

STATUS OF APPLICATION

Change in Additional Pt. of Diversion
 Date filed April 8, 1970
 Date of hearing August 20, 1970
 Place of hearing Vale, Oregon
 Date of order 10-30-70 Vol. 20, page 167
 Date for application of water 10-1-71
 Proof mailed _____
 Proof received _____
 Certificate issued **JAN 31 1978** Vol. 37, page 45188
JAN 31 1978 Vol. 37 page 45189

DESCRIPTION OF WATER RIGHT

Name of stream Bully Creek
 Trib. of _____ County of Malheur
 Use Irrigation
 Quantity of water see order No. of acres 219⁵
 Name of ditch Reeves Rowley
 Date of priority 1880
 In name of Q. H. Rowley (7005) Q. M. Handelman (6997)
Malheur River Adjudication, Vol. 8, page 306
 App. No. _____ Per. No. _____ Cert. No. 6997
 Certificate cancelled _____
 Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
<u>4/8/70</u>	<u>85.00</u>	<u>18535</u>
<u>4-10-70</u>	<u>14.45 P.O.N.</u>	<u>From App # 46275</u>
<u>5/13/70</u>	<u>15.55 P.O.N.</u>	<u>18637</u>
TOTAL . . .		
<u>7-17-70</u>	<u>\$1 Cert. Fee</u>	<u>From Pub. of Nat.</u>

