

2354

STATUS OF APPLICATION

Change in Additional Point of Diversion
 Date filed April 6, 1970
 Date of hearing June 17, 1970
 Place of hearing Pendleton, Ore
 Date of order Aug 2, 1972 Vol. 22, page 131
 Date for application of water 10-1-73
 Proof mailed _____
 Proof received _____
 Certificate issued MAY 24 1974 Vol. 30, page 38225
DEC 31 1985 32 40400
48 53666

DESCRIPTION OF WATER RIGHT

Name of stream Butter Creek
 Trib. of _____ County of Umatilla
 Use Irrigation
 Quantity of water _____ No. of acres 326⁰
 Name of ditch Unnamed
 Date of priority 1866, 1870, 1884 + 1896
 In name of R.N. Stanfield
Butter Creek Adjudication, Vol. 1, page 272
 App. No. _____ Per. No. _____ Cert. No. 2692
 Certificate cancelled _____
 Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
4/6/70	30.00 P.O.N.	18503
4/6/70	25.00	18504
TOTAL . . .	\$2 \$1 Cert. Fee	from Pub. of Nat.
5-13-70		
4-30-74	1.00	39788

FEES REFUNDED

Date	Amount	Check No.
5-13-70	\$2.10 P.O.N.	3639

REMARKS

See agreement filed 4/9/70 when issuing remaining right Certificate?

See T-3921, add'l POD

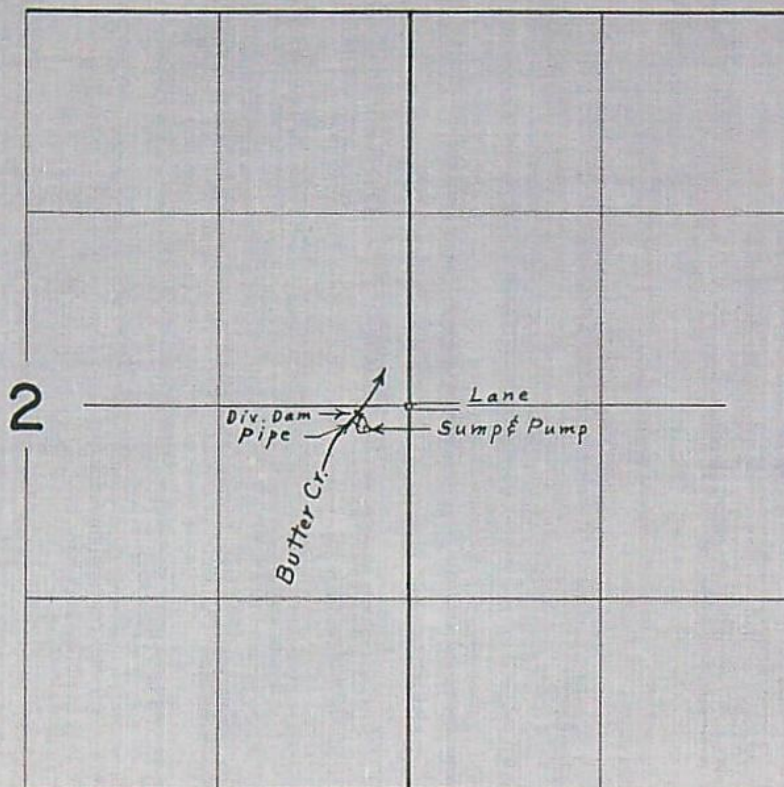
T7900 Dist Temp Transf.

Temp T-8709 ΔPOU

T-9060 ΔPOU

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	✓	✓
	Stream	✓	✓
	Pt. of Div.	✓	✓
	Calendar	✓	✓
	CHECKED TO RECORDS:		
	Twp. & Rge.	✓	✓
	Decree-vault	✓	✓
	Decree-safe	✓	✓
	Cert. of W/R	✓	✓
	Per. Folder	✓	✓
	Chainindex	✓	✓
Cross Ref.	✓	✓	
Power Claim	✓	✓	
Abstracts	✓	✓	

T.2N. R.27E. W.M.



