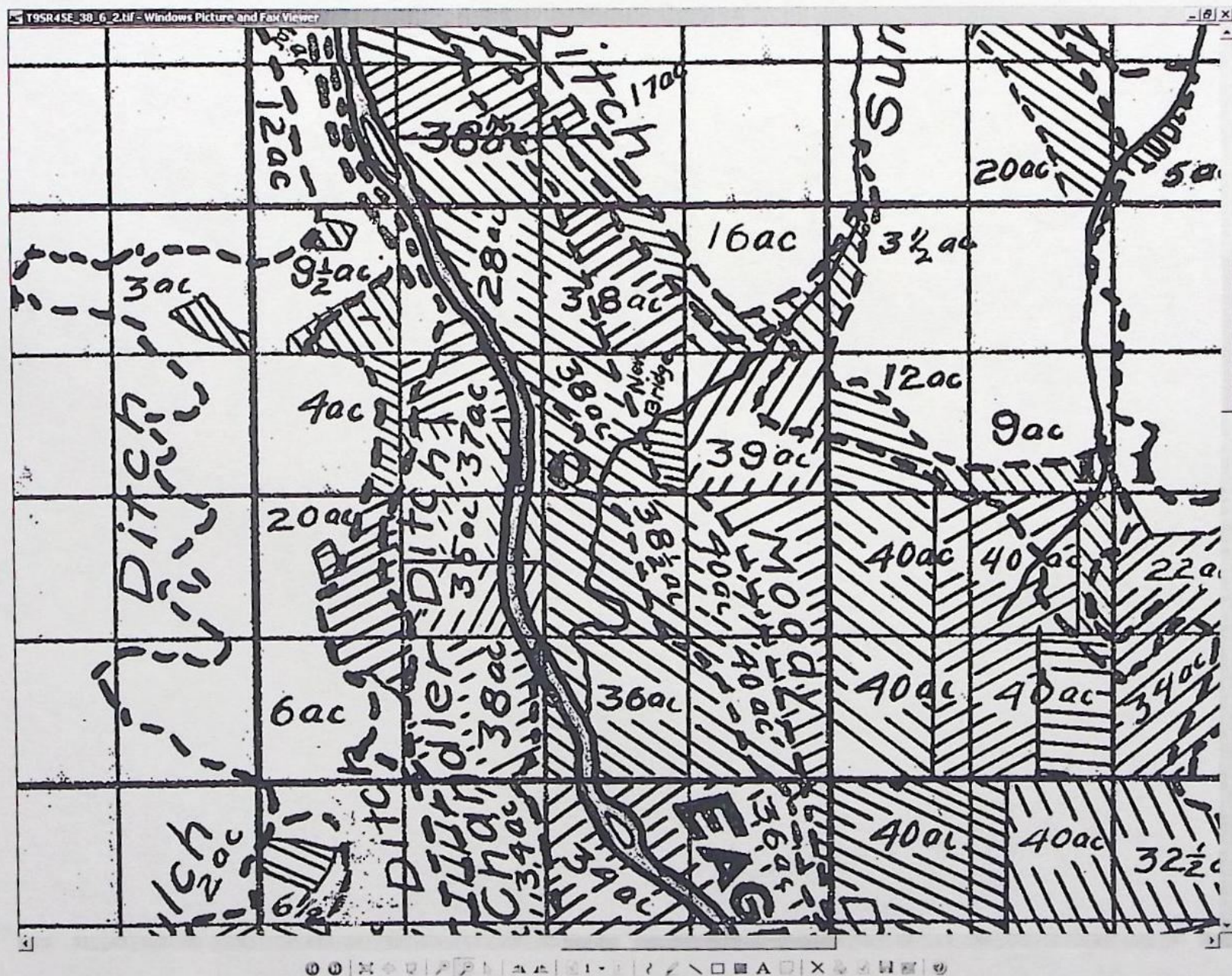
**FINAL PROOF SURVEY
UNDER**

TRANSFER 4323

Application No. Permit No.
IN NAME OF

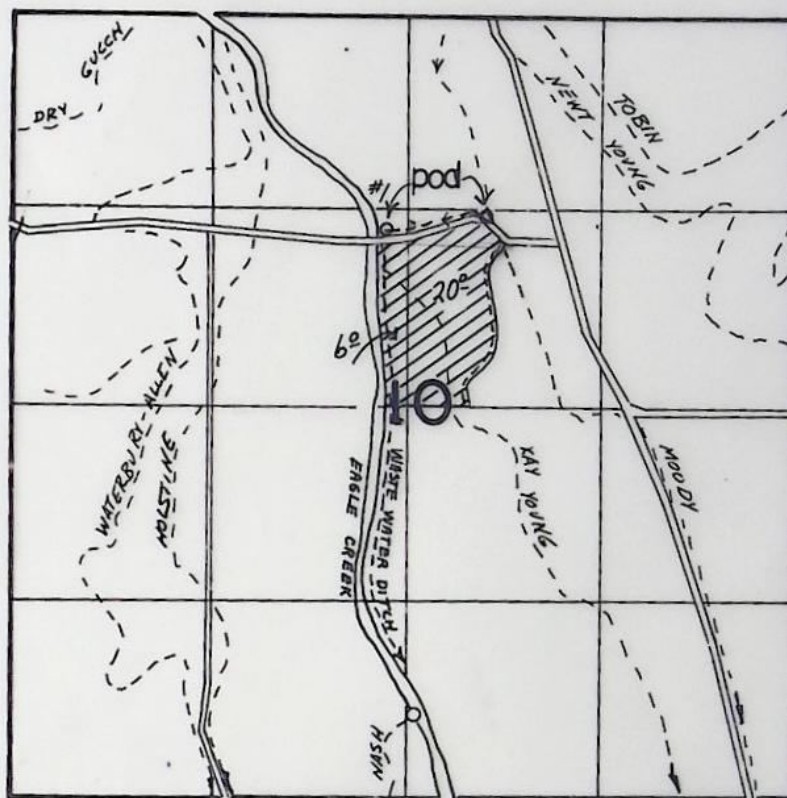
DALE D HOLCOMB

Surveyed JULY 17, 1991, by J MILLER



T. 9S., R. 45E., W.M.

SUPERSEDED



#1 Point of diversion is Located 1400'S and 120'W from N¹/₄E. Sec. 10

#2 Point of diversion is Located 1350'S and 650'E from N¹/₄E. Sec. 10

FINAL PROOF SURVEY
UNDER

TRANSFER 4323

Application No. Permit No.

IN NAME OF

..... **DALE D. HOLCOMB**

Surveyed ... 7-17 ... 1991, by *June Miller*

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF DALE D. HOLCOMB FOR APPROVAL)
OF A CHANGE IN POINT OF)
DIVERSION OF WATER _ _ _ _ _)

ORDER APPROVING
TRANSFER NO. 4323

On November 5, 1979, an application was filed in the office of the Water Resources Director by Dale D. Holcomb for approval of a change in point of diversion from waste water from Eagle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 11033, Volume 10, State Record of Water Right Certificates, in the name of World War Veteran's State Aid Commission, describes a right for the use of not to exceed 0.5 cubic foot per second from waste water from Eagle Creek for irrigation of a certain 20.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 6.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 9 South, Range 45 East, W. M., with a date of priority of July 12, 1933.

Water for the said right is diverted from a point located 1400 feet South and 1300 feet East from the North Quarter Corner of Section 10, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 9 South, Range 45 East, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom without loss of priority to a point located 1400 feet South and 110 feet West from the N $\frac{1}{4}$ Corner of Section 10, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 9 South, Range 45 East, W. M.

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:

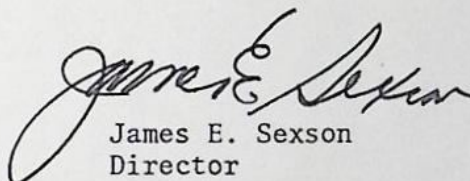
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 11033, Volume 10, 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 27th day of November, 1979.


