

175

B-125

0

**STATUS OF APPLICATION**

**DESCRIPTION OF WATER RIGHT**

**FEES PAID**

Change in point of diversion  
 Date filed 7/6/61  
 Date returned for further data \_\_\_\_\_  
 Date application completed \_\_\_\_\_  
 Notice for publication mailed \_\_\_\_\_  
 Date notice published \_\_\_\_\_  
 Date of hearing October 31, 1961  
 Place of hearing Baker, Oregon  
 Date of order 1/12/62 Vol. 11, page 376  
 Date of application of water 10/1/63  
 Proof mailed to Sawyer - 10/21/63  
 Proof received \_\_\_\_\_  
 Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

Name of stream Goodrich Creek  
 Trib. of \_\_\_\_\_ County of Baker  
 Use Municipal  
 Quantity of water \_\_\_\_\_ No. of acres 4.80  
 Name of ditch Amburn - Nelson or Newton + Sturgill  
 Date of priority 1862 / 1868  
 In name of City of Baker  
Powder River Adjudication, Vol. 6, Page 333 & 359  
 App. No. \_\_\_\_\_ Per No. \_\_\_\_\_ Cert. No. 9608 80496  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by WAC RS

Date	Amount	Receipt No.
<u>7-6-61</u>	<u>15.66</u>	<u>30452</u>
Total . . . . .		
		<u>\$1 Cert. Fee</u>

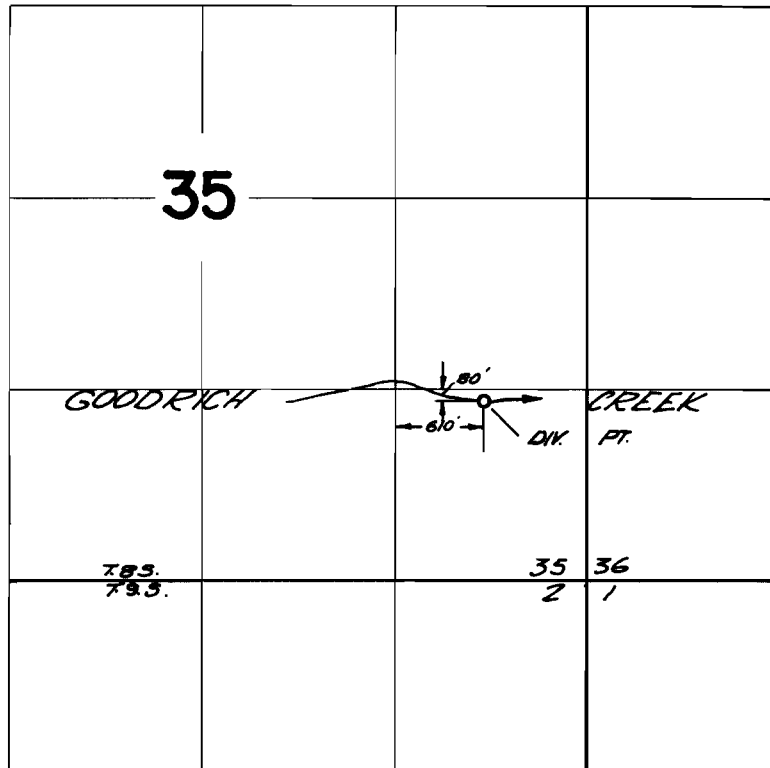
**FEES REFUNDED**

Date	Amount	Check No.

**REMARKS**

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# T.8S. R.38 E. W.M.



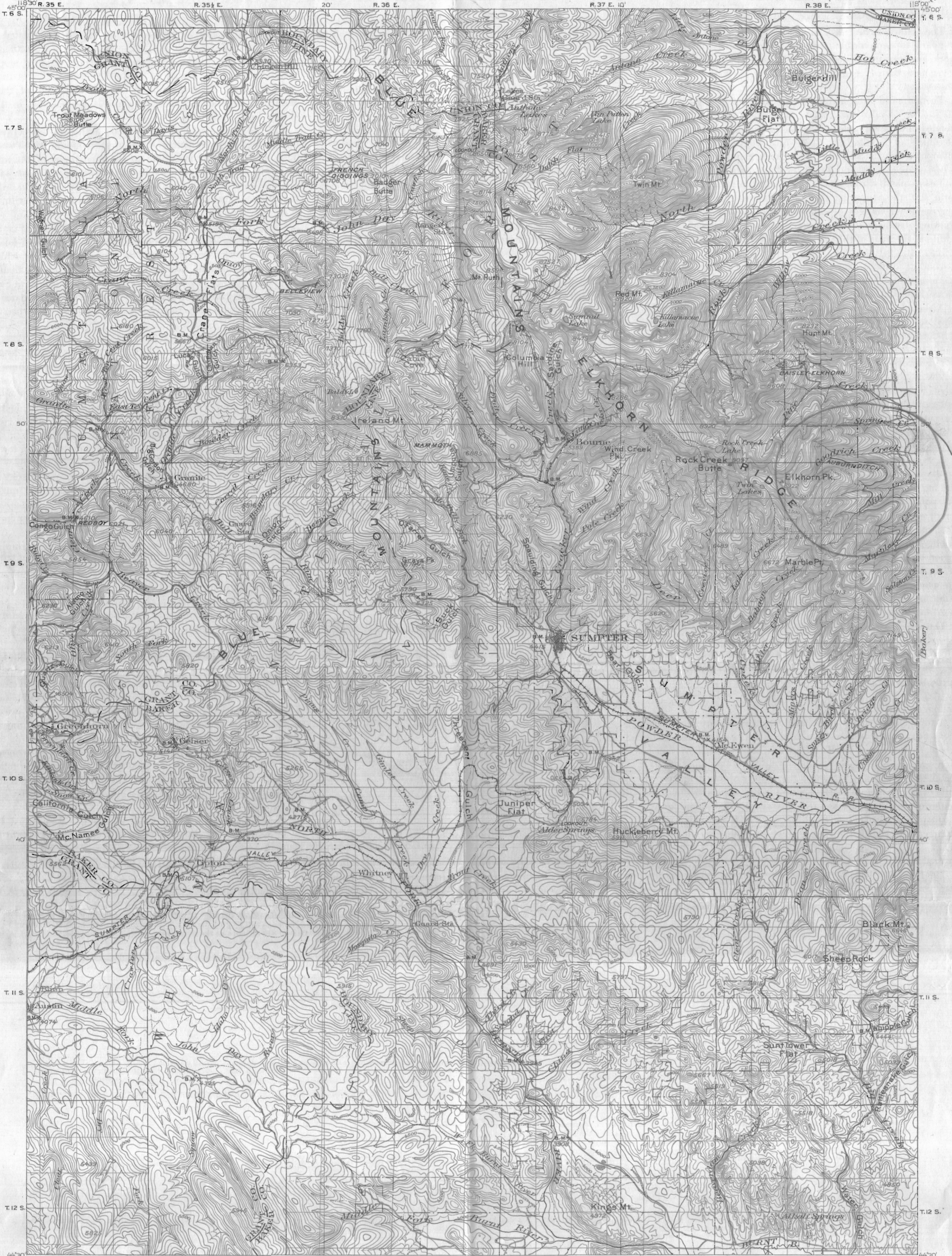
## FINAL PROOF SURVEY UNDER

TRANSFER B-125  
Application No. .... Permit No. ....  
IN NAME OF

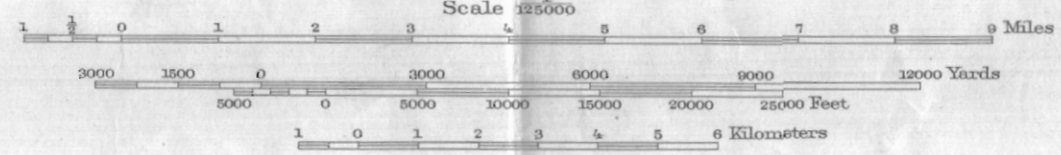
.....CITY OF BAKER.....

Surveyed Oct. 25, 1967, by V. Garner.....



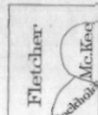


R. U. Goode, Geographer in charge.  
Triangulation by S. S. Gannett.  
Topography by L. C. Fletcher, R. H. Mc Kee, and J. E. Rockhold.  
Surveyed in 1899-1900.  
Revised in part, 1914.