Div. Pt. located 50' S. & 350' W. from E. $\frac{1}{4}$ Cor. Sec. 2

FINAL PROOF SURVEY
UNDER

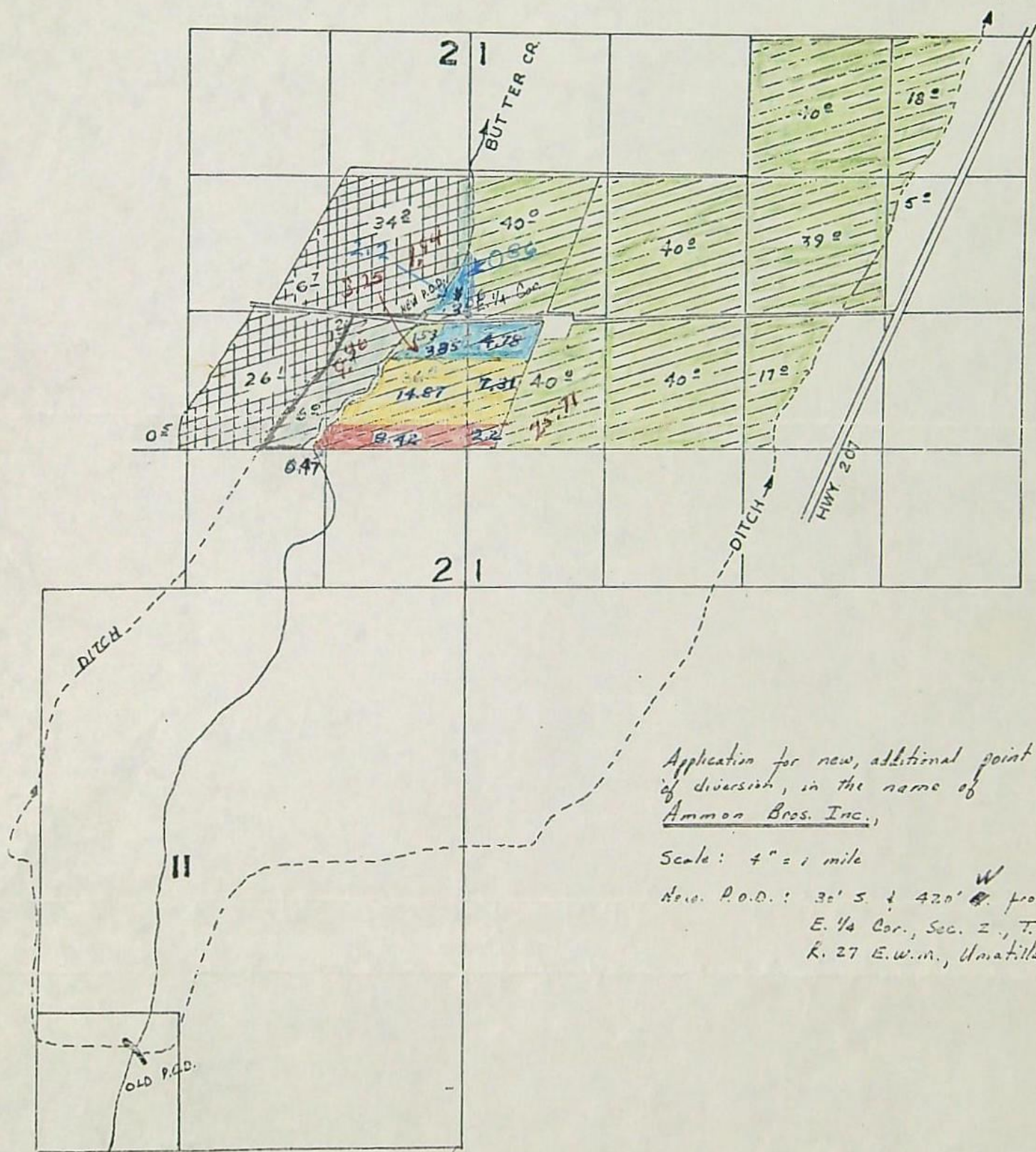
Application No. _____ Transfer No. 2354
Permit No. _____
IN NAME OF
AMMON BROS. INC.