James E. Sexson
Director

5/13

POD
POU
USE
Add'l POD

County Baker

1. Name Dale D. Holcomb
Address General Delivery, Richland, OR 97870

3. Use irrigation

5. Proposed Point of Diversion 1400' S + 1300' E from N $\frac{1}{4}$ Corner of
Sec 10, within SE NW, Sec 10, T9S, R45E, WM

6. Completion Date Completed

[illegible]

JOHN RANDALL

7/17 Juneville
4/00/179-100R
carlsbad

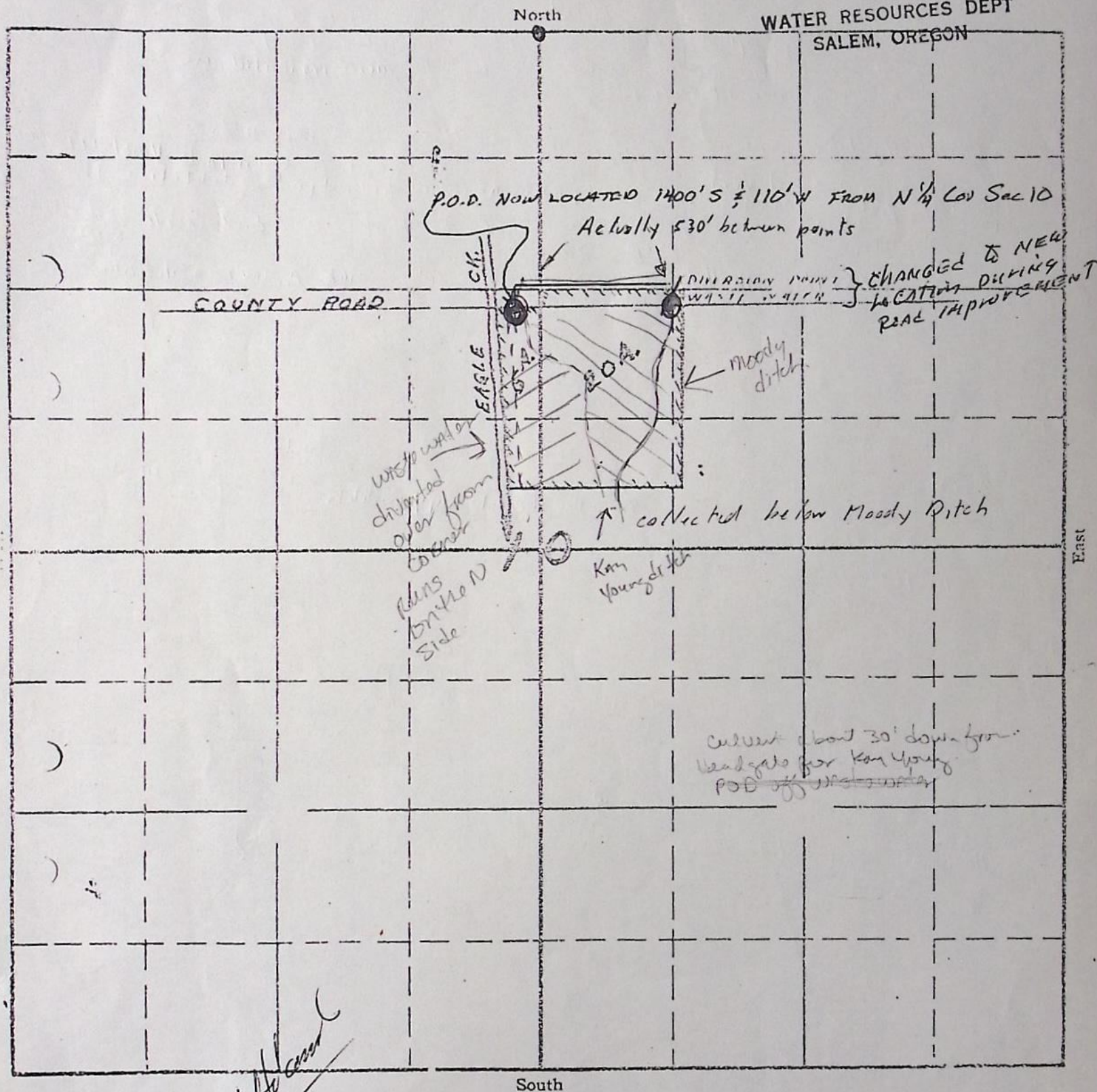
SECTION

T-4323

11105

TOWNSHIP 9S, RANGE 45E, W. M. RECEIVED
OCT 26 1979

WATER RESOURCES DEPT
SALEM, OREGON



Walter H. ...

APPLICATION No. 15030
PERMIT No. 11105

7-17-91 Information given by Mr John Randall: He irrigates
for Mr. Holcomb.