Edition of Nov. 1901, reprinted 1948  
Polyconic projection. To place on North  
American datum move projection lines  
600 feet west

SUMPTER, OREG.  
N4430-W1800/30



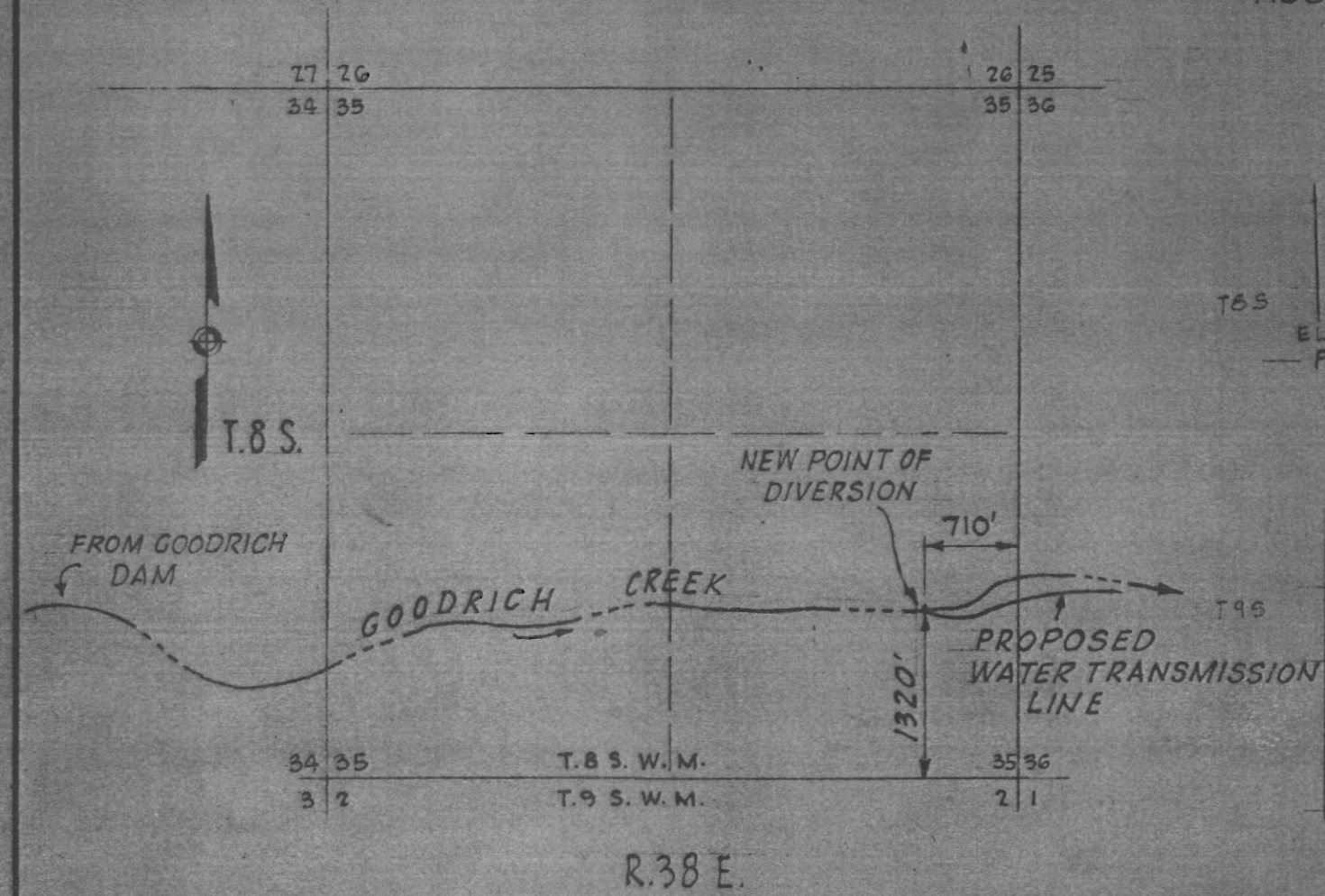
(Readjustment indicates that elevations on  
this map should be increased 8 feet.)



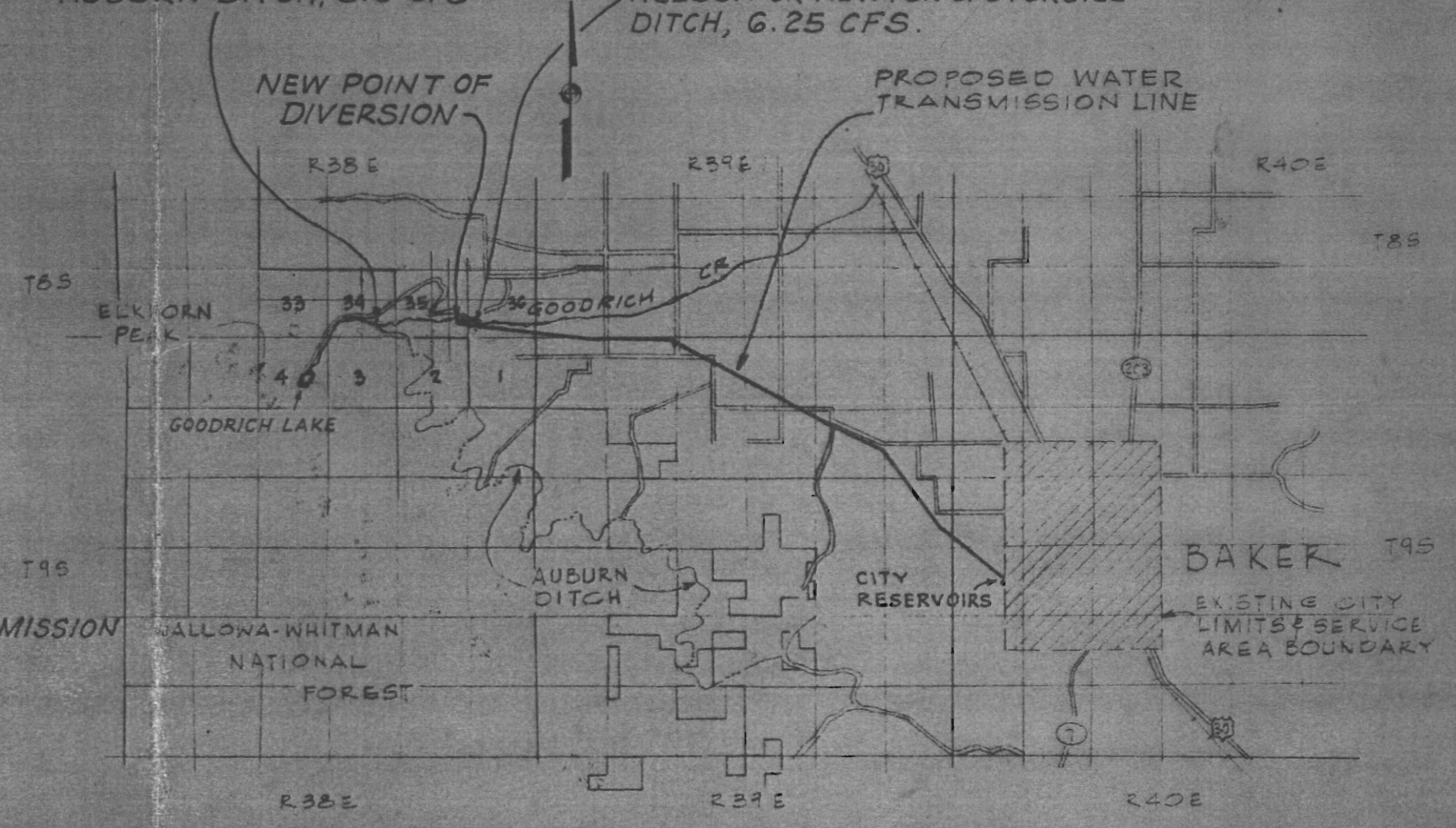
**RECEIVED**  
 JUL 6 1961  
 STATE ENGINEER  
 SALEM, OREGON

EXISTING DIVERSION RIGHT,  
 AUBURN DITCH, 5.0 CFS

EXISTING DIVERSION RIGHT,  
 NELSON OR NEWTON & STURGILL  
 DITCH, 6.25 CFS.



LOCATION MAP  
 SCALE: 4" = 1 MILE



VICINITY MAP  
 SCALE IN MILES

CITY OF BAKER, OREGON		
MAP TO ACCOMPANY APPLICATION FOR CHANGE IN POINT OF DIVERSION		
SCALE: AS SHOWN	JUNE 27, 1961	SHEET 1 OF 1
PREP	CORNELL, HOWLAND, HAYES & MERRYFIELD CORVALLIS, OREGON	BOISE, IDAHO E2108-11

B-125











BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

IN THE MATTER OF TRANSFER APPLICATION )	
T-5665 IN THE NAME OF THE CITY OF )	STATEMENT, FINDINGS OF FACT
BAKER FOR APPROVAL OF A CHANGE IN )	CONCLUSIONS OF LAW, AND
POINT OF DIVERSION OF WATER )	FINAL ORDER

STATEMENT

On July 3, 1985, the City of Baker filed Water Right Transfer Application 5665 for approval of a change in point of diversion of water under a right described by the certificate issued to the City of Baker and recorded at Page 9608, Volume 9, State Record of Water Rights Certificates. The subject water right was allowed by decree of the court in the Matter of the Determination of the Relative Rights to the Waters of Powder River and its tributaries, a tributary of Snake River, and is for the appropriation of not to exceed 5.0 cubic feet per second of water (cfs) from Big Marble Creek under a date of priority of 1862 for municipal purposes within the City of Baker.