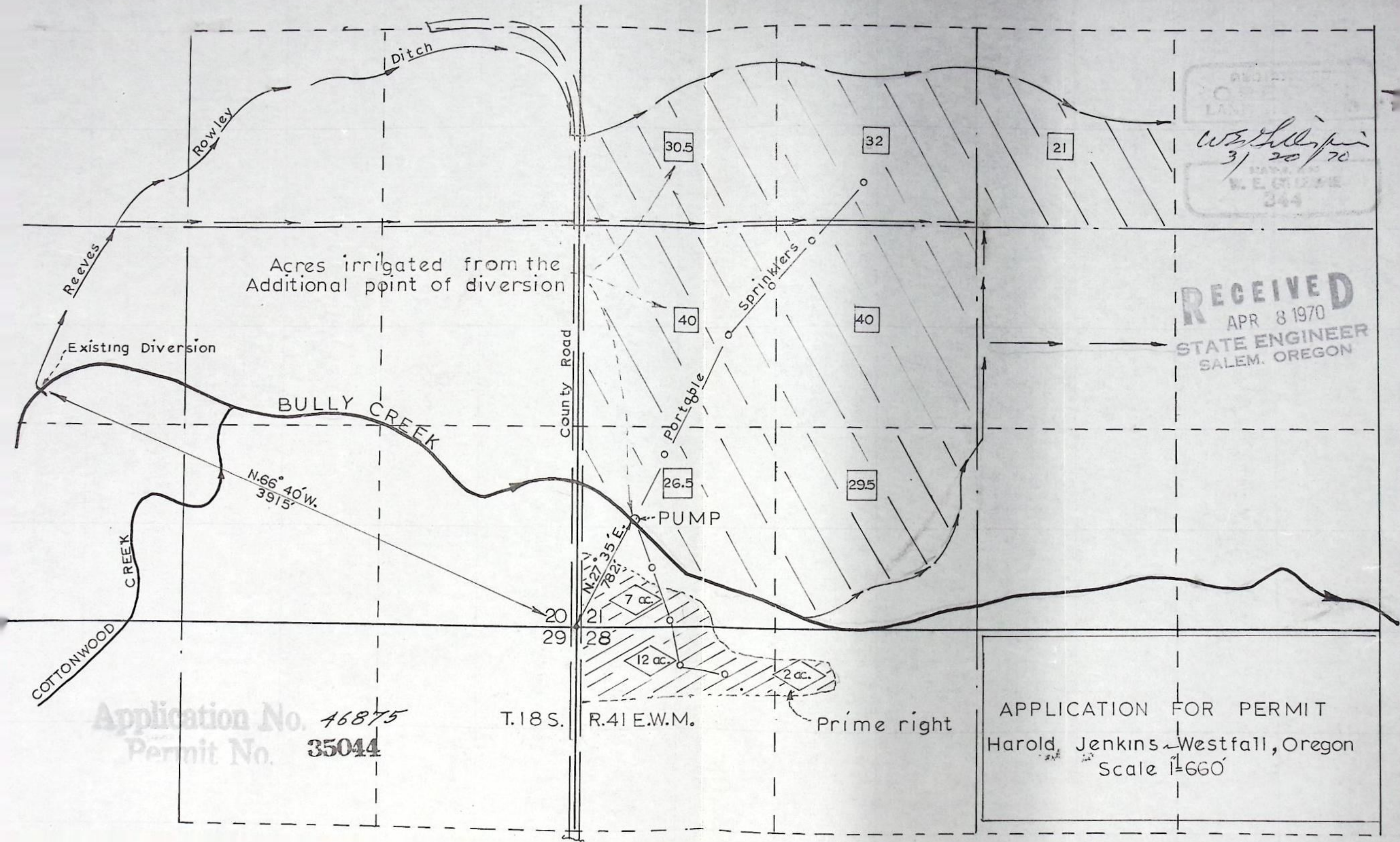
FEES REFUNDED

Date	Amount	Check No.
<u>7-17-70</u>	<u>\$4.50 Pub. of Nat.</u>	<u>3779</u>

REMARKS

SEE FILE 46975 for map

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



C# 6997
CA 7005

ADDITIONAL POINT OF DIVERSION

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR

New Owner
George Shroyer
Philomath, Ore. ^{R#2}

Transfer No. 2356 County Malheur

1. Name Harold Jenkins, Adrian, Ore. Address West Fall, Or.
2. Source of Supply Bully Creek, Trib. of _____
3. Amount of Water see below Priority Date 1880
4. Use irrigation
5. Proposed Point of Diversion (add'l) N 27° 35' East 782 feet, from the SW corner
of Sec. 21, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 21, T. 18 S., R. 41 East, W.M.

6. Place of Use DATE FOR APPLICATION OF WATER: 10/1/71

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
18 S	41 E	21	SW $\frac{1}{4}$ NE		21.0 acres
18 S	41 E	21	SW $\frac{1}{4}$ NW $\frac{1}{4}$		30.5 acres
18 S	41 E	21	SE $\frac{1}{4}$ NW $\frac{1}{4}$		32.0 acres
18 S	41 E	21	NE $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 acres
18 S	41 E	21	NW $\frac{1}{4}$ SW $\frac{1}{4}$		40.0 acres
18 S	41 E	21	SW $\frac{1}{4}$ SW $\frac{1}{4}$		26.5 acres
18 S	41 E	21	SE $\frac{1}{4}$ SW $\frac{1}{4}$		29.5 acres

No "C" REC'D

Cancellation
May 4, 1976
L. E. Gould

44K-223

Note: Contacted a farm hand who works for the Ranch Foreman, Mr. John Ross. He said that the property now belongs to George Shroyer of Philomath Oregon. He also stated that they had not used the proposed additional diversion pt. since Mr. Shroyer purchased the property and there were no plans for so doing.