Surveyed April 10, 1973, by L. E. Gould

RECEIVED
MAR 10 1970
STATE ENGINEER
SALEM, OREGON

T. 2N. R. 27 E. W.M.

RECEIVED
MAR 5 1971
STATE ENGINEER
SALEM, OREGON



Application for new, additional point
of diversion, in the name of
Ammon Bros. Inc.,

Scale: 4" = 1 mile

New. P.O.D.: 30' S & 420' ^W from
 E. 1/4 Cor., Sec. 2, T. 2 N.,
 R. 27 E. W. M., Umatilla County.

RECEIVED
MAR 1 0 1970
STATE ENGINEER
SALEM, OREGON

application for a Shear Derivation permit
on Buttes Creek.
April 1 - 1970

MS-1973-5
10 APR 73
LE. GOULD
N2
Transfer

NZ-2P-167

1. Name Ammon Bros., Inc. Address P. O. Box 52, Jefferson
Echo, Oregon

3. Amount of Water Priority Date 1866, 1870, 1884 & 1896

5. Proposed Point of Diversion ³⁰ 30 feet South and ³⁵⁰ 420 feet West from the East ¼
corner of Section 2, being within the NE¼ SE¼ of Section 2, Township 2 North,
Range 27 East, W.M.

[illegible]

Division by priority arbitrary - probably no
lies on ground - locate div pt.

Info: Robert Hale (Manager)

Div. Pt.: DEEP HOLE IN BUTTER CR. FORMED BY SMALL GRAVEL & BOARD DAM (2' HIGH & 20' LONG.)

An 8" steel pipe leads approx. 40' E. to an excavated Sump, Sump is approx. 50' x 30' x 10' deep.

Pump: 40 FM 1775 RPM 30 ~~14" pulley~~ 50' x 30' x 10' deep.

$$Q = \frac{6.6 \times 40}{5} = 1.32 \text{ c.f.s.}$$

PUMP FM CENT. BELT DR. 4" x 6" ~~DR. DR.~~
~~14" PULLEYS~~, Motor - 14", pump 8"

Pipe: 12000' 8" & 10" Steel (Underground)
3960' 4" Alum.

Heads: 99 R.B. #30 - $\frac{11}{64}$ (All op. @ one time)
@ 50 p.s.i. $99 \times 6.01 = \frac{595}{450} = 1.32 \text{ c.f.s.}$

Crop: Grain, Alfalfa & Beets

Lift: Suction 2' to 5' Disch. 5'

Tie: TO E $\frac{1}{4}$ COR. SEC. (P.I. OF OLD FENCE LINE & CENTER OF LANE.)

Note: Mr. Hale said that this is an additional Div. Pt. on Butter Cr. for sprinkler irrigation. He said that Butter Cr. runs dry about June 1. The land irrigated is the same.