893-16304
Mr John Randall

Wastewater POD for this property is pinpointed on Aerial
photo # 41001 179-100R

Water runs from N. Side of County Road, under Road in 10" steel pipe to South
Side of Rd. which is NW corner of Mr. Holcomb's property and is diverted
over Eagle Creek by 21" culvert into a 3'x2'x1 1/2' ditch that
parallels Eagle Creek. From this waste water the acres irrigated are
by on the map are identified.

The Moody ditch irrigates the property identified on the map also,
which Mr. Randall diverts water from POD as identified on Photo 41001-179-100R
through 10" steel pipe that goes under county Rd in NE corner of property into a ditch line that
parallels 3 fence line.

Waste
water
POD → Pipe - 21" culvert POD 100' S of County bridge that crosses Eagle Creek East side of
60' E of River.
ditch line - 3'x2'x1 1/2' parallels Eagle Creek approx 50' from creek approx 1200' ditch line.

moody ditch
→ Pipe - 10" steel pipe 40' to to property corner (NE)

POD off moody ditch on N side of County Rd diverted under county
highway into a ditch 1 1/2' x 1 1/2' at NE corner of this property. Ditch approx 1400'
ditch runs south along property line. Excess H₂O flows into Kay Young ditch.

Crops - GRASS HAY, garden.

Lift = -10-15'

TIE - Aerial photo # 41001 179-100R

None of this property is irrigated with Kay Young ditch water.
All waste water and Moody ditch water.

This property has areas in small draws that have water (waste water)

Mr Randall said ditch flows 30 minus inches (waste water ditch)

See Attached -

7-17-91 Information from Mr. John Randall. Irrigator for Mr. Holcomb.

Source: Waste water

Diversion: Waste water diverted through 10" culvert from N. side of county to South side which is the NW corner of Mr. Holcomb's property.

POD #1 1400'S & 120' W from N 1/4 Sec 10.

POD #2 1350'S & 650' W from N 1/4 Sec 10.

#1 - this waste water ditch runs N & S & parallels Eagle Creek. (App. 5 ditch dem 3x2x1/2 with feeder ditches that run Easterly to irrigate lands ~~from~~ E (on application map.) on West side of Kay Young Ditch.

Excess water flows into Kay Young Ditch.

Use - Grass hay, garden

Lift - 10'

Loc - Aerial photo # 41001 179-100R

Jane Miller
Field Inspector.

POD #2 - Diversion off Moody Ditch through 10" culvert from N side of county to S. side at NE corner of this property on application map. ditch 1 1/2 x 1 1/2 at NE corner runs S westerly. This ditch system irrigates acres on East Side Kay Young Ditch. Excess water flows into Kay Young.

Comments - there are 2 POD on this transfer.

Comments on app. map state that they improvements changed.

7/4/93 - There are 2 POD on this transfer - only indicated one but there are 2 on the ground I put 2 in the certificate. See report.

7-17-91 Information from Mr. John Randall. Irrigator for Mr. Holcomb.

Source: Waste water

Diversion: Waste water diverted through 10" culvert from N. side of county Rd to South side which is the NW corner of Mr. Holcomb's property.

POD #1 1400'S & 120' W from N 1/4 Sec 10.

POD #2 1350'S & 650' W from N 1/4 Sec 10.

#1 - this waste water ditch runs N & S & parallels Eagle Creek. (App. 50' E of Cr.)
ditch dem 3x2x1/2 with feeder ditches that run Easterly to
irrigate lands ~~from~~ E (on application map.) on West side of Kay Young Ditch.

Excess water flows into Kay Young Ditch.

Use - Grass hay, garden

lift - 10'

tie - Aerial photo # 41001 179-100R

June Miller
Field Inspector.

POD #2 - Diversion off Moody Ditch through 10" culvert from N side of county Hwy to S. side at NE corner of this property on application map.
ditch 1 1/2 x 1 1/2 at NE corner runs S westerly. This ditch system
irrigates acres on East Side Kay Young Ditch.
Excess water flows into Kay Young.

Comments - there are 2 POD on this transfer.

Comments on app. map state that Hwy improvements changed POD.

The applicants propose to change the point of diversion therefrom, without loss of priority, to a point located 1700 feet South and 1400 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.

