

Name Eldon Deardorff, David Hall, John Wright
~~By Rt 1, Box 56~~ Rt 1, Box 56 Rt 1, Box 36

4467

Address Richland, OR 97870

DESCRIPTION OF WATER RIGHT

Name of stream Eagle Creek

Trib. of _____ County of Baker

Use irrigation + stock

Quantity of water _____ No. of acres 3 1/2

Name of ditch Tobin to Newt Young

Date of priority 1896 + 1877

In name of J.T. Wright, W. Saunders, Geo. W. Jones

Powder River Adjudication, Vol. 6, page 4770 4728 4680

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

Certificate cancelled _____

Notation made on record by _____

73615, 73621

REMARKS

56454 73614

(VSI P364)

FEES PAID

Date	Amount	Receipt No.
<u>4/4/80</u>	<u>35.00</u>	<u>16961</u>
<u>4-4-80</u>	<u>35-</u>	<u>16781</u> from P.R.
<u>4-4-80</u>	<u>35-</u>	from P.R.
TOTAL . . .		
	Cert. Fee	

The amount listed \$60.00 pd 5/12/80 Ch# 4207

FEES REFUNDED

Date	Amount	Check No.
<u>5/12/80</u>	<u>6.67</u>	<u>4208</u>
	<u>6.66</u>	<u>4209</u>
	<u>6.66</u>	<u>4210</u>

Ex 20-
 POD 15-
 PON 50-
 785.00

Refund 6.67 Deardorff

Entered SRB Amended SRB Checked 6.66 Hall
SRB SRB 6.66 Wright

INDEX CARDS:

☒	Name	<u>SRB</u>	<u>SRB</u>
☒	Stream	<u>SRB</u>	<u>SRB</u>
☒	Pt. of Div.	<u>SRB</u>	<u>SRB</u>
☒	Calendar	<u>SRB</u>	<u>SRB</u>
☒	Twp. & Rge.	<u>SRB</u>	<u>SRB</u>
☒	Decree-vault	<u>SRB</u>	<u>SRB</u>
☒	Decree-safe	<u>SRB</u>	<u>SRB</u>
☒	Cert. of W/R	<u>SRB</u>	<u>SRB</u>
☒	Per. Folder	<u>SRB</u>	<u>SRB</u>
☒	Chaindex	<u>SRB</u>	<u>SRB</u>
☒	Cross Ref.	<u>SRB</u>	<u>SRB</u>
☒	Power Claim	<u>SRB</u>	<u>SRB</u>
☒	Abstracts	<u>SRB</u>	<u>SRB</u>

TO BE ENTERED WHERE CHECKED

W.R.I.S.

Assembled 2-15-83 by SRB

Entered _____ by _____

Verified _____ by _____

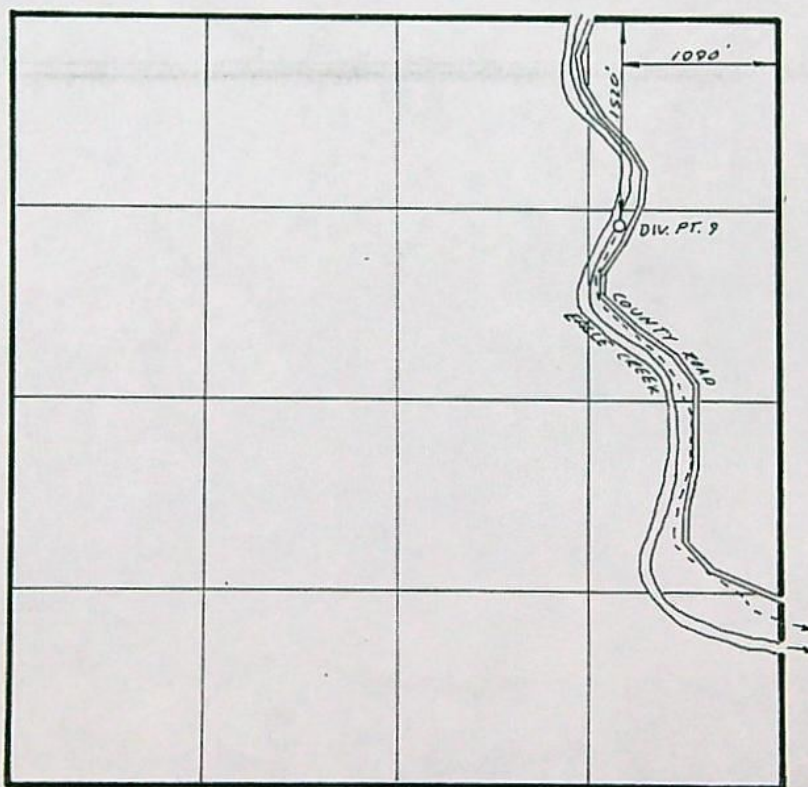
J.T. Wright
 E. Deardorff
 J. Wright
 Hall