April 10, 1913, L. E. Gould
Field Engineer

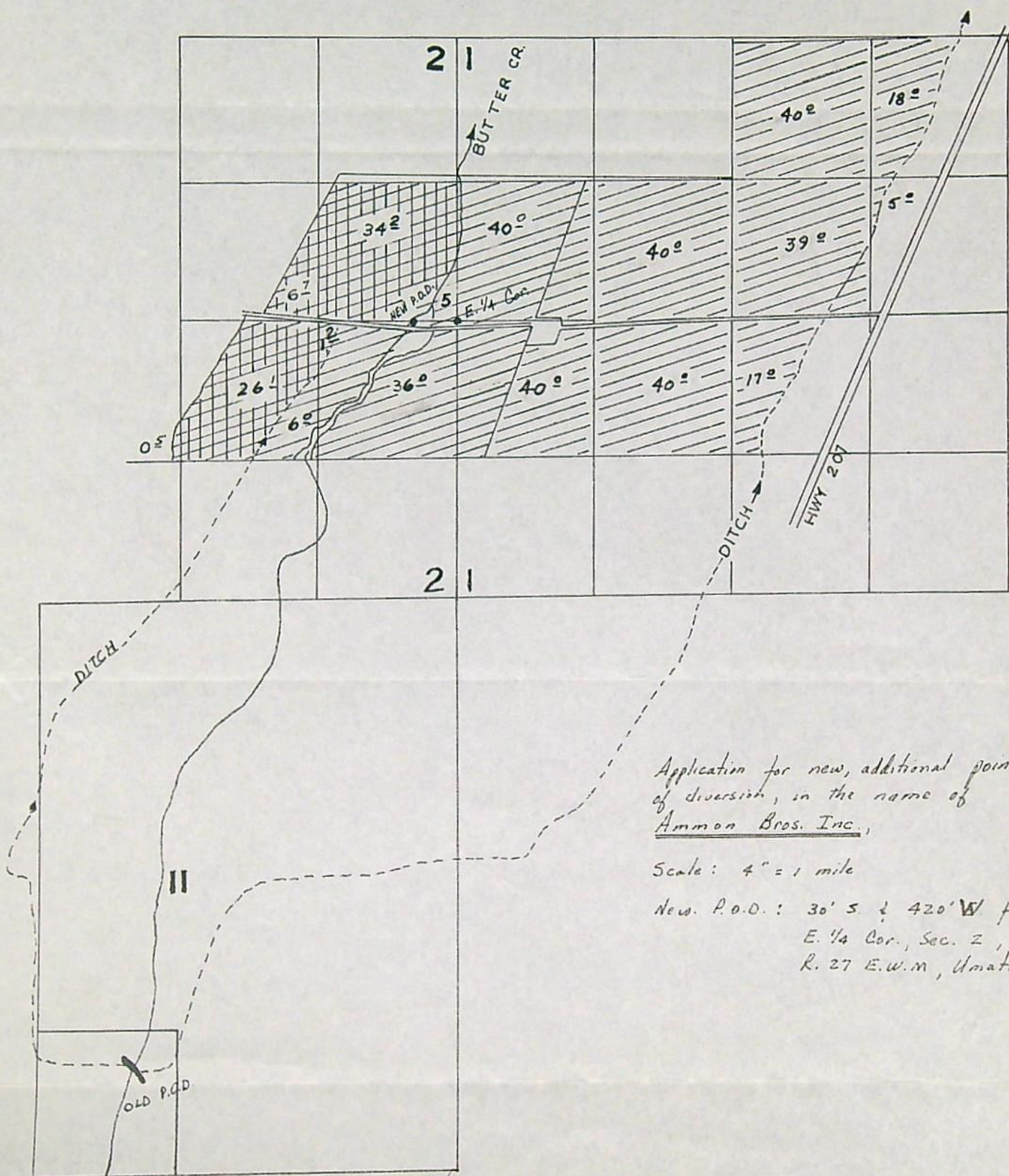
Location	Township	Range	Sect	1866	1870	1884	1896	Total
				Red	Yellow	Blue	Green	
NE 1/4 NE 1/4 ✓	2 N	27 E	1				✓ 18.00	18.00
NW 1/4 NE 1/4 ✓	" "	"	1				✓ 40.00	40.00
SW 1/4 NE 1/4 ✓	" "	"	1				✓ 39.00	39.00
SE 1/4 NE 1/4 ✓	" "	"	1				✓ 5.00	5.00
SE 1/4 NW 1/4 ✓	" "	"	1				✓ 40.00	40.00
SW 1/4 NW 1/4 ✓	" "	"	1			86	✓ 39.14	40.00
NW 1/4 SW 1/4 ✓	" "	"	1	2.20	7.31	4.78	✓ 25.71	40.00
NE 1/4 SE 1/4 ✓	" "	"	2	8.42	14.87	3.25	✓ 19.46	30.00
SE 1/4 NE 1/4 ✓	" "	"	2			2.20	2.80	5.00
NW 1/4 SE 1/4 ✓	" "	"	2	0.47			5.53	6.00
NE 1/4 SW 1/4 ✓	" "	"	1				40.00	40.00
NW 1/4 SE 1/4 ✓	" "	"	1				17.00	17.00
				11.09	22.18	11.09	281.64	326.00
								72.17