The old point of diversion is described as being located 972 feet South and 339.8 feet East from the Northwest Corner of Section 13, Township 9 South, Range 38 East, WM, being within the NW 1/4 NW 1/4 of said Section 13. The new point of diversion is described as being located 931.2 feet South and 127.6 feet East from the said Northwest Corner of Section 13, and is also within the NW 1/4 NW 1/4 of Section 13.

On October 30, 1985, the Pocahontas Farmers' Ditch Company filed a protest against approval of pending Transfer Application T-5665. In protest it is alleged that:

- a) the proposed application would conflict with Pocahontas Farmers' Ditch Company's prior vested rights;
- b) the City of Baker has been illegally using Marble Springs water and the City of Baker has no water rights for use of said spring;
- c) the change in point of diversion by the City of Baker would be detrimental to the public's interest;
- d) the City of Baker's original point of diversion is above Marble Springs and Marble Springs was never intended by the City of Baker to be used as a part of its water source, and Marble Springs very well may be an independent source of water.



Pursuant to the Director's Notice of Hearing the matter was brought to hearing in Baker, Oregon, on November 19, 1986. The matter was heard by James W. Carver, Jr., an employee of the Water Resources Department, authorized to preside in behalf of the Director as a finder of fact. The City of Baker was represented by Richard M. Glick, Attorney at Law, Portland, Oregon. The Pocahontas Farmers' Ditch Company was represented by John L. Jacobson, Attorney at Law, Baker, Oregon.

Marble Creek (Big Marble Creek) is one of several mountain streams that form on the east slope of the Elkhorn Mountains and flow generally easterly toward the Baker Valley floor to become tributary to the Powder River. The flow of Marble Creek varies widely with the season of the year. The higher flows occur with run-out of snow melt and periods of intense precipitation within the drainage area of the stream.

Figure 1 which is a photoreduction of Exhibit "Baker B", shows the relative locations of Marble Creek, the "old" and "new" Marble Springs intake works, Pipeline Road and Old Mountain Line and other features in the vicinity.

A proposed order was issued by the Water Resources Director on September 30, 1987, and was mailed to the parties by first class mail, on that date. The Pocahontas Farmers' Ditch Company, acting by and through their secretary, Mr. Chet Smith, advised the hearing officer via telephone that they had not received the proposed order. A duplicate mailing was made by Certified Mail, Return Receipt, on October 21, 1987. The letter of transmittal with the duplicate mailing allowed Pocahontas Farmers' Ditch Company until the close of the business day on Friday, November 20, 1987 to file any exceptions and objections to the proposed order. No exceptions or objections to the proposed order were filed within the time allowed, of subsequent thereto.

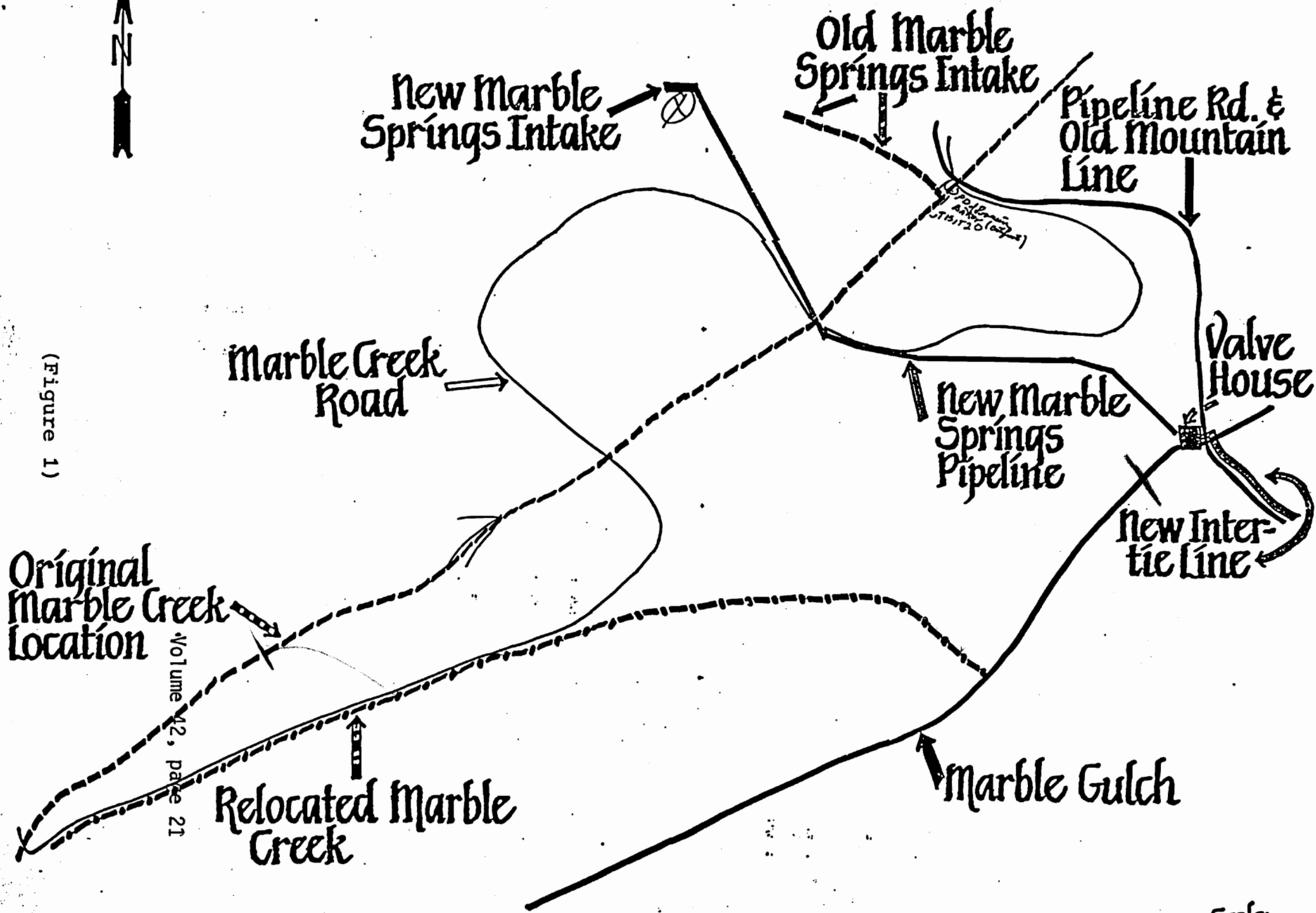
Now, therefore, acting pursuant to authority delegated to him from the Water Resources Commission, the Director makes the following:

#### FINDINGS OF FACT

Testimony and evidence established that the original diversion of water from Marble Creek under the subject right was from the channel of Marble Creek into the Auburn Canal. The Auburn Canal crossed the channel of Marble Creek in the immediate vicinity of where the "Pipeline Road and Old Mountain Line" intersects the "Original Marble Creek Location" channel as shown on Figure 1.

The old Marble Springs intake works were located in a shallow, steep draw which intersects with the original Marble Creek channel location above the original point of diversion from Marble Creek. (Exhibit "Baker G")

# Marble Springs Vicinity



(Figure 1)

Original  
Marble Creek  
Location

Volume 42, page 21

Relocated Marble  
Creek

Marble Creek  
Road

New Marble  
Springs Intake

Old Marble  
Springs Intake

Pipeline Rd. &  
Old Mountain  
Line

New Marble  
Springs  
Pipeline

Valve  
House

New Inter-  
tie Line

Marble Gulch

Scale

1" = 40 ft



About the year of 1916 the City of Baker moved its point of diversion from the channel of Marble Creek to the "Old Marble Springs Intake." Water that was intercepted at the "Old Marble Springs Intake." is water that would have otherwise found its way to the point of diversion in the creek channel.

Prior to 1931, there was no statutory provision for making application for approval of a change in point of diversion. However, the Oregon Supreme Court held in Whited v. Calvin, 55 OR 98 (December 1909) at page 106, "A change in point of diversion. . . may be made when it can be done without prejudice to the rights of others." The record does not disclose any prejudice to the water right of others having resulted from the change made in or about 1916. Therefore, the lawfully established point of diversion for the subject water right is at the "Old Marble Springs Intake."

The intake works at "The Old Marble Spring Intake" consisted of a timbered tunnel into the rocky hillside and a small "spring house" at the outer end of the tunnel. A concrete cut-off wall served to collect the water and direct it to the spring house.