INFO: DALE D. HOLCOMB JOHN RANDALL IS IRRIGATING THE LAND
~~FROM~~ FOR MR HOLCOMB. IT IS STILL BEING IRRIGATED
THE WAY IT WAS IN APRIL 6, 1979

DIV. PT. IS LOCATED 1400'S & 1300'E FROM N¹/₄ CORNER OF
SEC 10 BEING WITHIN SE¹/₄ NW¹/₄ SEC 10, T.9S. R.45E. W.M.
CROP: GARDEN & PASTURE

TIE: BBB-2KK-95 INSP

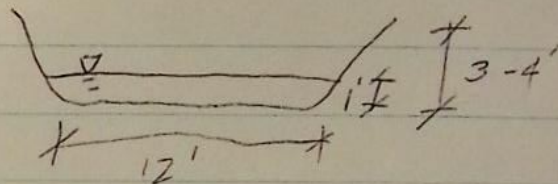
AUG. 7, 1981

Chas. L. Smith

FIELD ENGINEER

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

X - SECTION BELOW HEADGATES



AVERAGE VELOCITY $\approx 2 \text{ FPS}$

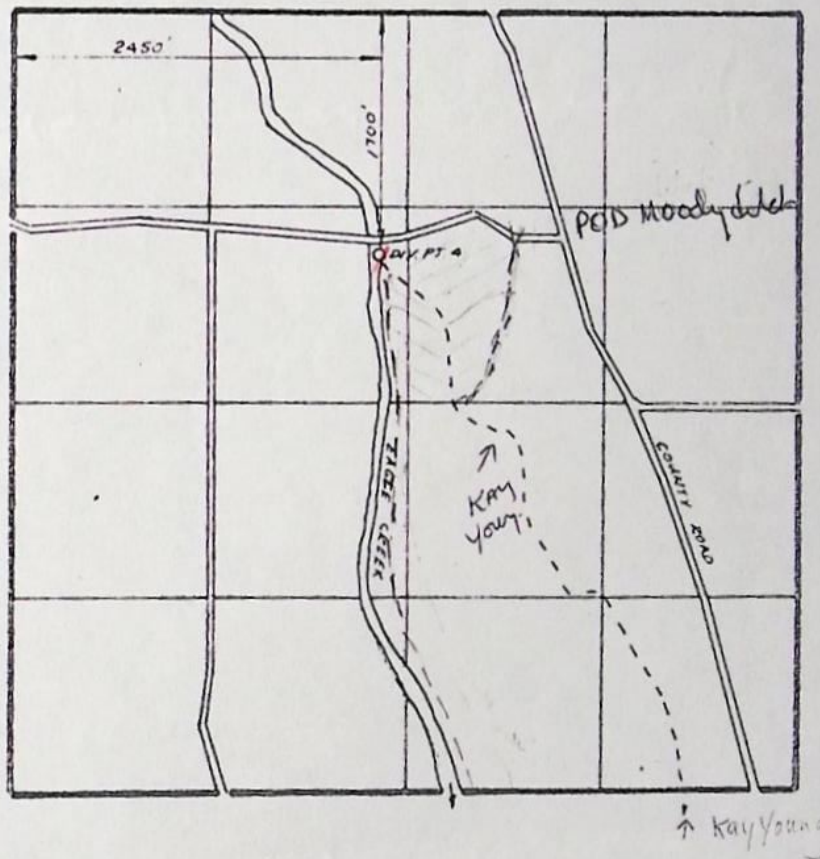
Miller - 9/17 41001-179-100R Aerial Photo #

1-7470

To: Vern

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

RECEIVED
MAY 24 1980
WATER RESOURCES DEPT
SALEM, OREGON



KAY YOUNG DITCH

WASTE WATER

WR T-0982-01

*** 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. 1000043231 PERMIT NO. 011105 CERTIF. NO.
 ORIG. NO. A000150301 PREV. NO. A000150301/SUPER. NO.

NAME: DALE D. HOLCOMB

ADDRESS: GEN DEL

CITY/STATE/ZIP/COUNTY: RICHLAND, OR 97870

STREAM-ID 09 4060 0140 -

RIV. MI.

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

CANCEL YEAR----

CONSTR. COMPLT--> 11 27 1979 YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 07 12 1933

PUT TO USE-----> 11 27 1979 LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION-----> 11 05 1979

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE--> 11 27 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 11 27 1979

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

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

RIV. MI.