RECEIVED
 MAR 5 1971
 STATE ENGINEER
 SALEM, OREGON

#5
Attachment

RECEIVED
 MAR 10 1970
 STATE ENGINEER
 SALEM, OREGON

T. 2N. R. 27E.W.M.



RECEIVED
APR 9 1970
STATE ENGINEER
SALEM, OREGON

AGREEMENT

192515

THIS AGREEMENT, made this 5 day of March, 1957,

between

Clausie H. Ammon and Shelia Ammon, husband and wife
and

Edward N. Ammon and Alice Ammon, husband and wife,

hereinafter known as First Parties,

and

Joy A. Anderson and Elizabeth R. Anderson, husband and wife,
Maynard F. Aaby and Olga L. Aaby, husband and wife,
Clarence Louis Hanson and Elinor Irene Hanson, husband and wife,
and Alma Mae Sonnenberg, a widow,

hereinafter known as Second Parties,

WITNESSETH:

WHEREAS, the parties hereto, grantees through mesne conveyances of the lands once known as the R. N. Stanfield Ranch, situate in portions of Sections 1, 2, 11 and 12, Township 2 North, Range 27, East of the Willamette Meridian, all within the County of Umatilla and State of Oregon, are desirous of adjusting and adjudicating between themselves their several rights to waters awarded to the lands once held as aforesaid by R. N. Stanfield and consisting of 755 acres, as awarded and adjudicated under the Butter Creek decrees as follows:

18 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$	5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$	36 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
39 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$	6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$	28 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$	SE $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$	Section 2;
NE $\frac{1}{4}$ SW $\frac{1}{4}$	NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$	NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$	SW $\frac{1}{4}$ NE $\frac{1}{4}$
37.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$	SE $\frac{1}{4}$ NE $\frac{1}{4}$
17 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ SW $\frac{1}{4}$
2.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 11;
Section 1;	10 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
	NW $\frac{1}{4}$ NW $\frac{1}{4}$
	31 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
	Section 12;
	all in Township 2 North, Range 27 East
	of Willamette Meridian, in Umatilla County, Oregon

WHEREAS, the Circuit Court of Umatilla County, by the decrees commonly known as the Butter Creek decrees of 1866, 1870, 1884 and 1896 did allocate the said water rights as follows:

The decree of 1866 granted 0.50 cubic feet per second; the decree of 1870 granted 1.00 cubic feet per second; the decree of 1884 granted 0.50 cubic feet per second; and the decree of 1896 granted 12.70 cubic feet per second, all to the above-described lands;

or a total of 14.7 cubic feet per second for the irrigation of the 755 acres above specified.

The decrees do not designate the location of the lands that are included in each separate priority; and in absence of priority right specifications in the deeds or conveyances of lands sold from the original tract of R. N. Stanfield, then a pro-rated division of these priorities would be necessary.

NOW, THEREFORE, it is agreed between the parties hereto that the First Parties hereto, by virtue of their ownership of 326 acres of the total of 755 once held as the R. N. Stanfield Ranch, have 43.179 per cent of the total of the water rights granted by the Butter Creek decrees ($326 \div 755$), to be determined as follows:

The total amount of water, as decreed to the R. N. Stanfield lands, is 14.7 cubic feet per second for 755 acres, or 0.01947 cubic feet per second per acre: Then the 1866 right for 0.50 cubic feet per second would be for 25.68 acres; the 1870 right for 1.00 cubic feet per second would be for 51.36 acres; the 1884 right for 0.50 cubic feet per second would be for 25.68 acres; and the 1896 right for 12.70 cubic feet per second would be for the remaining 652.28 acres; and

The First Parties are entitled to 43.179 per cent of each of the priority dates or:

- 11.09 acres of 1866 priority ($43.179\% \times 25.68$)
- 22.18 acres of 1870 priority ($43.179\% \times 51.36$)
- 11.09 acres of 1884 priority ($43.179\% \times 25.68$)
- 281.64 acres of 1896 priority ($43.179\% \times 652.28$)

And the Second Parties, the owners of the remaining 429 acres of the original 755 acres originally held as the R. N. Stanfield

Ranch, would also pro-rate their lands in the same manner to determine the acreage rights of their lands as to priority dates.

DATED this day of , 1957.