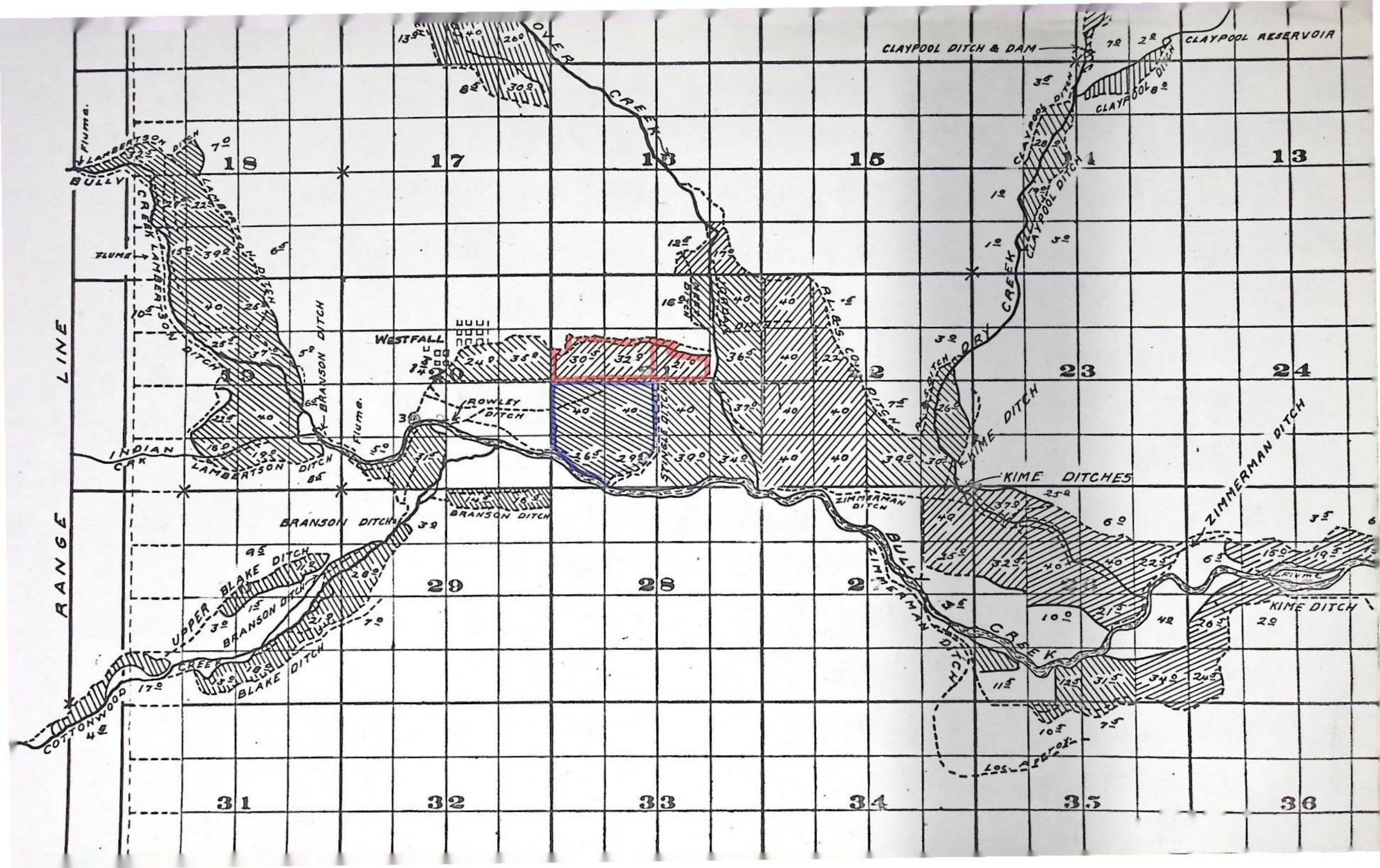
Mr. Frank Elfering, the Watermaster, told us that to his knowledge it, ^(the additional Pt. of Div.) had not been used for sprinkler irrigation since 1972.

