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T-3160

JAN 27 1975
STATE ENGINEER
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Ben A. Weinke
(Name of applicant)

of Route 2, Box 96, Pendleton, County of Umatilla
(Postoffice)

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)

1. The source of present water right is Birch Creek
(Name of stream)

2. The use to which the water is applied is irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is unnamed ditch
See Remarks

4. The point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)

corner of being within the
(Section or subdivision)

of Section Tp. R. W. M., in the County of

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

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 $\frac{1}{4}$								
1N	32E	27									18.9				25.2								5			

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

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

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? 1895, 1908, 1921, 1957

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

of permit 5067, 24830

10. Do you hold a water right certificate? Yes If so, give number of certificate 3478, 30426
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

Yes If so, give title of proceedings Umatilla River Decree, your reference No. 2579,
(Yes or No) 2614 - corrected by Cert. No. 2931

12. Is the water right recorded in your name? Louis Male, George W. Runyan, Edwin Hoeft,
August Weinke (If not, give name)

13. 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: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located See Remarks for description
1,481 ft. S and 2,806 ft. W from the NE
(N. or S.) (E. or W.)
 corner of Section 34 being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34 Tp. 1N R. 32E. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
 in the county of Umatilla. The name of the ditch to be used is Weinke Ditch

15. Are you the owner of the land on which the proposed point of diversion is to be located? No

16. 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.
Clarence and LaVelle Hoeft, Route 1, Box 470F, Coeur d' Alene,
Idaho 83814

See enclosed Easement

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. 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)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are to conform the formal record with the
actual useage

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Umatilla

ss.

I, Ben A. Weinke, 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 23 day of January, 1975

Ben A. Weinke (Name of applicant)

Subscribed and sworn to before me this 23 day of January, 1975

Robert E. Bourke NOTARY PUBLIC FOR OREGON

[Notarial Seal]

My commission expires 11-18-77

Remarks #4. Various points of diversion are shown on the certificates and in the Decree. Three of these are shown below. On account of changes in the location of Birch Creek, the accuracy of these is questionable. The point of diversion being applied for has been in use approximately 7 years. The one shown on the map is the one described in Certificate No. 3478.

#14. The description referred to in Question 14 above is as follows: Commencing at the Northeast corner of Section 34, Township 1 North, Range 32, E.W.M thence South 89°50'01" West a distance of 2397.33 feet to a point on the centerline of the existing county road No. 549 and the centerline of an irrigation ditch culvert and thence along the centerline of an irrigation ditch the following bearings and distances: South 13°04'40" East 103.22 feet; South 9°18'30" West 68.19 feet; South 26°14'28" West 226.88 feet; South 14°03'05" West 1009.65 feet; South 44°43'51" West 78.30 feet to the center of the concrete head wall of the diversion structure at Birch Creek the terminus point for this description, and being the point of diversion.

Old Points of diversion: Certificate No. 30426: 1,140' South and 180' East from the North Quarter corner of Section 34, being within the Northwest Quarter Northeast Quarter of Section 34, Township 1 North, Range 32, E.W.M.; 1,680' North and 1,370' East from the Southwest corner of Section 34, being within the Northeast Quarter Southwest Quarter, Section 34, Township 1 North, Range 32, E.W.M.

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.

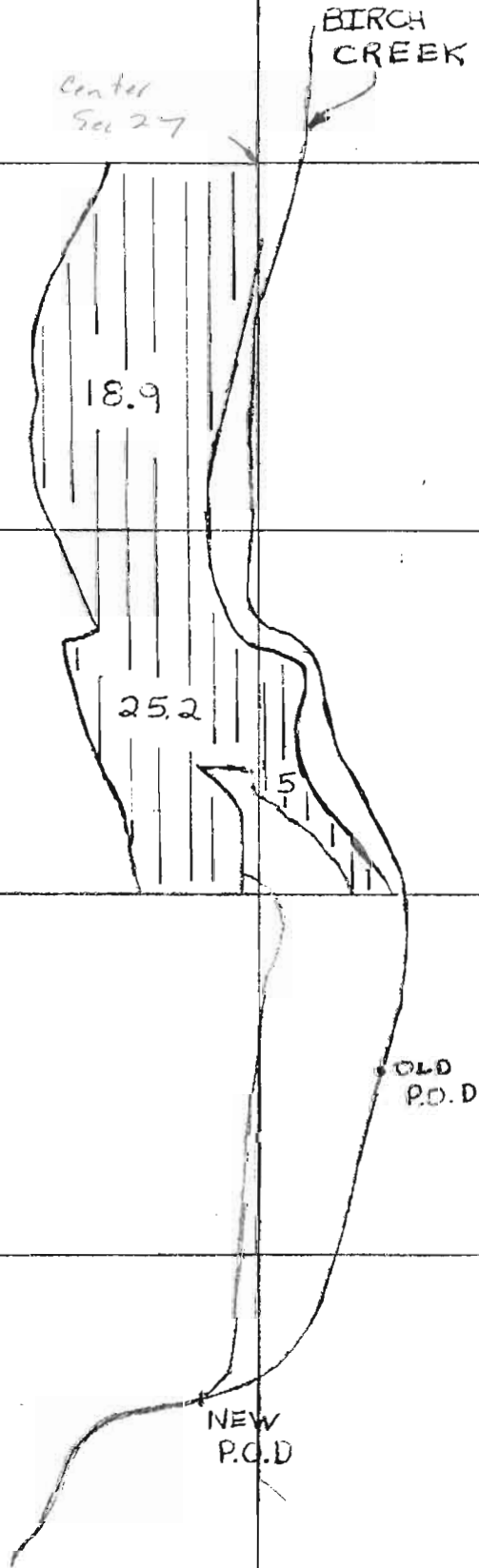
Certificate No. 3478: about 40 rods South of the South line of the Southwest Quarter Southeast Quarter, Section 27, being within the Northwest Quarter Northeast Quarter, Section 34, Township 1 North, Range 32, E.W.M.

UMATILLA COUNTY

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TIN
32EWM
SECTION 27

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