T-4467

RECEIVED
MAY 12 1900
WATER RESOURCES DEPT
SALT LAKE CITY

T 8S R 45E

SECTION 29



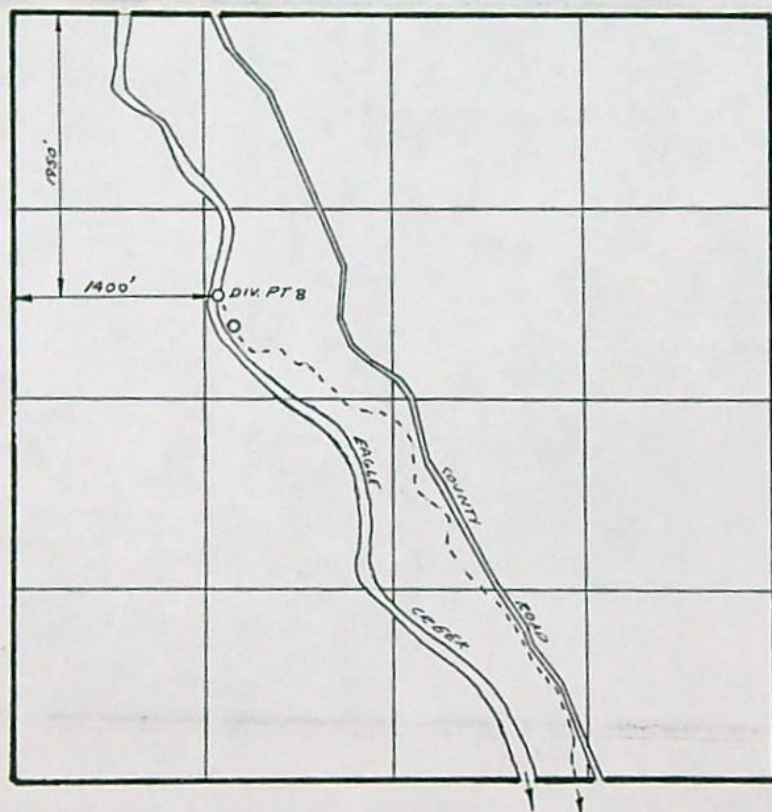
TOBIN DITCH

To. T-4467

RECEIVED
MAY 2 1980
WATER RESOURCES DEPT
SALMON, OREGON

T 8S R 45E W.M.

SECTION 33



NEWT YOUNG DITCH

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF ELDON DEARDORFF, DAVID HVALL)
AND JOHN WRIGHT FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER NO. 4467

On April 4, 1980, an application was filed in the office of the Water Resources Director by Eldon Deardorff, David Hvall and John Wright 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 J. T. Wright for use of waters of Eagle Creek for irrigation of, among other lands, a certain 2.8 acres in NE 1/4 SW 1/4, Section 33, Township 8 South, Range 45 East, W.M., being tabulated at Volume 6, page 490, with a date of priority of 1896, as evidenced by certificate recorded at page 4770, Volume 5, State Record of Water Right Certificates.

By Said Decree, a water right was allowed in the name of W. Saunders for use of waters of Eagle Creek for irrigation of, among other lands, a certain 0.3 acre in NE 1/4 SW 1/4, Section 3, Township 9 South, Range 45 East, W.M., being tabulated at Volume 6, page 483, with a date of priority of 1896, as evidenced by certificate recorded at page 4728, Volume 5 of said record.

By said Decree, a water right was allowed in the name of Geo. W. Jones for use of waters of Eagle Creek for irrigation of, among other lands, a certain 0.4 acre in SW 1/4 SE 1/4, Section 33, Township 8 South, Range 45 East, W.M., being tabulated at Volume 6, page 477, with a date of priority of 1877, as evidenced by certificate recorded at page 4680, Volume 5 of said record.

The authorized point of diversion is located 1520 feet South and 1090 feet West from the Northeast Corner of Section 29, being within the SE 1/4 NE 1/4 of Section 29, Township 8 South, Range 45 East, W.M. (Tobin Ditch).