The Chemical Lime Company began quarrying operations in the area shown on Figure 1, about the year 1957. By about 1963 or 1964, the quarrying operations which included the blasting of rock caused fractures in the rock in the vicinity of the "Old Marble Springs Intake." Mr. Vernon Jacobson who was the Director of Public Works for the City of Baker at that time, testified that "the ground was fracturing and water was percolating (seeping to the surface of the ground) all the way around." The "Old Marble Springs Intake" works were no longer able to intercept the waters of Marble Springs.

With permission of the land owner, the City of Baker excavated upslope from the old spring collection works by means of a bulldozer and a backhoe, and followed the flow of water upstream (upslope) to where it was issuing from a cavern and split in the rock face of the quarry. A new concrete cut-off wall and perforated concrete pipe was installed to collect the water. The collected water is conveyed into a 36-inch diameter culvert pipe. The collection works, including the upslope end of the 36-inch culvert pipe, is covered with treated timbers and rock fill.

Water collected at the "New Marble Springs Intake" is piped into the City of Baker's pipeline system via the Valve house shown on Figure 1.

If the water which flows from the rock face at the "New Marble Springs Intake" location were not intercepted by the intake works, it would flow to the channel of Marble Creek (now buried under quarry waste) above the location of the original point of diversion from Marble Creek.

The record does not establish whether the City of Baker is obtaining more or less water by means of the "New Marble Springs Intake" as compared to the "Old Marble Springs Intake." Metered measurements made during the period of October 25, 1985 to May 7, 1986, show an average flow of 0.849 cfs. Measurements made during the period of May 7, 1986 to May 21, 1986, show an average flow of 3.38 cfs.

The City of Baker's subject water right authorized the City to divert up to 5.0 cfs from the natural flow in Marble Creek at the point where the Auburn Canal crossed the channel of Marble Creek, for municipal purposes within the City of Baker. Pursuant to the provisions of ORS 540.610(1) and (2), which statutory provisions were originally adopted by the 1913 Legislative Assembly, the subject right is not subject to forfeiture through nonuse.

Whether the water appropriated were to be diverted from the channel of Marble Creek at the location of the former Auburn Canal crossing, or whether it is diverted from waters tributary to Marble Creek above that point, the effect on downstream appropriators from diversion of a given quantity of water would be no different. Neither is there any change in effect on other private or public interests as a result of diverting the waters of Marble Springs at the "New Marble Springs Intake" as compared to diverting the water at the "Old Marble Springs Intake."

The point of diversion of water from Marble Creek under the existing water rights of the protestant, Pocahontas Farmers' Ditch Company, is some distance downstream from the location where the old Auburn Canal crossed the channel of Marble Creek.

#### ULTIMATE FINDINGS OF FACT

The standard for determining whether the proposed change in point of diversion from the "Old Marble Springs Intake" to the "New Marble Springs Intake" should or should not be approved is set out in ORS 540.530(1). Subsection(1) reads, in part, "If, after hearing or examination, the Water Resources Commission finds that the proposed change can be effected without injury to existing water rights, the commission shall make an order approving the transfer and fixing a time limit within which the approved changes may be completed."

The change in point of diversion from the "Old Marble Springs Intake" to the "New Marble Springs Intake" can be effected without injury to existing water rights including the water rights held by the protestant.



CONCLUSIONS OF LAW

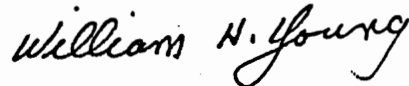
Water Right Transfer Application 5665 in the name of the City of Baker for approval of a change in point of diversion of water appropriated under the right described herein above should be approved pursuant to the provisions of ORS 540.510 to 540.530.

FINAL ORDER

NOW, THEREFORE, it is ORDERED that Water Right Transfer Application 5665 in the name of the City of Baker be approved for change in point of diversion from the location of the "Old Marble Springs Intake" to the location of the "New Marble Springs Intake." The location of the said new point of diversion is described as being 931.2 feet South and 127.6 feet East from the Northwest Corner of Section 13, Township 9 South, Range 38 East, WM.

It is FURTHER ORDERED that because the requested change in point of diversion has been made in fact, no time need be allowed for completion of the change.

Dated at Salem, Oregon, this 19<sup>th</sup> day of January, 1988.



WILLIAM H. YOUNG  
Director

NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075 and 183.482.

6-14-90

Talked: Jim Adamson  
Dir. Public Works

Mr A. claims SCFs from Marble Creek springs. on S-8-90 ave. 2500  
gpm but dot was overflowing.

Marble Creek Spring - They dug out the sidehill to hardrock, then put in  
a cut off wall. They ~~had~~ laid 4 lines of perforated pipe then  
back filled with gravel. These 4 lines run into a 36" pipe (collection)  
They then have 16" & 8" coming out for approx 15' to spring box  
(36" convert) where this 16" & 8" dump into it. They have a 12"  
pipe to the valve house where the overflow is put into Marble  
Creek.

IASP

6-14-90

*[Signature]*



CHANGE IN POINT OF DIVERSION ONLY

REPORT ON INSPECTION UNDER  
TRANSFER OF WATER RIGHT

Transfer No. B-125 County Baker

1. Name \_\_\_\_\_ City of Baker \_\_\_\_\_ Address Baker, Oregon

2. Source of Supply Goodrich Creek, Trib. of \_\_\_\_\_

3. Amount of Water \_\_\_\_\_ Priority Date 1863-1868

4. Use irrigation municipal water supply within the corporate limits of City of Baker

5. Location of Point of Diversion 80 ft. S and 60 ft. E from the NE corner of SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec. 35, and being within the ~~SE<sup>1</sup>/<sub>4</sub>~~ <sup>SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub></sup> said Sec. 35, T. 8 S., R. 38 E., W. M.

Township	Range	Section	Forty Acre Tract	No. Acres in Transfer	No. Acres Found Irrigated

7. If for power, mining, municipal, manufacturing or any other purpose than irrigation, give method and extent of such use: \_\_\_\_\_

1967-F-11132 2532E  
 91-49-5-67-110  
 INSPECTED - LOCATION SURVEYED

6.2

Div. PT description -

A concrete dam - 16<sup>0</sup> long -  
6<sup>0</sup> high -

12" reinforced concrete construction  
backs water 40 feet -

domestic intake pipe located in S headwall

2 - 14" valves located in dam to allow  
drainage -

Location surveyed on 1967-F -  
in conjunction with Pollock Survey  
# 37849 -

Vestal R. Lamer  
Oct 25, 1967  
Field Eng -

8.

DESCRIPTION OF WORKS

CANAL: Width on top (at waterline) \_\_\_\_\_; Width on bottom \_\_\_\_\_; Depth of water \_\_\_\_\_; Grade \_\_\_\_\_ft. fall per 1,000 ft.; Actual capacity \_\_\_\_\_sec. ft.;

Give general description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PUMP AND PIPE OR SPRINKLER SYSTEMS:

Pump: Make \_\_\_\_\_ Type \_\_\_\_\_ No. \_\_\_\_\_

Intake size \_\_\_\_\_ Discharge size \_\_\_\_\_ Suction head \_\_\_\_\_ Dis-  
charge head \_\_\_\_\_ Rating: GPM \_\_\_\_\_ RPM \_\_\_\_\_ Pressure \_\_\_\_\_

Power Plant: Type \_\_\_\_\_ Make \_\_\_\_\_

H.P. Rating \_\_\_\_\_ RPM \_\_\_\_\_

Power Connection: Direct connected unit \_\_\_\_\_

If belt driven: Size of drive pulley \_\_\_\_\_ Driven pulley \_\_\_\_\_

Distribution System: Main line - Size \_\_\_\_\_ Length \_\_\_\_\_ Kind of Pipe \_\_\_\_\_

Lateral lines: Size \_\_\_\_\_ Length \_\_\_\_\_ Kind of Pipe \_\_\_\_\_

Sprinkler Heads: Make \_\_\_\_\_ Size of Nozzles \_\_\_\_\_

Number of heads used \_\_\_\_\_ Discharge capacity of each \_\_\_\_\_ GPM;

Operating pressure \_\_\_\_\_ lbs.

REMARKS: \_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Inspector's Signature





BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION )  
OF CITY OF BAKER FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM GOODRICH CREEK )

O R D E R

APPROVING APPLICATION

-----  
On July 6, 1961, the City of Baker filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Goodrich 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 to the Use of the Waters of Powder River and its Tributaries, a water right was established in the name of the City of Baker for the use of 11.25 cubic feet per second of the waters of Goodrich Creek for municipal water supply within the corporate limits of the City of Baker, of which 5.0 cubic feet per second is diverted through the Auburn ditch with a date of priority of 1863 and 6.25 cubic feet per second is diverted through the Nelson or Newton and Sturgill ditch with a date of priority of 1868. The point of diversion of the Auburn ditch is within the E $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 34 and the point of diversion of the Nelson or Newton & Sturgill ditch is within the S $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 36, all in Township 8 South, Range 38 East, W. M.