FIRST PARTIES

Clausie H. Ammon
Clausie H. Ammon

Sheila Ammon
Sheila Ammon

Edward N. Ammon
Edward N. Ammon

Alice Ammon
Alice Ammon

SECOND PARTIES

Joy A. Anderson
Joy A. Anderson

Elizabeth R. Anderson
Elizabeth R. Anderson

Maynard F. Aaby
Maynard F. Aaby

Olga L. Aaby
Olga L. Aaby

Clarence Louis Hanson
Clarence Louis Hanson

Elinor Irene Hanson
Elinor Irene Hanson

Alma Mae Sonnenberg
Alma Mae Sonnenberg

STATE OF OREGON)
County of Umatilla) SS

BE IT REMEMBERED That on this 23 day of January, 1957, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Clausie H. Ammon and Sheila Ammon, husband and wife, known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Signature]

NOTARY PUBLIC FOR OREGON

My commission expires: 7-26-60

STATE OF Oregon } ss
County of Linn

BE IT REMEMBERED, That on this day of , 1957, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named

Edward N. Ammon and Alice Ammon, husband and wife,
known to me to be the identical individual S described in and who executed the within instrument and acknowledged to me that They executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Jerry Causebie
Notary Public for
My commission expires:

MY COMMISSION EXPIRES FEB. 18, 1959

STATE OF Washington } ss
County of Walla Walla

BE IT REMEMBERED, That on this 31 day of Jan. , 1957, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named

Joy A. Anderson and Elizabeth R. Anderson, husband and wife,
known to me to be the individual S described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Charles Snyder
Notary Public for Washington
My commission expires: Nov. 25, 1957

STATE OF OREGON Calif. } ss
County of San Joaquin

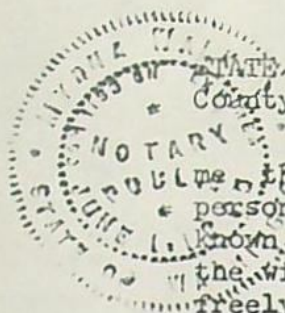
BE IT REMEMBERED, That on this 13 day of Feb , 1957, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named

Maynard F. Aaby and Olga L. Aaby, husband and wife,
known to me to be the identical individual S described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

W. H. Coffman
Notary Public for
My commission expires:

My Commission Expires June 25, 1960



STATE OF *Washington*)
County of *Walla Walla*) ss

BE IT REMEMBERED, That on this *6th* day of *February*, 1957, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Alma Mae Sonnenberg, a widow, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Margaret Halber

NOTARY PUBLIC FOR

My commission expires: *6-1-60*

STATE OF *Washington*)
County of *Walla Walla*) ss

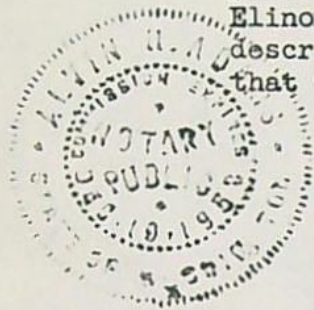
BE IT REMEMBERED, That on this *28* day of *Jan*, 1957, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Clarence Louis Hanson and Elinor Irene Hanson, husband and wife, known to me to be the individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Clarence L. Hanson

NOTARY PUBLIC FOR

My commission expires: *Dec 19th 1958*



INDEXED
PAGED
DATE RETURNED
MAR 15 1957

STATE OF OREGON, } ss.
COUNTY OF UMATILLA, }

This instrument was filed for record on
MAR 11 1957
at 4:46 o'clock P.M. in the record
of Deeds of said County in

Book

Page

240

541

Jack Johnson
Recorder of Conveyances

By Deputy

Fees \$ 3.75 No. 192515

Clarence H. Ammon
Rt #1 Echo, Oregon

copy to
Rafley 6/17/75
WH

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF AMMON BROTHERS, INC. FOR THE)
APPROVAL OF ESTABLISHING AN ADDI-)
TIONAL POINT OF DIVERSION OF WATER)
FROM BUTTER CREEK)

ORDER APPROVING
TRANSFER NO. 2354

On April 6, 1970, Ammon Brothers, Inc. filed an application in the office of the State Engineer for the approval of establishing an additional point of diversion of water from Butter Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, Oregon, entered September 9, 1916, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Butter Creek and its Tributaries, a water right was established in the name of R. N. Stanfield for the use of the waters of Butter Creek for the irrigation of, among other lands, 18.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 39.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 17.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, 5.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 36.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 6.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 2 North, Range 27 East, W.M., with dates of priority of 1866, 1870, 1884 and 1896, as evidenced by certificate of water right recorded at page 2692, Volume 3, State Record of Water Right Certificates. These lands are irrigated from a point of diversion located 970 feet north and 450 feet west from the South $\frac{1}{4}$ corner of Section 11, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 2 North, Range 27 East, W.M.