RATE

STATUS S OR P

0905 450E 10 B D 09 4060 0140 -

0.500

V P

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

** POD: 1400'S E 110' W FM N 1/4 COR

** S 10. CHANGES POD ALL OF

** C-11033. OLD POD 1400'S E

** 1300'E FM N 1/4 COR S 10.

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

0905 450E 10 A C 01 10 100 20.00 V P

B D

6.00

**-----
 **-----
 **-----

W.R.I.S.

Assembled 4-3-85 by SRP

Entered _____ by _____

Verified _____ by _____

SECTION

T-4323

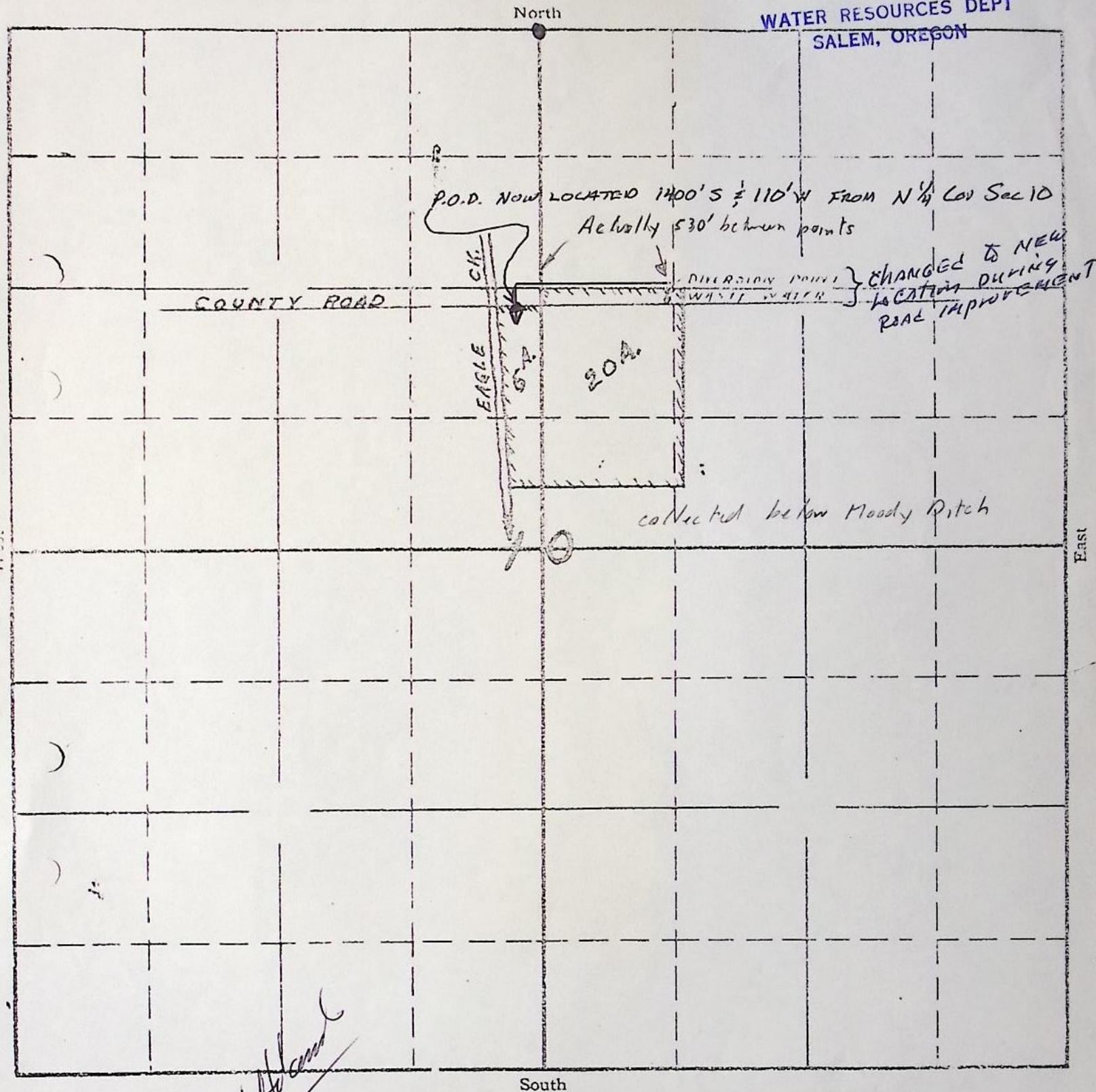
11105

TOWNSHIP 9S, RANGE 45E, W. M.