The applicants propose to change the point of diversion therefrom, without loss of priority, to a point 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).

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;

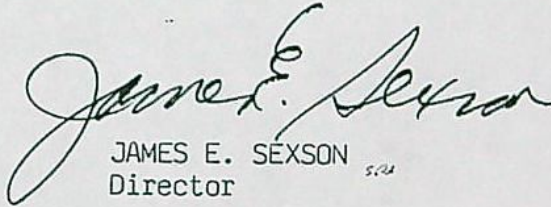
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of diversion is completed.

The order of the Water Resources Director entered June 11, 1980, approving transfer application No. 4452, provided for cancellation of the certificate of water right recorded at page 4680, Volume 5, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings.

It is FURTHER ORDERED that 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 and other orders allowing changes in points of diversion, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 13th day of June, 1980.


JAMES E. SEXSON
Director

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, John Wright (Name of applicant)
of Box 36 (Mailing address), Richland (City),
State of Oregon, 97820 (Zip Code), 893-3963 (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 Geo W. Jones (If not, give name) P 477
2. Was your water right determined by Decree of Court? Yes (Yes or No) If so, give title of proceedings
Powder River Decree number of certificate 4680
3. Was your water right acquired by Water Right Permit? No (Yes or No) If so, give number
of permit Number of certificate

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Eagle Creek
5. What is the date of priority of your water right? 1877
6. The authorized point of diversion is located 1520 ft. S (N. or S.) and 1090 ft. W (E. or W.) from the NE corner of Sec 29 being within the SE 1/4 NE 1/4 of Section 29 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 Tobin

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

7. The proposed point of diversion is located 1950 ft. S (N. or S.) and 1400 ft. E (E. or W.) 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., (No. N. or S.) (No. E. or W.)
in the county of Baker The name of the ditch to be used is Newt Young

8. The use to which the water is applied is Irrigation Stock
(Irrigation, Mining, Power, Manufacturing, etc.)

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
8S	45E	33	SW $\frac{1}{4}$ SE $\frac{1}{4}$	0.4

(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 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, John W Wright, 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 21st day of Feb, 1980.

John W Wright
(Name of applicant)

Subscribed and sworn to before me this 21st day of Feb, 1980

[Notarial Seal]

Richard H Sealer
NOTARY PUBLIC FOR OREGON

My commission expires 2/26/83



T-4467

RECEIVED
MAY 2 1980
WATER RESOURCES DEPT
CLACKAMAS COUNTY

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, DAVID HVALL *David Hvall*
 (Name of applicant)
 of Rte #1 Box 56 *Richland*
 (Mailing address) (City)
 State of Oregon 97270 893 3173, 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 W. Saunders 8483
 (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 4728

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? 1896

6. The authorized point of diversion is located 1520 ft. S and 1090 ft. W from the NE
 (N. or S.) (E. or W.)
 corner of Sec. 29 being within the SE 1/4 NE 1/4 of Section 29 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 Tobin

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

7. The proposed 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 to be used is Newt 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	3	NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.3

(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

I, DAVID HALL, 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

David Hall
(Name of applicant)

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

[Notarial Seal]

Victoria K. Deader
NOTARY PUBLIC FOR OREGON

My commission expires 2/26/80



STATE OF OREGON

COUNTY OF

BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

GEO. W. JONES

of New Bridge, State of Oregon 97866, has
a right to the use of the waters of Eagle Creek

a tributary of Powder River for the purpose of
irrigation of 27.1 acres

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 1877 for 26.5 acres in Tract No. 1; 1896 for 0.6
acre in Tract No. 2

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 of
one cubic foot per second per acre

The point of diversion is located in the Newt Young Ditch & Tobin Ditch

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

Tract No. 1	Tract No. 2
13.0 acres SW 1/4 SE 1/4 Section 33	0.6 acre SW 1/4 SE 1/4 Section 33
Township 8 South, Range 45 East, WM	Township 8 South, Range 45 East, WM
6.0 acres NE 1/4 NE 1/4 7.5 acres NW 1/4 NE 1/4 Section 4	
Township 9 South, Range 45 East, WM	

The order approving transfer 4467 listed the incorrect date of priority and that date was reflected when certificate of water right recorded at page 49628, Volume 43, State Record of Water Right Certificates was issued. This certificate is issued to correctly describe the priority date and supersedes certificate 49628.

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 October 26, 19 87 .