Claudia H. and Shelia Ammon, Edward N. and Alice Ammon, Joy A. and Elizabeth R. Anderson, Maynard F. and Olga Aaby, Clarence Louis Hanson and Elinor Irene Hanson and Alma Mae Sonnenberg

owners of the lands described in the certificate of water right recorded at page 2692, submitted an agreement adjusting and adjudicating between themselves the several rights to the waters of Butter Creek. Under the terms of this agreement Ammon Bros., Inc., applicants herein and owners of the lands described in paragraph two have appurtenant to their lands the rights to irrigate the following lands with the priority dates shown: 2.20 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, and 8.42 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.47 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, with a date of priority of 1866; 7.31 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, and 14.87 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, with a date of priority of 1870; 0.86 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.78 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, and 3.25 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, with a date of priority of 1884; 18.00 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.00 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 39.00 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.00 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.00 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 39.14 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 25.71 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40.00 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 17.00 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, and 9.46 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 2.80 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, and 5.53 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, with a date of priority of 1896, all in Township 2 North, Range 27 East, W.M.

The applicants herein, owners of the lands above described, propose to maintain the present point of diversion and establish an additional point of diversion to be located 30 feet South and 420 feet West from the East $\frac{1}{4}$ corner of Section 2, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 2 North, Range 27 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 additional point of diversion of water, if any there were, namely: at the county courthouse in Pendleton, Oregon, on June 17, 1970, at 9:30 a.m. The notice was published in The Hermiston Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of April 23, 30, and May 7, 1970. The date set for hearing in said notice was not less than thirty

days after the last publication of the notice.

Mr. Jerry F. Haines, Watermaster of District No. 5, has filed a report to the effect that the proposed additional point of diversion may be established without injury to existing rights.

No objections having been filed and it appearing that the proposed additional point of diversion may be established without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the applicant may maintain the following point of diversion from Butter Creek:

970 feet north and 450 feet west from the S $\frac{1}{4}$ corner of Section 11, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 2 North, Range 27 East, W.M.

and may establish and maintain the additional point of diversion to be located as follows:

30 feet south and 420 feet west from the E $\frac{1}{4}$ corner of Section 2, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 2 North, Range 27 East, W.M.

for the irrigation of, among other lands, 2.20 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, and 8.42 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.47 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, with a date of priority of 1866; 7.31 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, and 14.87 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, with a date of priority of 1870; 0.86 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.78 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, and 3.25 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, with a date of priority of 1884; 18.00 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.00 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 39.00 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.00 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.00 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 39.14 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 25.71 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40.00 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 17.00 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, and 9.46 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 2.80 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, and 5.53 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, with a date of priority of 1896, all in Township 2 North, Range 27 East, W.M., is approved.

It is FURTHER ORDERED that the construction work shall be

completed and the establishment of an additional point of diversion of water made on or before October 1, 1973.

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 previously established point of diversion and shall not exceed 6.35 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 certificate of water right heretofore issued to R. N. Stanfield and recorded at page 2692, Volume 3, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued to Joy E. and Elizabeth R. Anderson, Maynard F. and Olga Aaby, Clarence Louis and Elinor Irene Hanson and Alma Mae Sonnenberg, with priority dates according to the aforementioned agreement and covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized point of diversion, a certificate of water right shall be issued to Ammon Brothers, Inc., confirming the additional point of diversion.

Dated at Salem, Oregon, this 2nd day of August, 1972.