The applicants herein, owners of the water right above described, propose to change their point of diversion to a point to be located 1320 feet North and 710 feet West from the southeast corner of Section 35, and being within the E $\frac{1}{2}$  SE $\frac{1}{4}$ , said Section 35, Township 8 South, Range 38 East, W. M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the

county courthouse in Baker, Oregon, on October 31, 1961, at 9:30 a.m. The notice was published in the Baker Democrat-Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of September 5, 12 and 19, 1961. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 proposed change in point of diversion of water from Goodrich Creek, to-wit:

From a point located within the E $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 34, known as the Auburn ditch, and

From a point located within the S $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 36 known as the Nelson or Newton & Sturgill ditch, all in Township 8 South, Range 38 East, W.M.

To a point to be located 1320 feet North and 710 feet West from the southeast corner of Section 35, and being within the E $\frac{1}{2}$  SE $\frac{1}{4}$ , said Section 35, Township 8 South, Range 38 East, W.M.

for the use of 11.25 cubic feet per second of water for municipal water supply within the corporate limits of the City of Baker, of which 5.0 cubic feet per second has a date of priority of 1863 and 6.25 cubic feet per second has a date of priority 1868, be and the same hereby is approved.

It is FURTHER ORDERED that the change in point of diversion of water shall be completed on or before October 1, 1963, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

Dated at Salem, Oregon, this 12th day of January, 1962.

LEWIS A. STANLEY  
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION )  
OF CITY OF BAKER FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM GOODRICH CREEK )  
-----

O R D E R

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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 proposed change in point of diversion of water from Goodrich Creek, to-wit:

From a point located within the E $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 34, known as the Auburn ditch, and

From a point located within the S $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 36, known as the Nelson or Newton & Sturgill ditch, all in Township 8 South, Range 38 East, W.M.

To a point to be located 1320 feet North and 710 feet West from the southeast corner of Section 35, and being within the E $\frac{1}{2}$  SE $\frac{1}{4}$ , said Section 35, Township 8 South, Range 38 East, W.M.

for the use of 11.25 cubic feet per second of water for municipal water supply within the corporate limits of the City of Baker, of which 5.0 cubic feet per second has a date of priority of 1863 and 6.25 cubic feet per second has a date of priority 1868, be and the same hereby is approved.

It is FURTHER ORDERED that the change in point of diversion of water shall be completed on or before October 1, 1963, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

Dated at Salem, Oregon, this 12th day of January, 1962.

/s/ LEWIS A. STANLEY  
State Engineer

October 9, 1963

Mr. Vernon Z. Jacobson  
City Engineer  
P.O. Box 671  
Baker, Oregon

Dear Mr. Jacobson:

Re: Transfer No. B-125

I have your letter advising that construction work has been completed as required in our order approving your application for a change in point of diversion of water.

In line with the general practice of this office, a survey will be made at a later date to map the location of the new point of diversion.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By

Max F. Rogers, Deputy

.gcc

"CENTER OF OREGON'S  
ADVENTURELAND"

CITY OF BAKER OREGON

Office: City Hall  
JA 3-4437

P. O. BOX 671  
BAKER, OREGON, 97814

October 3, 1963

State Engineer  
251 Finance Building  
170 Twelfth Street S.E.  
Salem, Oregon

RECEIVED  
OCT - 7 1963  
STATE ENGINEER  
SALEM, OREGON

Attention Chris L. Wheeler.

Dear Sir:

The Construction work on the diversion transfer No. B-125 has been completed, all construction has been completed under permit 5368 also the Dam and Reservoir.

I am sorry your office was not notified of the completion date.

Thanking you sincerely,

*Vernon Z. Jacobson*  
Vernon Z. Jacobson  
City Engineer

VZJ:mw

January 17, 1962

Mr. Leland J. Wood  
City Recorder  
Baker, Oregon

Dear Mr. Wood:

Re: Transfer No. B-125

Enclosed is a certified copy of the order of the State Engineer, entered January 12, 1962, approving the application of the City of Baker for a change in point of diversion of water from Goodrich Creek.

Also enclosed is a notice of completion of construction which should be dated, signed and returned to this office when the change in point of diversion has been completed. According to the terms of the order, this should be done on or before October 1, 1963.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

ks

Enclosures

cc: Cornell, Howland, Hayes & Merryfield



**NOTICE**

**Of Filing Application for a Change In Point of Diversion of Water**

Notice is given hereby that the City of Baker has filed an application for the approval of a change in point of diversion of water from Goodrich Creek.

In the Powder River adjudication proceedings, a water right was established in the name of the City of Baker for the use of 11.25 c.f.s. of the waters of Goodrich Creek for municipal water supply within the corporate limits of the City of Baker, of which 5.0 c.f.s. is diverted through the Auburn ditch with a date of priority of 1863 and 6.25 c.f.s. is diverted thru the Nelson or Newton & Sturgill ditch with a date of priority of 1868. The point of diversion of the Auburn ditch is within the E $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 34 and the point of diversion of the Nelson or Newton & Sturgill ditch is within the S $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 36, all in T. 8 S., R. 38 E., W. M.

The applicants herein, owners of the water above described, propose to change their point of diversion to a point to be located 1320 ft. N. and 710 ft. W. from the SE corner of Sec. 35, and being within the E $\frac{1}{2}$  SE $\frac{1}{4}$ , said Sec. 35. T. 8 S., R. 38 E., W. M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Baker, Oregon, on October 31, 1961, at 9:30 a. m. All Objections to the proposed change, if any there are, will be heard at said time and place. Any objections shall be prepared in writing, one copy to be served on City of Baker, Baker, Ore., and one copy filed with the State Engineer, Salem, Ore., together with a \$2 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 31st day of August, 1961.

LEWIS A. STANLEY  
State Engineer.

Sept. 5, 12, 19, 1961.

**AFFIDAVIT OF PUBLICATION**

Baker, Oregon, September 19, 1961

STATE OF OREGON, }  
County of Baker } ss.

I, Lee C. Bollinger, being first duly sworn, depose and say that I am the publisher of the Baker Democrat-Herald which is a Daily (except Sunday) newspaper of general circulation, printed and 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 $\frac{3}{4}$  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 notice of filing application for a change and has more than 200 bona fide subscribers within said county; that the notice of filing application for a change 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 weeks being published three times commencing with the issue dated the 5th day of September, 1961, and ending with the issue dated the 19th day of September, 1961, and that the dates of publication were September 5, 12, and 19, 1961.

*Lee C. Bollinger*

Subscribed and sworn to before me this 19th day of September, 1961

*Thelma Mattes*  
Notary Public for Oregon.

My commission expires June 7, 1964



August 31, 1961

Mr. Thomas W. Maxwell  
Watermaster, District No. 8  
County Courthouse  
Baker, Oregon

Dear Mr. Maxwell:

Re: Transfer No. B-125

Enclosed is a copy of notice being forwarded today for publication in the September 5, 12 and 19, 1961, issued of the Baker Democrat-Herald.

We shall appreciate having you advise if in your opinion the proposed change in point of diversion of water may be made without injury to existing rights.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

ks

Enclosure

August 31, 1961

Baker Democrat-Herald  
Baker  
Oregon

Gentlemen:

Re: Transfer No. B-125

Enclosed is notice for publication in the September 5, 12 and 19, 1961, issues of the Baker Democrat-Herald.

Please advise if the notice will be published as requested. If for any reason you are unable to publish the notice on the dates specified above, please return it to this office.

After completion, please furnish this office with an affidavit of publication, and forward your statement covering the cost of this service, together with an affidavit of publication, to City of Baker, Baker, Oregon.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

ks

Enclosure

cc: City of Baker  
Cornell, Howland, Hayes & Merryfield

August 17, 1961

Cornell, Howland, Hayes & Merryfield  
Consulting Engineers  
1600 Western Avenue  
Corvallis, Oregon

Attention: Robert R. Adams

Gentlemen:

Re: Transfer No. B-125

This is in further reference to the application of the City of Baker for the approval of a change in point of diversion of water from Goodrich Creek.

Under Item 4 of the application, the point of diversion of the Auburn ditch is described as being within the E $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ . Maps made in August, 1911 in connection with the Powder River adjudication proceedings show the point of diversion of the Auburn ditch as being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 8 South, Range 38 East, W. M. The Sumpter quadrangle made in 1914 shows the point of diversion of the Auburn ditch at substantially the same point as shown in our adjudication maps. It is possible that the City of Baker moved their diversion downstream to the point as indicated on the application and accompanying map, and it is equally possible that either the map accompanying the application or the adjudication map is in error. For your convenience in checking this matter, the application, map and Baker quadrangle are being returned herewith.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

MFR:ks

Enclosures



# CORNELL, HOWLAND, HAYES & MERRYFIELD

*Consulting Engineers* .....