William H. Gburg
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 52, page 56454

1590E/TS
T-4467

EAGLE VALLEY ID & TRANSFERS

Bruce

6-4-87

T-4453	cert: file 4624
T-4467	" 4680
T-4452	" 4680

John Wright subm. H'd A-38899 in 1963. We questioned him about possible conflicts of decreed rights but he indicated no problem because old rights were east of Eagle Creek. * Permit was issued

In 1980, John asked for POD change for old rights, [From ^{Tobin &} Newt Young (on east side of creek) to Waterbury Allen (on west side of creek)] This then meant irrigation west of Eagle Creek!

John also indicated he would submit an affidavit authorizing cancellation of some acreage west of creek. It was never received.

* Adj map shows irrigation east of creek for SW 1/4 SE 1/4 but Vern Church shows stuff west of creek (N. Perry suggested Adj. duplicated rights? J. Wright must have agreed)

It gets worse. We issued certificates confirming POD changes in 1985

Another transfer (4467) subm. H'd by Wright, Hvall, & Deardorff requested POD changes from Tobin ditch to Newt Young. Cert. 4680 clearly shows 33.5 acres with an 1877 from Newt Young Ditch, & 1.0 acre with an 1896 priority from Tobin.

Order approving transfer 4467 allowed 0.4 acre from Tobin with 1877 priority. Confirming cert has been issued.

Shall we issue correction order & certs for T-4467 or ignore?
Needs correction act for priority

Can we assume Perry's action wrong & water flumed across creek to irrigate 17 acres under C-4624 thereby making T-4467⁵³ OK but still needing affidavit to cancel all of '63 right? *Probable course of action agreeing with earlier department response.*
OR

What action should be taken on above?

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF ELDON DEARDORFF, DAVID HVALL)
AND JOHN WRIGHT FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER)

ORDER AMENDING
ORDER APPROVING
TRANSFER NO. 4467

The order of the Water Resources Director approving Transfer Application 4467, entered June 13, 1980 at page 334, Volume 33, Special Order Record, incorrectly identified as 1877 the date of priority of the 0.4 acre in SW 1/4 SE 1/4, Section 33, Township 8 South, Range 45 East, WM, evidenced by Certificate 4680, for which a change in point of diversion was proposed.

The correct date of priority is 1896.

NOW, THEREFORE, it hereby is ORDERED that the said special order be amended to show the correct date of priority of 1896.

Dated at Salem, Oregon this 5th day of September, 1986.

William H. Young
WILLIAM H. YOUNG
Director

6143D

Name and Postoffice Address of Appropriator	Date of Relative Priority	Average Cubic Feet Per Second	Number Acres	Use	Name of Stream	
Howell Ditch Company (continued)						37 acres in NW 1/4 SE 1/4 27 acres in SW 1/4 SE 1/4 Section 30 9 acres in NE 1/4 NE 1/4 19 acres in NE 1/4 NW 1/4 28 acres in NW 1/4 NW 1/4 Section 31 T. 9 S. R. 46 E. W. M.
¹⁶⁷⁵ Jasper, F. G. New Bridge, Oregon. (Finding #30)	1877		64	Irrigation	Newt Young and Moody	Eagle Creek 30 acres in NW 1/4 SW 1/4 30 acres in SW 1/4 SW 1/4 Section 11 4 acres in NE 1/4 NE 1/4 Section 15 T. 9 S. R. 45 E. W. M.
¹⁶⁷⁶ Jasper, W. C. New Bridge, Oregon. (Finding #30)	1898		19.7	Irrigation	Tobin	Eagle Creek 8.2 acres in SE 1/4 NE 1/4 Section 10 11.5 acres in SW 1/4 NW 1/4 Section 11
	1883		38.28	Irrigation	Newt Young	Eagle Creek 0.25 acres in NE 1/4 NE 1/4 2.24 acres in SW 1/4 NE 1/4 28.4 acres in SE 1/4 NE 1/4 Section 10 7.39 acres in SW 1/4 NW 1/4 Section 11 T. 9 S. R. 45 E. W. M.
						(U) 5-4450 A P 00 2.5 10
¹⁶⁷⁷ Jennings, Fannie Richland, Oregon. (Finding #30)	1880		0.5	Irrigation	May Young	Eagle Creek Lots 9 and 10, Block 1, in Duffy's Addition to Richland, Oregon.
¹⁶⁷⁸ Jones, Martha New Bridge, Oregon. (Finding #30)	1877		.75	Irrigation	Newt Young	Eagle Creek 0.50 acres in NW 1/4 NE 1/4 0.25 acres in SW 1/4 NE 1/4 Section 10 T. 9 S. R. 45 E. W. M.
¹⁶⁷⁹ Jones, Dan W. New Bridge, Oregon. (Finding #18)	1894		35	Irrigation	Spring Creek Ditch	Little Eagle Creek 5 acres in NE 1/4 SW 1/4 30 acres in SW 1/4 SW 1/4 Section 12
	1877		12	Irrigation	Newt Young	Conundrum Spring & Summit Creek Eagle Creek 9 acres in NW 1/4 NE 1/4 3 acres in SW 1/4 NE 1/4 Section 4 T. 9 S. R. 45 E. W. M.
¹⁶⁸⁰ Jones, Geo. W. New Bridge, Oregon. (Finding #30)	1877		53.5	Irrigation	Newt Young	Eagle Creek 13 acres in SW 1/4 SE 1/4 Section 33 T. 8 S. R. 45 E. W. M. 6 acres in NE 1/4 NE 1/4 14.5 acres in NW 1/4 NE 1/4 Section 4 T. 9 S. R. 45 E. W. M.
	1896		1	Irrigation	Tobin	Eagle Creek 1 acre in SW 1/4 SE 1/4 Section 33 T. 8 S. R. 45 E. W. M.
¹⁶⁸¹ Jones, Laura A. Richland, Ore. (Finding #30)	1882		0.5	Irrigation	May Young	Eagle Creek Lots 3 and 4 of Block 2, Duffey's North Addition to Richland, Oregon.