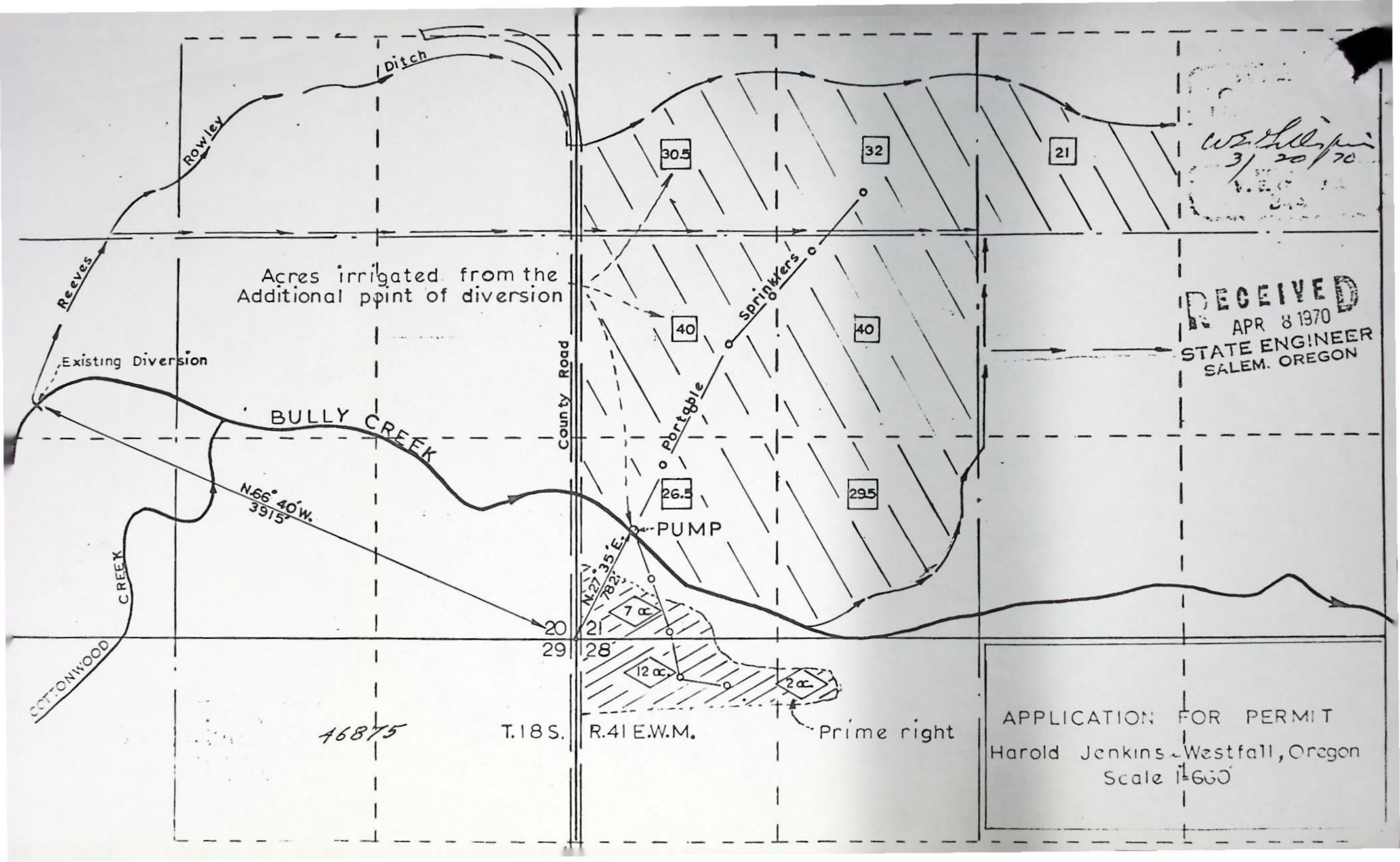
Recommend cancellation for the additional Pt. of Div.

The original Div. Pts. are presently being used.

May 4, 1976, L. E. Gould

Field Engineer





Acres irrigated from the
Additional point of diversion

RECEIVED
APR 8 1970
STATE ENGINEER
SALEM, OREGON

APPLICATION FOR PERMIT
Harold Jenkins, Westfall, Oregon
Scale 1/600

BEFORE THE STATE ENGINEER OF OREGON

Malheur County

IN THE MATTER OF THE APPLICATION)
OF HAROLD JENKINS FOR THE APPROVAL)
OF ESTABLISHING AN ADDITIONAL POINT)
OF DIVERSION OF WATER FROM BULLY)
CREEK)

ORDER APPROVING
TRANSFER NO. 2356

On April 8, 1970, Harold Jenkins filed an application in the office of the State Engineer for the approval of establishing an additional point of diversion of water from Bully Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Malheur County, Oregon, entered May 13, 1925, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Malheur River and its Tributaries, a water right was established in the name of J. M. Randleman for the use of the waters of Bully Creek for the irrigation of 21.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 30.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 32.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 18 South, Range 41 East, W.M., with a date of priority of 1880 as evidenced by certificate of water right recorded at page 6997, Volume 7, State Record of Water Right Certificates.

By Decree of the Circuit Court for Malheur County, Oregon, entered May 13, 1925, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Malheur River and its Tributaries, a water right was established in the name of Estate of J. H. Rowley for the use of the waters of Bully Creek for the irrigation of 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 26.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 29.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 18 South, Range 41 East, W.M., with a date of priority of 1880 as evidenced by certificate of water right recorded at page 7005, Volume 7, State Record of Water Right Certificates.

These lands are irrigated by means of the Reeves Rowley Ditch

from a point of diversion located N 66° 40' W 3915 feet from the SW corner of Section 21 being within the NE¼ SW¼ of Section 20, Township 18 South, Range 41 East, W.M.

The applicant herein, owner of the lands above described, proposes to maintain the present point of diversion and establish an additional point of diversion to be located N 27° 35' E 782 feet from the SW corner of Section 21 being within the SW¼ SW¼ of Section 21, Township 18 South, Range 41 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 Vale, Oregon, on August 20, 1970, at 9:30 a.m. The notice was published in The Malheur Enterprise, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of May 20, 27, and June 3, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Frank W. Elfering, Watermaster of District No. 9, has filed a report to the effect that the proposed point of diversion may be established without injury to existing rights.