1600 WESTERN AVENUE CORVALLIS, OREGON TELEPHONE PLAZA 3-6638

August 25, 1961

SANITARY  
HYDRAULIC  
ELECTRICAL  
STRUCTURAL  
MECHANICAL  
FOUNDATION

BOISE OFFICE:  
IDAHO BUILDING  
BOISE, IDAHO  
TELEPHONE 4-8361

State Engineer  
251 Finance Building  
170 Twelfth Street, S. E.  
Salem, Oregon



IN REPLY PLEASE REFER TO: B2108.22

Attention: Max F. Rogers, Deputy

Dear Sir:

Your Record, Transfer No. B125

As indicated to you today by telephone, we have checked the location of the Auburn ditch diversion in Section 34, T 8 S, R 38 E; and, according to the aerial photographs which we have, and have checked in the field, we believe that our designated diversion point on the Application for Change in Point of Diversion is correct. It appears that the Sumpter quadrangle sheet is incorrect in that the Auburn ditch diversion actually falls about 2,800 feet east, or downstream, from the small stream in the draw toward the northwest in Section 34.

It therefore appears that your penciled-in figures in Item 4 of the application are probably incorrect for (a). We are returning herewith the planimetric map, the application, and the map to accompany the application.

Very truly yours,

CORNELL, HOWLAND, HAYES & MERRYFIELD

Robert R. Adams  
Partner

RRA/ms  
Enclosures

cc: City Manager  
Baker, Oregon

# THE CITY OF BAKER

*"The Friendly City on the Old Oregon Trail"*

BAKER, OREGON

August 7, 1961

State of Oregon, State Engineer  
Water Resources Department  
251 Finance Building  
170 Twelfth Street, S. E.  
Salem, Oregon



Attention: Max F. Rogers, Deputy

Dear Sir:

Re: Transfer No. B-125

Thank you for your letter of July 21, 1961 calling attention to the date of priority as listed in Item 7 (a).

This has now been corrected to read 1863, and the corrected application is hereby returned.

Very truly yours,

A handwritten signature in cursive script that reads "Leland J. Wood". The signature is written in dark ink on a light background.

Leland J. Wood  
City Recorder

LJW:pl  
enc

July 21, 1961

Mr. Leland J. Wood  
City Recorder  
City of Baker  
Baker, Oregon

Dear Mr. Wood:

Re: Transfer No. B-125

Thank you for your letter of July 19, authorizing this office to mail notice direct to the Baker Democrat-Herald in connection with your application for a change in point of diversion of water from Goodrich Creek.

The application is being returned for amendment of Item 7 (a). The date of priority of the City of Baker's right through the Auburn Canal is 1863 instead of 1862. I respectfully refer you to paragraph 83 of the Decree of the Circuit Court entered March 18, 1918, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Powder River and its Tributaries, part of said paragraph reading as follows:

~~\*\*\*\*~~ That the City of Baker has succeeded to the rights of plaintiff, David McClure, Jr., and the said Perry Baisley Estate, J. H. Baisley, Hattie Baisley, and S. B. Baisley have succeeded to the interests of Moses Carpenter, defendant, and it appearing by said decree that the said Auburn Canal was constructed in the year 1863, the rights to the use of water through the Auburn Canal by said City of Baker shall be of the date of priority of 1863. ~~\*\*\*\*~~"

I assume from reading paragraph 15, contest No. 5, that one might construe that the date of priority of the Auburn Canal is 1862, but only by inference; whereas, paragraph 83 is quite definite.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

MFR:ks

# THE CITY OF BAKER

*"The Friendly City on the Old Oregon Trail"*

BAKER, OREGON

July 19, 1961

State of Oregon, State Engineer  
Water Resources Department  
Salem, Oregon

Attention: Max F. Rogers, Deputy

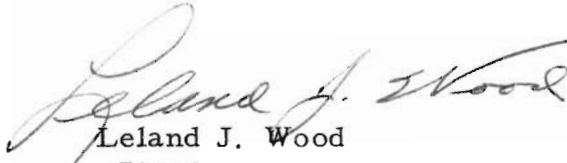
Dear Sir:

**RECEIVED**  
JUL 20 1961  
**STATE ENGINEER**  
**SALEM, OREGON**

Thank you for your letter of July 17th, 1961, informing us that since the change in the point of diversion of water from Goodrich Creek will be more than 1/4 mile from the present point, it will be necessary to give notice by publication in a newspaper of general circulation in Baker County for a period of not less than three weeks, once a week.

Please consider this letter your authorization to mail the notice direct to The Baker Democrat-Herald, Baker, Oregon, and advise them to bill The City of Baker direct.

Very truly yours,

  
Leland J. Wood  
City Recorder



July 17, 1961

City of Baker  
City Hall  
Baker, Oregon

Gentlemen:

Re: Transfer No. B-125

We are in receipt from Cornell, Howland, Hayes and Merryfield application on behalf of the City of Baker for the approval of a change in point of diversion of water from Goodrich Creek, map showing the location of the present and proposed points of diversion and check in the amount of \$15, for which our receipt No. 30452 is enclosed.

From an examination of the application and map, it appears that the distance between the present and proposed points of diversion is more than  $\frac{1}{2}$  mile. It will, therefore, be necessary to give notice by publication in a newspaper printed and having general circulation in Baker County for a period of at least three weeks and not less than one publication each week, the cost to be paid by the applicant. You may submit a deposit of \$25.00 for ~~this~~<sup>such</sup> purpose, or if you prefer, authorize us to mail the notice direct to the newspaper in Baker with instructions to bill you direct. In this connection, kindly advise in which newspaper you desire the notice published.

Very truly yours,

LEWIS A. STANLEY  
State Engineer

By  
Max F. Rogers, Deputy

MFR:ks

cc: Cornell, Howland, Hayes & Merryfield

# CORNELL, HOWLAND, HAYES & MERRYFIELD

Consulting Engineers .....

1600 WESTERN AVENUE CORVALLIS, OREGON TELEPHONE PLaza 3-6638

SANITARY  
STRUCTURAL  
HYDRAULIC  
ELECTRICAL  
MECHANICAL  
FOUNDATION

TO State Engineer  
251 Finance Bldg.  
170 12<sup>th</sup> St. S.E.  
Salem, Oregon

DATE July 3, 1961  
RE: City of Baker, Oregon

OUR PROJECT NO. B2108.22

WE ARE SENDING  HEREWITH  UNDER SEPARATE COVER

THE FOLLOWING:

- PRINTS  TRACINGS  SPECIFICATIONS  DOCUMENTS  
 SHOP DRAWINGS  CATALOGS  LETTERS

**RECEIVED**  
JUL 6 1961  
STATE ENGINEER  
SALEM, OREGON

NO. OF COPIES	ITEM	DATED	REMARKS
1	Application for Transfer of Water Right	June 28	
1	Map to Accompany Application	June 27	# E2108-11
1	Check (City of Baker) to cover Examination & Recording Fees	June 29	# 1627
	\$15.00		

IF MATERIAL RECEIVED IS NOT AS LISTED ABOVE. KINDLY NOTIFY US AT ONCE

- TRANSMITTED BY:  
 FIRST CLASS MAIL  
 REGISTERED MAIL  
 AIR MAIL  
 AIR EXPRESS  
 RAILWAY EXPRESS  
 STAGE  
 MESSENGER

CORNELL, HOWLAND, HAYES & MERRYFIELD

BY Robert R. Adams



**NOTICE OF FILING APPLICATION FOR A CHANGE  
IN POINT OF DIVERSION OF WATER**

Notice is given hereby that the City of Baker has filed an application for the approval of a change in point of diversion of water from Goodrich Creek.