/s/ CHRIS L. WHEELER
State Engineer

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Ammon Bros., Inc.
(Name of applicant)

of Echo
(Postoffice), County of Umatilla

State of Oregon, do hereby make application for change for additional
point of diversion
(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Bitter 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

4. The point of diversion is located 990 ft. N and 450 ft. W from the SE 1/4
(N. or S.) (E. or W.)

corner of Sec 11
(Section or subdivision) being within the SE 1/4 SW 1/4

of Section 11 Tp. 2N R. 27E W. M., in the County of Umatilla
(No. N. or S.) (No. E. or W.)

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 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
<u>2N</u>	<u>27E</u>	<u>1</u>	<u>18</u>	<u>40</u>	<u>39</u>	<u>5</u>			<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>				<u>17</u>		
		<u>2</u>				<u>5</u>									<u>36</u>	<u>6</u>		

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? 1866, 1870, 1884 & 1896

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

of permit No

10. Do you hold a water right certificate? yes If so, give number of certificate 2692
(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 Butter Creek Adjudication
(Yes or No)

12. Is the water right recorded in your name? No, R. N. Stanfield 9-9-16
(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 30 ft. S and 420 ft. W from the NE $\frac{1}{4}$
(N. or S.) (E. or W.)
corner of Sec 2 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2 Tp. 2N R. 27E 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 pump

15. Are you the owner of the land on which the proposed point of diversion is to be located? yes

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.

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 more efficient use of water during periods of low flow because of long ditches.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

Umatilla

ss.

I, Ammon Bros Inc, 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 6 day of April, 1970

Ammon Bros Inc
(Name of applicant)

Subscribed and sworn to before me this

6th

day of

April

, 1970

[Notarial Seal]

Tary W. Schubert
NOTARY PUBLIC FOR OREGON

My commission expires

Nov 3, 1972

Remarks

Publish in The Hermiston Herald

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.

RECEIVED
SEP 20 1972
STATE ENGINEER
SALEM OREGON

Transfer No. 2354

NOTICE OF COMPLETION OF CONSTRUCTION

I, Ammon Brothers, hereby certify
that the construction work has been completed and the change in
point of diversion of water made as set forth in the order of
the State Engineer dated August 2, 1972, approving an appli-
cation for a change in point of diversion of water from _____
Butter Creek.

Sept 20, 1972
Date

Ammon Brothers Inc
Cy Clausie K Ammon
Name

AFFIDAVIT OF PUBLICATION

NOTICE OF
FILING APPLICATION FOR
ADDITIONAL POINT
OF DIVERSION

Notice is hereby given that Ammon Brothers, Inc. have filed an application for the approval of establishing an additional point of diversion of water from Butter Creek.

In the Butter Creek Adjudication proceedings a water right was established in the name of R. N. Stanfield for the use of the waters of Butter Creek for the irrigation of, among other lands, 18.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 10.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 39.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.0 acres

in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 17.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, 5.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 36.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 6.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T. 2 N., R. 27 E., W.M., with dates of priority of 1866, 1870, 1884 and 1896. These lands are irrigated from a point of diversion located 970 ft. N. and 450 ft. W. from the S $\frac{1}{4}$ corner of Sec. 11 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 11, T. 2 N., R. 27 E., W.M.

The applicants herein, owners of the lands above described, propose to maintain the present point of diversion and establish an additional point of diversion to be located 30 ft. S. and 420 ft. W. from the E $\frac{1}{4}$ corner of Sec. 2 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2, T. 2 N., R. 27 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on June 17, 1970, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Ammon Brothers, Inc., Echo, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 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 10th day of April, 1970.

CHRIS L. WHEELER,
State Engineer.

April 23, 30, May 7, 1970.

State of Oregon)
County of Umatilla) ss.

I, Marjorie L. Bartlett, being first duly sworn, depose and say that I am the publisher of The Hermiston Herald, a newspaper of general circulation, as defined by sections 1-609, 1-610, Oregon Compiled Laws Annotated; printed and published at Hermiston in the aforesaid county and state; that the Notice of Filing Application for Additional Point of Diversion

, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for...3...successive and consecutive weeks in the following issues:

April 23, 30, May 7, 1970

Marjorie L. Bartlett

Subscribed and sworn to before me this 11th day of May, 1970

J. Buchanan
Notary Public for Oregon

My commission expires *July 11, 1970*