No objections having been filed and it appearing that the proposed 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 Bully Creek:

N 66° 40' W 3915 feet from the SW corner of Section 21 being within the NE¼ SW¼ of Section 20, Township 18 South, Range 41 East, W.M.

and may establish and maintain the additional point of diversion to

be located as follows:

N 27° 35' E 782 feet from the SW corner of Section 21 being within the SW¼ SW¼ of Section 21, Township 18 South, Range 41 East, W.M.

for the irrigation of 21.0 acres in SW¼ NE¼, 30.5 acres in SW¼ NW¼, 32.0 acres in SE¼ NW¼, 40.0 acres in NE¼ SW¼, 40.0 acres in NW¼ SW¼, 26.5 acres in SW¼ SW¼, and 29.5 acres in SE¼ SW¼, Section 21, Township 18 South, Range 41 East, W.M., with a date of priority of 1880, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the establishment of the additional point of diversion of water made on or before October 1, 1971.

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 1½ acre feet per acre in any 30 day period prior to June 1st, 1 acre foot per acre in any 30 day period after June 1st, of each year, or 3 acre feet per acre during any season, diverted at a rate of not to exceed one-twentieth of a cubic foot per second per acre.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 certificates of water right heretofore issued to J. M. Randleman and Estate of J. H. Rowley and recorded

at pages 6997 and 7005, Volume 7, State Record of Water Right Certificates, are canceled 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 Harold Jenkins confirming the additional point of diversion.

Dated at Salem, Oregon, this 30th day of October, 1970.

/s/ CHRIS L. WHEELER
State Engineer



Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Harold Jenkins
(Name of applicant)
of West Fall
(Postoffice), County of Malheur

State of Oregon, do hereby make application for change AN

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 Bully 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 Reeves Rowley Ditch

4. The point of diversion is located N 66°40'W — 3915 feet
ft. and ft. from the SW
(N. or S.) (E. or W.)

corner of Section 21
(Section or subdivision) being within the NE 1/4 SW 1/4

of Section 20 Tp. 18S R. 41E W. M., in the County of Malheur
(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.
additional diversion

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
18S	41E	21			21				30 ⁵	32	40	40	26 ⁵	29 ⁵				
					X				X	X								

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed. X C-6897-411
(Attach separate sheet if necessary) + C-7005 411

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? 1880

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

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

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

Yes (Yes or No) If so, give title of proceedings Malheur River Adjudication
7005 J. H. Rowley Est. (SW 1/4)

12. Is the water right recorded in your name? 6997 J. M. Handelman
(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 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

(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~~ additional point of diversion is located N. 27° 35' E. — 782 feet from the SW corner of Sec 21 being within the SW SW of Section 21 Tp. 18S R. 41E W. M.,
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)
in the county of Malheur. The name of the ditch to be used is Portable Sprinkler

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.? Yes
(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 During the latter part of the irrigation season July — September, as the natural flow in Bully Creek decreases and especially if the delivery of water is halved, the loss from evaporation and seepage is extreme and it is difficult to irrigate these lands that are a mile or more from the original point of diversion

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

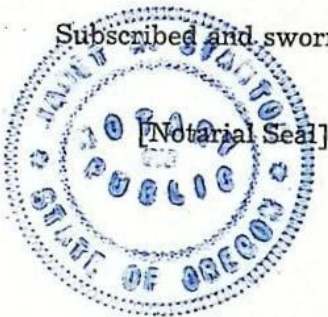
County of Mahesh } ss.

I, Harold G. Jenkins, 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 6th day of April, 1970.

Harold G. Jenkins
(Name of applicant)

Subscribed and sworn to before me this 6th day of April, 1970.



Janet A. Stanton
NOTARY PUBLIC FOR OREGON

My commission expires Mar. 2, 1974

Remarks The diversion located in NE SW
of Sec. 20 is used during the
spring and late fall, after the rains.
It is understood that quantity
of water delivered at the pump
will not exceed the amount adjudicated,
to the area involved.

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.