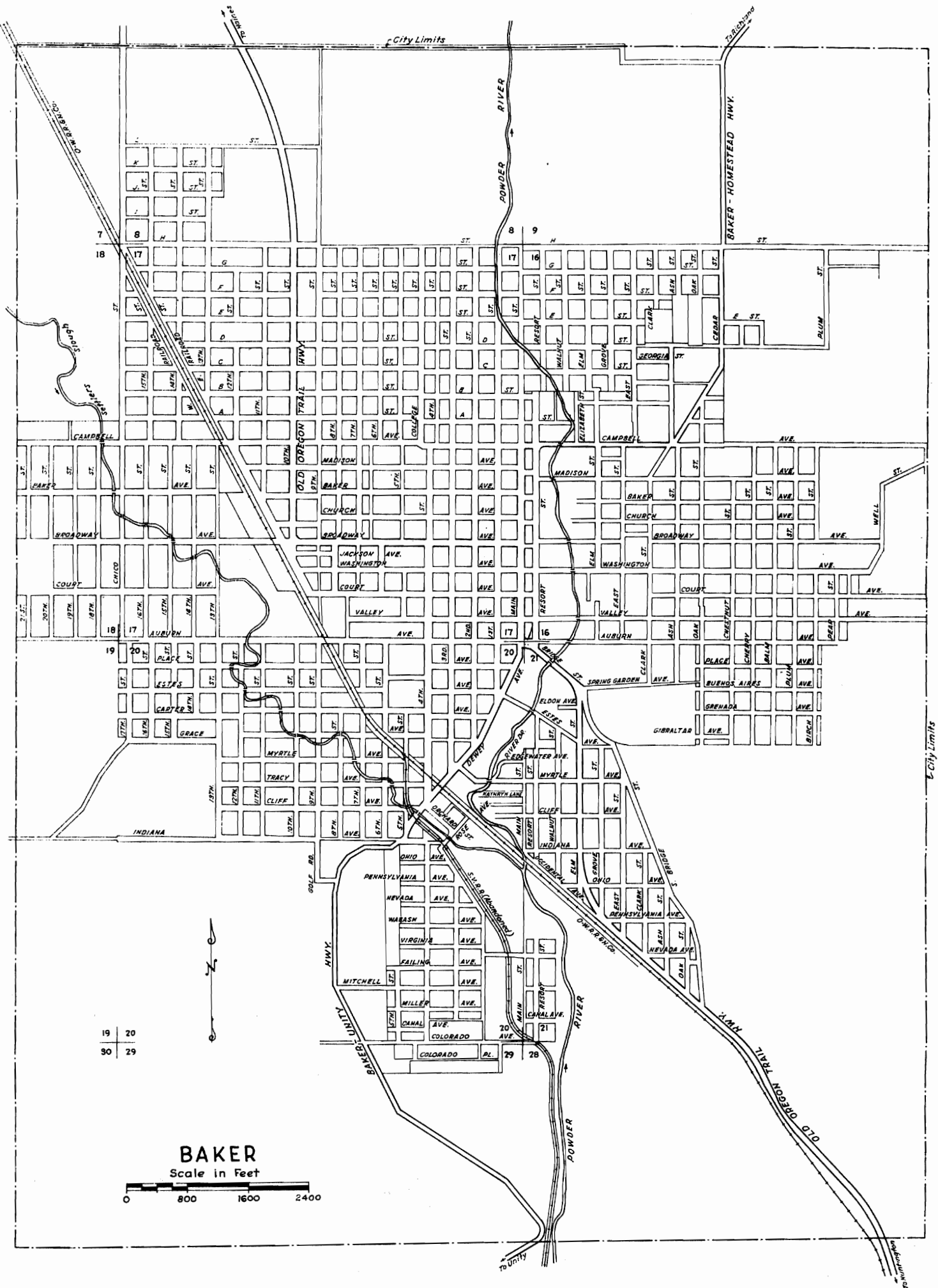
In the Powder River adjudication proceedings, a water right was established in the name of the City of Baker for the use of 11.25 c.f.s. of the waters of Goodrich Creek for municipal water supply within the corporate limits of the City of Baker, of which 5.0 c.f.s. is diverted through the Auburn ditch with a date of priority of 1863 and 6.25 c.f.s. is diverted thru the Nelson or Newton & Sturgill ditch with a date of priority of 1868. The point of diversion of the Auburn ditch is within the E $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 34 and the point of diversion of the Nelson or Newton & Sturgill ditch is within the S $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 36, all in T. 8 S., R. 38 E., W.M.

The applicants herein, owners of the water right above described, propose to change their point of diversion to a point to be located 1320 ft. N. and 710 ft. W. from the SE corner of Sec. 35, and being within the E $\frac{1}{2}$  SE $\frac{1}{4}$ , said Sec. 35, T. 8 S., R. 38 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Baker, Oregon, on October 31, 1961, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any objections shall be prepared in writing, one copy to be served on City of Baker, Baker, Ore., and one copy filed with the State Engineer, Salem, Ore., together with a \$2 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 31st day of August, 1961.

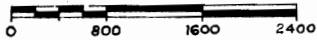
LEWIS A. STANLEY, State Engineer



19 20  
30 29

**BAKER**

Scale in Feet



STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BAKER CITY  
P.O. BOX 650  
BAKER CITY, OR 97814

confirms the right to use OF 5.0 CUBIC FEET PER SECOND (CFS) OF THE WATERS OF GOODRICH CREEK, 0.5 CFS FROM COYOTE SPRINGS, 5.0 CFS FROM LITTLE MILL CREEK, 5.0 CFS FROM BIG MILL CREEK, 0.5 CFS FROM HAWK SPRINGS, 1.25 CFS FROM LITTLE MARBLE CREEK, 5.0 CFS FROM BIG MARBLE CREEK, 0.625 CFS FROM CAMPER SPRINGS, 0.5 CFS FROM HERMAN SPRINGS, 5.0 CFS FROM BIG SALMON CREEK, 0.625 CFS FROM HENRY SPRINGS, 0.625 CFS FROM FINLEY SPRINGS, 0.5 CFS FROM LITTLE SALMON SPRINGS, 1.25 CFS FROM LITTLE SALMON CREEK, 0.625 CFS FROM SLUM TOWN SPRINGS, 0.5 CFS FROM ROCK SPRINGS, 0.5 CFS FROM NORTH PRONG OF WASHINGTON GULCH, 0.5 CFS FROM MIDDLE PRONG OF WASHINGTON GULCH, 0.5 CFS FROM SOUTH PRONG OF WASHINGTON GULCH, 0.625 CFS FROM CONN SPRINGS, 0.25 CFS FROM BYAM SPRINGS AND 3.75 CFS FROM ELK CREEK WITH A DATE OF PRIORITY OF 1862; 1.25 CFS OF THE WATERS OF GEE CREEK, 6.25 CFS FROM GOODRICH CREEK, 6.25 CFS FROM MILL CREEK AND 5.0 CFS FROM MARBLE CREEK WITH A DATE OF PRIORITY OF 1868; AND STORAGE IN GOODRICH CREEK RESERVOIR, FROM GOODRICH CREEK WITH A DATE OF PRIORITY OF 1901; FOR MUNICIPAL PURPOSES WITHIN BAKER CITY, BAKER COUNTY, OREGON.

This right was confirmed by decree of the Circuit Court of the State of Oregon for BAKER COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at Page 291.

The right to the use of the water is subject to all other conditions and limitations contained in said decree.

The use of water from the new points of diversion shall not exceed the quantity of water that is available at the old points of diversion.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

The location of the points of diversion are not specifically described except as follows:

GOODRICH CREEK (OLD AUBURN DITCH DIVERSION) - E 1 /2 SW 1/4 SE 1/4, SECTION 34, TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.; AND

GOODRICH CREEK (OLD NELSON OR NEWTON & STURGILL DITCH DIVERSION) - S 1/2 SW 1/4 SE 1/4, SECTION 34, TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.


BIG MARBLE CREEK (OLD POINT OF DIVERSION) NW 1/4 NW 1/4, SECTION 13, TOWNSHIP 9 SOUTH, RANGE 38 EAST, W.M.; 972 FEET SOUTH AND 339.8 FEET EAST FROM THE NW CORNER OF SECTION 13.

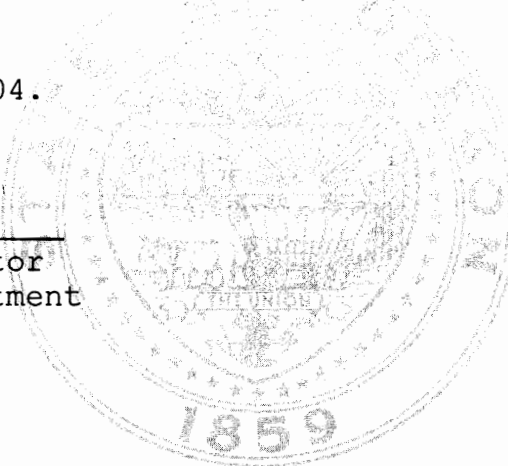
MARBLE SPRINGS INTAKE (NEW DIVERSION) - NW 1/4 NW 1/4, SECTION 13, TOWNSHIP 9 SOUTH, RANGE 38 EAST, W.M.; 931.2 FEET SOUTH AND 127.6 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 13.

GOODRICH CREEK (NEW DIVERSION) - SE 1/4 SE 1/4, SECTION 35, TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.; 80 FEET SOUTH AND 610 FEET EAST FROM THE NW CORNER, SE 1/4 SE 1/4, SECTION 35.

This certificate is issued to correctly describe the date of priority, confirms changes in POINTS OF DIVERSION approved by an orders of the Water Resources Director entered JANUARY 12, 1962, AND JANUARY 19, 1988, and supersedes Certificate 9608, State Record of Water Right Certificates.

Issued January 15, 2004.