RECEIVED

OCT 26 1979

WATER RESOURCES DEPT
SALEM, OREGON



Walter H. Smith

APPLICATION No. 15030

PERMIT No. 11105



STATE OF OREGON

RECEIVED

INTEROFFICE MEMO

NOV - 5 1979

TO: TRANSFERS, WATER RIGHTS DIVISION

WATER RESOURCES DEPT
SALEM, OREGON

DATE: NOVEMBER 7, 1979.

FROM: ** V. Kent Searles, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4323

IN THE NAME OF Dale D. Holcomb

In my opinion the proposed change in point of diversion from waste water from Eagle Cr.
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 _____

**

Watermaster's signature or initials

T-4323
Filed 11-5-79

RECEIVED

OCT 26 1979

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Dale D. Holcomb
(Name of applicant)
of GEN. Del.
(Mailing address), Richland
(City),
State of Ore, 97720
(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
(If not, give name)

2. Was your water right determined by Decree of Court? No If so, give title of proceedings
(Yes or No)
number of certificate

3. Was your water right acquired by Water Right Permit? YES If so, give number
(Yes or No)
of permit 11105 Number of certificate 11033

A 15030

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 WASTE WATER FROM EAGLE CREEK

5. What is the date of priority of your water right? 7/12/1933

6. The authorized point of diversion is located 1400 ft. S and 1300 ft. E from the N 1/4
(N. or S.) (E. or W.)
corner of SEC 10 being within the SW 1/4 NE 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 NOT GIVEN

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

7. The proposed point of diversion is located 1400 ft. S and 110 ft. W from the N 1/4
(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 HOLCOMB

8. The use to which the water is applied is IRRIGATION
(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
95	45 E	10	SW $\frac{1}{4}$ NE $\frac{1}{4}$	20
"	"	"	SE $\frac{1}{4}$ NW $\frac{1}{4}$	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.? YES
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is IRRIGATION
(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 P.O.D.

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, Dale D. Holcomb, 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 22 day of OCTOBER, 1979.

DALE D. HOLCOMB
(Name of applicant)

Subscribed and sworn to before me this 22 day of OCTOBER, 1979.

[Notarial Seal]



Dale D. Holcomb
NOTARY PUBLIC FOR OREGON

My commission expires 2/26/83

REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

T-4323

I, Bert Lancheth, do hereby certify that I have made an inspection of the works described herein and in Permit No. 11105, on the 10th day of May, 1934, and found the foregoing statements and descriptions of works to be accurate. In my opinion the appropriation has been completed to the extent of 0.5 sec ft and I recommend the issuance of a water right certificate for this amount.

(Quantity of water in second-feet or acre-feet)

NOTE TO INSPECTORS

If conditions do not justify the above report by you, please return the proof without your signature, with a full report by letter.

Bert Lancheth
(Name)
Water Master dist no. 2
(Title)

PROOF OF APPROPRIATION

Permit No.

Recording fee paid

Receipt No.

RECEIVED
JUN 20 1934

STATE ENGINEER
SALEM, OREGON



AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of

Marion

SS.

I, A. J. Brose, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day

August, 1934.

Subscribed and sworn to before me this

8th day of

August

, 1934.

A. J. Brose
Supt. State Owned Property Dept.
Wood River, Oregon

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires

2/9/35

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of

SS.

We, _____, and _____

of _____, being first duly sworn, depose and say that we are well acquainted with the facts and conditions set forth in the foregoing statement relative to proof of appropriation of water under Permit No. _____; that we and each of us have been over and upon each tract described in said proof, and from such personal inspection have knowledge that all necessary ditches, dams and other diversion and distributing works have been constructed, and water used as stated therein; that we have carefully read such proof of appropriation, and that each and every statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this _____ day of _____, 1934.