POWDER RIVER - 164
(EAGLE CREEK)

495

of Appropriator	Priority	Acres	Acres				
4721 Saunders, G. B. Richland, Oregon. (Finding #30)	1889	32.5	Irrigation	Newt Young	Eagle Creek	32.5 acres in NW 1/4 NE 1/4 Section 14 T 9 S. R. 45 E. W. M.	
4722 Saunders, G. B. Richland, Oregon. (For heirs of D. J., Saunders.) (Finding #30)	1888	35	Irrigation	Newt Young	Eagle Creek	25 acres in NE 1/4 NW 1/4 7 acres in SE 1/4 NW 1/4 3 acres in SW 1/4 NE 1/4 Section 14 T 9 S. R. 45 E. W. M.	
4723 Saunders, D. J. and Saunders, G. B. Richland, Oregon. (Finding #30)	1878 1903	70 45	Irrigation	Kay Young Nash	Eagle Creek Eagle Creek	25 acres in NE 1/4 NE 1/4 15 acres in NW 1/4 NE 1/4 50 acres in SE 1/4 NE 1/4 40 acres in SW 1/4 NE 1/4 5 acres in SE 1/4 NE 1/4 Section 15	
	1889	50	Irrigation	Newt Young	Eagle Creek	10 acres in NW 1/4 SW 1/4 40 acres in SW 1/4 SW 1/4 Section 24 T 9 S. R. 45 E. W. M.	
4725 Saunders, Laura Ann Richland, Oregon. (Finding #30)	1878 1900	22 18	Irrigation	Nash	Eagle Creek	40 acres in SW 1/4 SE 1/4 Section 15 T 9 S. R. 45 E. W. M.	
4724 Saunders, Sam J. New Bridge, Oregon. (Finding #30)	1888 1903	1 13	Irrigation	Tobin	Eagle Creek	14 acres in SW 1/4 SW 1/4 Section 28 T 8 S. R. 45 E. W. M.	
4726 Saunders, W. G. Richland, Oregon. (Finding #30)	1878	.2	Irrigation	Kay Young	Eagle Creek	Lot 8, Block 1, Richland, Oregon.	
4727 Saunders, Wm. M. Richland, Oregon. (Finding #30)	1878	4.75	Irrigation	Kay Young	Eagle Creek	4.75 acres in NW 1/4 SE 1/4 Section 23 T 9 S. R. 45 E. W. M.	
4728 Saunders, W. S. Richland, Oregon. (Finding #30)	1896	10	Irrigation	Tobin	Eagle Creek	10 acres in NE 1/4 SW 1/4 Section 3 T 9 S. R. 45 E. W. M.	
4729 Schultz, Elmer, D. New Bridge, Oregon. (Finding #30)	1876	6	Irrigation	Moody	Eagle Creek	6 acres in SE 1/4 SW 1/4 Section 3 T 9 S. R. 45 E. W. M.	
4730 Scott, Charles W. Richland, Oregon. (Finding #30)	1887	53	Irrigation	Newt Young	Eagle Creek	14 acres in NE 1/4 NE 1/4 9 acres in NW 1/4 NE 1/4 1 acre in SW 1/4 NE 1/4 29 acres in SE 1/4 NE 1/4 Section 24 T 9 S. R. 45 E. W. M.	