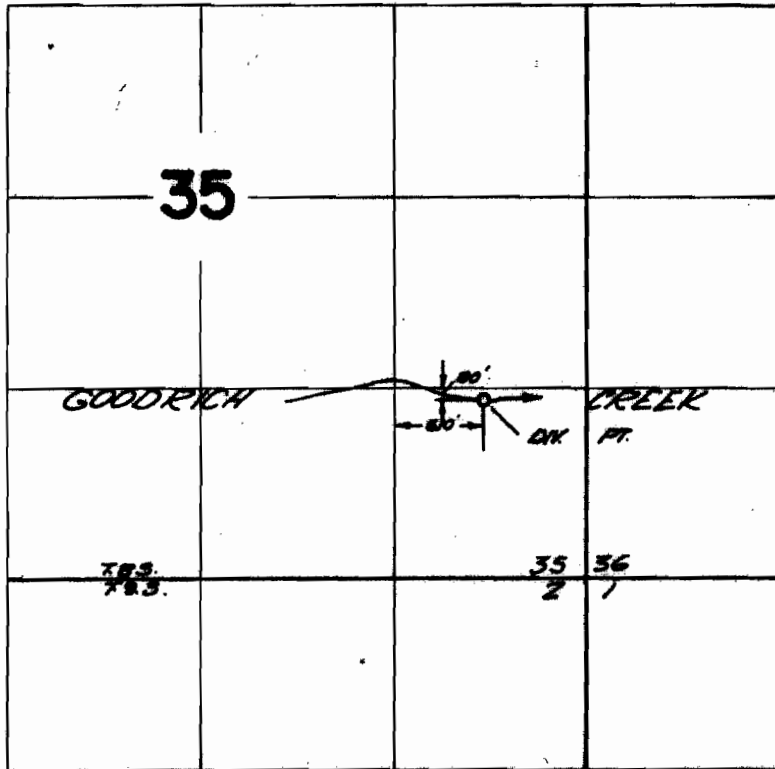
  
\_\_\_\_\_  
Paul R. Cleary, Director  
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80496.



# T.8S. R.38 E. W.M.



## FINAL PROOF SURVEY UNDER

*TRANSFER B-125*  
Application No. .... Permit No. ....  
IN NAME OF

*CITY OF BAKER*

Surveyed *Oct. 23, 1967*, by *J. Gardner*

RECEIVED RECEIVED  
 AUG 28 1961 JUL 6 1961  
 STATE ENGINEER STATE ENGINEER  
 SALEM, OREGON

### Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, City of Baker (Name of applicant)  
 of City Hall, Baker (Postoffice), County of Baker  
 State of Oregon, do hereby make application for change

in point of diversion  
(In point of diversion; place of use; use heretofore made of the water)

- The source of present water right is Goodrich Creek  
(Name of stream)
- The use to which the water is applied is municipal water supply  
(Irrigation; Mining; Power; Manufacturing; etc.)  
(a) Auburn Ditch (1863)
- The name of the ditch, canal or pipe line is (b) Nelson or Newton & Sturgill Ditch (1868)  
(a) N E SW
- The point of diversion is located (b) 580 ft. S and 720 ft. E from the W 1/4  
(N. or S.) (E. or W.)  
Sec. 34 (a) E 1/2 SW 1/4 SE 1/4  
Sec. 36 (b) S 1/2 NW 1/4 SW 1/4  
(Section or subdivision)  
 corner of (a) 34 (a) 8S (a) 38 E  
(b) 36 (b) 8S R. (b) 38 E W. M., in the County of Baker  
(No. N. or S.) (No. E. or W.)

5. Give the number of acres irrigated in each smallest legal subdivision (40-acre tract). Only show the acreage which is being transferred. If the water is used for power, mining or other use, show place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
9S	40E	7													40			40
		18	40			40									40			40
		19	40			40									40			40
		30	40			40												

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.  
 All of Sec. 16, 17, 20, 21; S 1/2 of Sec. 8 and 9; N 1/2 of Sec. 28 and 29

*within the corporate limits of the City of Baker (see Ordinance # 96)* (Attach separate sheet if necessary) (a) Goodrich Creek 5.0 a.f.s. ✓  
(b) 40 6.25 " ✓

6. Are you the legal owner of the above described lands? all within City limits  
(If not owner, explain your interest)

6a. Have the lands above described been irrigated during the past 5 years? yes

7. What is the priority date of your water right? (a) 1863 (b) 1868

8. Was your water right acquired by State Engineer's Permit? no If so, give number  
(Yes or No)

of permit .....

*Findings 15 for WR  
 83  
 96*

9. Do you hold a water right certificate? No If so, give number of certificate  
(Yes or No)

10. Was your water right determined by State Engineer's order of Determination or Decree of Court?  
Yes If so, give title of proceedings Powder River Decree, March 18, 1918  
(Yes or No)

11. Is the water right recorded in your name? Yes  
(If not, give name)

12. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Do not answer questions 13, 14, 15 and 16, if the application is not for change in point of diversion.

13. The proposed point of diversion is located 1320 ft. N and 710 ft. W from the SE corner of 35 being within the E $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 35 Tp. 8S R. 38E W. M.,  
(N. or S.) (E. or W.) (Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
 in the county of Baker. The name of the ditch to be used is water transmission line

14. Are you the owner of the land on which the proposed point of diversion is to be located? will purchase

15. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.  
City is acquiring property at diversion, road easement to diversion, and pipeline easements from diversion to City reservoir site west of the City.

16. Are there any diversions between your present point of diversion and the proposed point of diversion?  
 (a) yes  
 (b) no

NOTE: Do not answer questions 17 and 18 if application is for change in point of diversion only.

17. 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)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

19. Reasons for the proposed changes are to transfer point of diversion to new intake structure for water transmission line to City of Baker reservoirs.

**AFFIDAVIT OF APPLICANT**

STATE OF OREGON,

County of Baker

} ss.

I, City of Baker, 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 28 day of June, 1961  
City of Baker, Oregon

Fred J. Young  
by Fred J. Young (Name of applicant) City Manager

Subscribed and sworn to before me this 28 day of June, 1961

[Notarial Seal]

Richard J. Wood  
NOTARY PUBLIC FOR OREGON

My commission expires My Commission Expires Oct. 29, 1962

Remarks .....

.....

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.....

.....

**This application must be accompanied by a map showing the location of the point of diversion, place of use and works utilized under the present water right. The map should also show the new point of diversion or place of use, as the case may be.**

# Application for Transfer of Water Right

Name of applicant .....

Date filed .....

Date returned for further data .....

Date application completed .....

Date notice published .....

Date of hearing .....

Place of hearing .....

Date of final order  
of State Engineer .....

Date of issuance of certificate  
confirming change .....

Recorded in State Record of Water Right Certificates,

volume ....., page .....

Fees paid .....

Receipt No. ....



# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

June 8, 2010

Laura Livingston  
USDA Forest Service, Wallowa-Whitman NF  
PO Box 907  
Baker City, OR 97814

RE: Certified copies of  
Certificate 80496  
inal Proof Survey Map for transfer B-125  
Folder Contents T-175, B-125

Laura,

Enclosed are the certified copies you requested. An invoice will be sent to Mr. Guttridge at the address you provided.

If you have any questions, please feel free to contact me at 503-986-0811.

Sincerely,

Gerry Clark  
Water Right Specialist



## Gerry Clark

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**From:** Laura B Livingston [llivingston@fs.fed.us]  
**Sent:** Thursday, June 03, 2010 11:42 AM  
**To:** Gerry Clark  
**Cc:** Alan J Guttridge  
**Subject:** RE: Certified copies of files and certificate

Sound good. Please proceed. Please send documents to me at the address below. Authorized officer for payment is Alan Guttridge at same address.

Laura Livingston  
Realty Specialist  
Northeast Oregon Land Zone  
(541) 523-1230  
llivingston@fs.fed.us

Gerry Clark <clarkge@wrд.state.or.us>

To: Laura B Livingston <llivingston@fs.fed.us>

cc

Subject: RE: Certified copies of files and certificate

06/03/2010 11:33 AM

Laura,

Here is a breakdown of the costs related to this project:

43 pages of copies	\$23.00
3 certifications	\$30.00
<b>Total</b>	<b>\$53.00</b>

If you would like us to proceed, please let me know. The Department can invoice you office for the necessary fees.

Gerry

Gerry Clark  
Water Rights and Adjudications Division  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301  
Phone: 503-986-0811  
Fax: 503-986-0901

WRD Home Page: [www.wrd.state.or.us](http://www.wrd.state.or.us)

6/8/2010

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**From:** Laura B Livingston [mailto:llivingston@fs.fed.us]  
**Sent:** Thursday, June 03, 2010 11:21 AM  
**To:** Gerry Clark  
**Subject:** Certified copies of files and certificate

Per phone conversation on June 3, 2010, the USDA Forest Service, Wallowa-Whitman NF would like to request certified copies of the following documents:

Water Right Certificate #80496 ✓

Map of Certificate #80496 (Final Proof Survey for transfer B-125) Goodrich Creek ✓

Folder Content T-175, B-125 for change in diversion point on Goodrich Creek, 43 pages ✓

Laura Livingston  
Realty Specialist  
Northeast Oregon Land Zone  
P.O. Box 907  
1550 Dewey Ave  
Baker City, OR 97814  
(541) 523-1230  
llivingston@fs.fed.us