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires

DESCRIPTION OF WORKS

T-4323

9. (a) If a dam has been constructed, give description: Height, None ft.; length on top, None ft.; length on bottom None ft.; material used and character of construction, None
No dam
- (b) Give description of headgate: Width, None ft.; depth, None ft.; material used and character of construction, _____
- (c) Size of canal: Width on top (at waterline) 3 ft.; width on bottom, 3 ft.; depth of water, One ft.; grade, _____ ft. fall per 1,000 ft. Actual capacity, _____ sec.-ft.
Give general description: Water diversion from County Road. Flume to carry water over K. Young Ditch.
- (d) Pipe line: Description of intake, None
Length of pipe, None ft.; size at intake, _____ in.; size at _____ ft. from intake, _____ in.; size at place of use, None in. Difference in elevation between intake and place of use, _____ ft.
Is grade uniform? _____ Actual capacity of pipe line, _____ sec.-ft.
Give general description: Flume of rough lumber 2x12x14 material
(Material: Steel, wrought, cast iron, wood stave, etc.)
- (e) Pumping plant: Give size and type of pump, None
Suction lift, _____ ft.; discharge lift, _____ ft. Type of motor used _____
Horse power rating, None H. P. Actual capacity of pump, _____ sec.-ft.
10. During what months is water beneficially used April 1st to October 1st
11. State character of soil Dark loam.
Kind of crops raised Pasture and blue grass for grazing.
12. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? Yes
13. If not, wherein is such map in error? _____
14. Domestic use: Give number of families actually using water at this time Two
15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give extent and method of such use _____

11023

COUNTY Baker

~~210307~~

- This appropriation shall be limited to 1/40th of one cubic foot per second, or its equivalent, for each acre irrigated, shall not exceed 3 acre feet per acre throughout the irrigation season from April 1, to October 1, and shall be subject to such reasonable rotation system as may be ordered by the proper State office, and is also limited to the water available at the proposed point of diversion and does not carry with it the right to require the wasteful use of water by others.

This column must be filled in if water is used for irrigation

(Attach separate sheet if necessary)

STATE OF OREGON

COUNTY OF BAKER

ABSTRACT OF CERTIFICATE OF WATER RIGHT NO. 11033

T-4323
RECEIVED
DEC 3 1934
STATE ENGINEER
SALEM, OREGON

World War Veterans State Aid Comm. of Salem
State of Oregon, has made proof to the satisfaction of
the State Engineer of Oregon, of a right to the use of the waters of

Waste water from Eagle Creek
a tributary of

for the purpose of

Irrigation

under Permit No. 11105 of the State Engineer, and that said right to the use of
said waters has been perfected in accordance with the laws of Oregon; that the
priority of the right hereby confirmed dates from July 12, 1933;

that the amount of water to which such right is entitled and hereby confirmed,
for the purposes aforesaid, is limited to an amount actually beneficially used
for said purposes, and shall not exceed 0.5 cubic foot per second measured
at the point of diversion from the stream

or its equivalent in case of rotation.

The point of diversion is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township
9 South, Range 45 East, W. M.

The amount of water used for irrigation, together with the amount
secured under any other right existing for the same lands shall be limited to
one-fortieth of one cubic foot per second per acre, shall not exceed 3 acre
feet per acre throughout the irrigation season from April 1 to October 1, and
is also limited to the water available at the proposed point of diversion and
does not carry with it the right to require the wasteful use of water by others,
and shall conform to such reasonable rotation system as may be ordered by the
proper state officer.

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

20 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
6 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 10,
Township 9 South, Range 45 East, W. M.

The right to the use of water for the purposes aforesaid is restricted
to the lands or place of use herein described.

REMARKS:

Bert J. Landeruth
Watermaster. div. no. 2



STATE OF OREGON

RECEIVED

INTEROFFICE MEMO

NOV - 2 1979

TO: Sam Allison

WATER RESOURCES DEPT
SALEM, OREGON

DATE: October 30, 1979

FROM: V. Kent Searles *VKS*

SUBJECT: File ^AT-15030

T-4323

On 10/29/79 while inspecting a complaint of excess flooding upstream, on this same drainage system I checked both the authorized and the existing points of diversion. The drainage water was diverted further west along the north side of the county road before crossing to Mr. Holcomb's property during the reconstruction of this road. There is little, if any, difference in the available supply at the P.O.D.'s. The change was apparently made at Mr. Holcomb's request.