482

POWDER RIVER -169-
(EAGLE CREEK)

Sec. TP. 4 Range

Decree May 4, 1920

Recorded Vol. 13, p. 52

Decree May 31, 1924

Recorded Vol. 7, p. 432

Decree Mar. 31, 1913

Recorded Vol. 3, p. 440

4769 Wixon, Chauncey P. Cowche, Wash. <i>Baker Co.</i>	1876	6	Irrigation	Moody	Eagle Creek	5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10 T 9 S. R. 45 E. W. M.
Wright, Fannie H.	(See Fannie H. Lee)					
4770 Wright, J. T. New Bridge, Oregon. <i>Baker Co.</i> (15 T-4457 A POD 2.876)	1896 1886	5.5 7.5	Irrigation	Tobin Newt Young	Eagle Creek	10.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33 T 8 S. R. 45 E. W. M.
4771 Wright, Winter Richland, Oregon. <i>Baker Co.</i>	1879	12	Irrigation	Gover	Eagle Creek	12 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26 T 9 S. R. 45 E. W. M.
4772 Wright, W. B. Richland, Oregon. <i>Baker Co.</i>	1886	44.6	Irrigation	Kay Young	Eagle Creek	37.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 T 9 S. R. 45 E. W. M.
4773 Young, I. N. Richland, Oregon. (Finding #30) <i>Baker Co.</i>	1874	2.5 112	Irrigation	Moody Kay Young	Eagle Creek	2.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 16 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 24 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14 34 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 38 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15 T 9 S. R. 45 E. W. M.
4774 Ziegler, J. P. (Administrator) Zeigler, J. P. Zeigler, Henry L. Zeigler, Charles Zeigler, Anna New Bridge, Oregon. Marie Siler and Leona Parker, Burns, Oregon. (Finding #30) <i>Baker Co.</i>	1894	67.5	Irrigation	Spring Creek	Little Eagle Ethel, Conundrum Spring & Summit Creeks	36.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 31 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11 T 9 S. R. 45 E. W. M.
4777 Ziegler, Henry L. New Bridge, Oregon. (Finding #18 & 30) <i>Baker Co.</i>	1905	64.79	Irrigation	Spring Creek	Little Eagle, Ethel, Conundrum Spring & Summit Creeks	19 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 29.44 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 16.35 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2 T 9 S. R. 45 E. W. M.

POWDER RIVER -176-
(EAGLE CREEK)

492

STATE OF OREGON

COUNTY OF

BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

J.T. WRIGHT

of New Bridge
a right to the use of the waters of Eagle Creek

, State of Oregon 97544 , has

a tributary of Powder River
irrigation of 10.2 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 1896 for 2.7 acres and 1886 for 7.5 acres

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 of
one cubic foot per second per acre.

The point of diversion is located in the SE 1/4 NE 1/4, Section 29, SE 1/4
NW 1/4, Section 33, Township 8 South, Range 45 East, WM; Tobin Ditch - 1520
feet South and 1090 feet West from the NE Corner, Section 29, Newt Young Ditch
- 1950 feet South and 1400 feet East from NW Corner, Section 33.
A description of the place of use under the right, and to which such right is appurtenant, is as
follows:

7.7 acres NE 1/4 SW 1/4
2.5 acres NW 1/4 SE 1/4
Section 33
Township 8 South, Range 45 East, WM

This certificate describes that portion of the water right confirmed by the
prior certificate recorded at page 4770, Volume 5, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water
Resources Director entered on June 13, 1980, approving transfer application
No. 4467.

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 52948

STATE OF OREGON

COUNTY OF

BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

DAVID HVALL

of Route 1, Box 56, Richland
a right to the use of the waters of Eagle Creek

, State of Oregon 97870 , has

a tributary of Powder River
irrigation of 0.3 acre

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 1896

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 NE 1/4, Section 29, T8S, R45E, WM, Tobin Ditch - 1520 feet
South and 1090 feet West from NE Corner, Section 29.

The point of diversion is located in the 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.

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

0.3 acre NE 1/4 SW 1/4
Section 3
Township 9 South, Range 45 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 13, 1980 and together
with certificate of water right recorded at page 49436, Volume 43, State
Record of Water Right Certificates, supersedes certificate 4728.

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 , 1985 .

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48 , page 52951

POD
POU
USE
Add '1 POD

County BAKER

1. Name Eldon Deardorff, et al
Address Richland, OR 97870

2. Source of Supply Eagle Creek, Trib of

3. Use irrigation

4. Amount of Water _____ Priority Date 1896, 1896 1877

5. Proposed Point of Diversion 1950'S & 1400'E from NW Cor, S. 33,
w/in SE 1/4 NW 1/4, S 33, T8S, R45E, w/in
New Youngs Ditch

6. Completion Date completed

7. Place of Use:

[illegible]

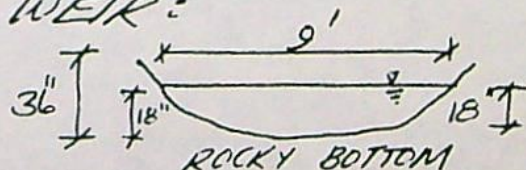
ELDON BEARDORF - MR BEARDORF CLAIMS IRRIGATION OF A
TOTAL OF 17 ACRES FROM THE TOBIN DITCH AND THE NEWT YOUNG
DITCH. HE IRRIGATES LAND BELOW HIGHWAY DOWN TO THE
NEWT YOUNG DITCH WITH UP TO 6 RS 30'S FROM THE TOBIN
DITCH. THIS AREA IS PASTURE, ORCHARD AND LAWN. ALL
LAND BETWEEN THE NEWT YOUNG DITCH AND THE CREEK
IS FLOOD IRRIGATED AND PLANTED TO PASTURE.

TIE = BBB-ZKK-97 INSPECTION

DIV. PT. NEWT

NEWT YOUNG DITCH: TWO 4' HEADGATES REGULATE
WATER FROM EAGLE CREEK INTO DITCH. APPROX.
200' DOWN DITCH A 10' WEIR CONTROLS
H.G.L. AT LOW FLOWS IN UPPER 200' REACH
OF DITCH ALL WATER IS RETURNED TO
EAGLE CREEK. THE WEIR APPEARS TO BE
SET ~12' ABOVE A 3' "SPILLWAY" WHICH
RETURNS A PREDETERMINED FLOW TO EAGLE
CREEK WHEN THE ENTIRE CHANNEL IS
DAMMED AT DIV. PT.

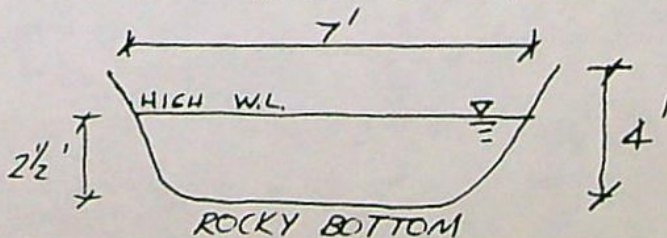
X-SECTION, HEADGATE TO WEIR:



X-SECTION, BELOW WEIR.

JUNE 30 1930

James L. Chubb
FIELD ENGINEER



Application for Transfer of Water Right

RECEIVED
WATER RESOURCES DEPT
SALEM, OREGON
APR 4 1980

To the WATER RESOURCES DIRECTOR OF OREGON:

I, ELDON DEARDORFF

(Name of applicant)

of

(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 J. T. Wright ✓ Page 490

(If not, give name)

2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings

(Yes or No)

number of certificate 4770

3. Was your water right acquired by Water Right Permit? Yes If so, give number

(Yes or No)

of permit 4770 Number of certificate 4770

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? 1896

6. The authorized point of diversion is located 1520 ft. S and 1090 ft. W from the NE corner of Sec. 29 being within the SE 1/4 NE 1/4 of Section 29 Tp. 8S R. 45E W. M., in the county of Baker The name of the ditch used is Tobin

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

7. The proposed 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., in the county of Baker The name of the ditch to be used is Newt 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
8S	45E	33	NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.8 <u>28</u>

(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

"

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, Eldon Deandorff, 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 1 day of 4, 1980.

(Name of applicant)

Subscribed and sworn to before me this 1 day of APRIL, 1980

[Notarial Seal]

Victor J. Deane
NOTARY PUBLIC FOR OREGON

My commission expires 2/26/83

EAGLE CREEK

IF T-0982-C1

*** OREGON WATER RESOURCES DEPARTMENT ***

*** WATER RIGHTS DIVISION ***

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

*** WATER RIGHT DATA INPUT FORM ***

WATER RIGHT NO. 5000047671 PERMIT NO. 006490 CERTIF. NO.
ORIG. NO. C000047701 PREL. NO. C000047701 SUPER. NO.NAME: ELDON DEARDORFFADDRESS: XXXCITY/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 13 1980

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 12 31 1996PUT TO USE-----> 06 13 1980

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION---> 04 04 1980

SURVEYED----->

EXAM. FEE----->

RECORDING FEE----->

PERMIT ISSUE--> 06 13 1980

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 06 13 1980

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

POINT-OF-DIVERSION DATA:
TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

** REMARKS:----->
** DATED-->0805 450E 33 B D 09 4060 01400.070VP** POD: NEWT YOUNG DITCH, 1950'S** E 1400'E PM NW COR S 33.** CHANGES POD PART OF C-4770.PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY USE % CSMTHV ACRES STATUS S OR P0805 450E 33 C A 01 1R 10A 2.80VP**----->
**----->
**----->
**----->

V.T.S.

1. 2-15-85 SD

2. _____

3. _____

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. 5000044673 PERMIT NO. 006477 CERTIF. NO.
 ORIG. NO. C000046801 FEEL. NO. C000046801 SUPER. NO.
NAME: JOHN WRIGHTADDRESS: RT1, Box 36CITY/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 13 1980

YR. LAST USED--->

NEXT ACTION DUE--->

PRIORITY-----> 12 31 1877PUT TO USE-----> 06 13 1980

LAST TRANS. DATE--->

LAST TRANS. TYPE--->

APPLICATION---> 09 04 1980

SURVEYED----->

EXAM. FEE----->

20.00

RECORDING FEE----->

15.00PERMIT ISSUE---> 06 13 1980

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.---> 06 13 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

0805 450E 33 B D 09 4060 01400.010VP
 ** REMARKS: - - - - -
 ** DATED--->

 ** POD: NEWT YOUNG DITCH, 1950'S

 ** & 1400'E FM NW COR S 33.

 ** CHANGES POD PART OF C-4680.

 ** SEE T-4452.

 PLACE-OF-USE DATA:
 TWP/SP RNGE SECT QTR/QTR CNTY USE :: CSM/TV ACRES STATUS S OR P
0805 450E 33 D C 01 1R 100 0.40VP

V.O.I.S.

A. 2-15-85 SDA

P. _____

V.O.I.S. _____

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION NO. 4467

On April 4, 1980, an application was filed in the office of the Water Resources Director by Eldon Deardorff, David Hvall & John Wright 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 J.T. Wright for use of waters of Eagle Cr for irrigation of, among other lands, a certain 2.8 ac in NE 1/4 SW 1/4, Sec 33, T8S, R45E, WM being tabulated at Volume 6, page 490, with a date of priority of 1896, as evidenced by certificate recorded at page 4770, Volume 5, State Record of Water Right Certificates.

By said Decree, a water right was allowed in the name of W. Saunders for use of waters of Eagle Cr for irrigation of, among other lands, a certain 0.3 ac in NE 1/4 SW 1/4 Sec 3, T9S, R45E, WM, being tabulated at Volume 6, page 483, with a date of priority of 1896, as evidenced by certificate recorded at page 4728, Volume 5 of said record.

By said Decree, a water right was allowed in the name of Geo. W. Jones for use of waters of Eagle Cr for irrigation of, among other lands, a certain 0.4 acre in SW 1/4 SE 1/4, Sec 33, T8S, R45E, WM, being tabulated at Volume 6, page 477, with a date of priority of 1877, as evidenced by certificate recorded at page 4680, Volume 5 of said record.

The authorized point of diversion is located 1520 ft S & 1090 ft W from the NE corner of Sec 29, being within the SE 1/4 NE 1/4 of Sec 29, T8S, R45E, WM (Tobin Ditch).

The applicants propose to change the point of diversion therefrom, without loss of priority, to a point 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).

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 Eldon Deardorff at Richland, on David Hvall at Rt 1, Box 56, & on John Wright at Rt 1, Box 36, 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 10th day of April, 1980.

James E. Sexson
Director

Legal No. 107
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 #107 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

Subscribed and sworn to before me this 30th day of April, 1980

Shirley L. Faye
Notary Public for Oregon.

My commission expires September 8, 1982

RECEIVED
MAY 5 1980
WATER RESOURCES DEPT
SALEM, OREGON

OK
SPD