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established under the Malheur River Adjudication in the name of
NANCY KIME, with a priority of 1881, for the following described
lands:

25 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$
40 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$
10 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$

all in Sec. 26, T. 18 S., R. 41 E., W.M.

and also the following described lands with the priority of 1886:

11.5 ac. in SW $\frac{1}{4}$ SW $\frac{1}{4}$
12.5 ac. in SE $\frac{1}{4}$ SW $\frac{1}{4}$
31.5 ac. in SW $\frac{1}{4}$ SE $\frac{1}{4}$

of Sec. 26, T. 18 S., R. 41 E., W.M.; and

3.5 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$

in Sec. 27, T. 18 S., R. 41 E., W.M.

and confirmed by Certificate No. 6954 issued by the State Engineer
of the State of Oregon; and

Whereas, ^{Vale Gene} ~~EUGENE~~ DICE and BEVERLY DICE, husband and wife,
of the Second Parties, are the owners and in possession of land
having a Water Right appurtenant thereto to the use of the waters
of Bully Creek for purposes of irrigation established under the
Malheur River Adjudication in the name of FRANCES SELLS, with a
priority of 1876, for the following described lands:

37 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$
32.5 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$

of Sec. 26, T. 18 S., R. 41 E., W.M.; and

40 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$
25 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$

of Sec. 27, T. 18 S., R. 41 E., W.M.

and confirmed by Certificate No. 7010 issued by the State Engineer
of the State of Oregon; and

Whereas, GRADY ROMANS and MARTHA ROMANS, husband and wife,
of the Second Parties, are the owners and in possession of land hav-
ing a Water Right appurtenant thereto to the use of the waters of
Cottonwood Creek, a tributary of Bully Creek, for purposes of

1 irrigation established under the Malheur River Adjudication in the
2 name of BRANSON and CAMMANN, with a priority of 1884, for the
3 following described lands:

4 5.5 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$
5 3.0 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$
6 17.0 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$
7 1.5 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$
8 5.5 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$
9 13.0 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$
10 21.0 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$
11 6.0 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$
12 18.0 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$

13 of Sec. 30, T. 18 S., R. 41 E., W.M.; and

14 3 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$
15 28 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$

16 of Sec. 29, T. 18 S., R. 41 E., W.M.; and

17 3.5 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$
18 5.0 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$
19 21.5 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$

20 of Sec. 20, T. 18 S., R. 41 E., W.M.; and

21 the following described lands with a priority of 1900:

22 16.5 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$
23 14.5 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$

24 of Sec. 29, T. 18 S., R. 41 E., W.M.

25 and confirmed by Certificate No. 6865 issued by the State Engineer
26 of the State of Oregon; and

27 Whereas, the waters of Cottonwood Creek enter Bully Creek
28 below the existing point of diversion and above the proposed addi-
29 tional point of diversion of the First Party, and by reason thereof
30 the granting of the proposed additional point of diversion, except
31 upon terms provided by this Agreement, will injure the existing rights
32 of the Second Parties; and

33 Whereas, the Second Parties are interested persons entitled
34 to object to the approval of said application by the State Engineer
35 for said proposed change and additional point of diversion, but in
36 consideration of the following stipulation and agreement the Parties
37 mutually desire to enter into this Agreement providing for an

1 approval by the State Engineer of said application of the First
2 Party, subject, however, to the terms hereof,

3 Now, therefore, in consideration of the premises it is
4 mutually covenanted and agreed as follows, to-wit:

5 1. That regardless of their respective priorities, no
6 diversion of water from Bully Creek will be made by the First Party
7 at the proposed additional point of diversion to be located N 27°
8 35' E 782 ft. from the SW corner of Sec. 21, T. 18 S., R. 41 E., W.M.
9 until each and all of the Second Parties have been fully satisfied
10 in their use of water from said stream to the extent of the duty of
11 water in rate of flow to which each of the Second Parties is now
12 entitled under their respective rights above described. The First
13 Party agrees that this shall be deemed a covenant running with the
14 above described land owned by him, and shall be binding upon his
15 heirs, executors, administrators and assigns.

16 2. That the First Party will install and maintain, at his
17 own expense, a suitable measuring device in the channel of Bully
18 Creek immediately below the existing point of diversion, such in-
19 stallation to be under the supervision of and in accordance with
20 plans approved by the Water Master.

21 3. That the Second Parties consent to the approval by
22 the State Engineer of the application of the First Party for the
23 proposed additional point of diversion, PROVIDING that such ap-
24 proval be subject to the conditions herein set forth.

25 IN WITNESS WHEREOF, the Parties have set their hands
26 and seals to this Agreement, executed in triplicate, the day and
27 year first above written, being one copy for each of the Parties
28
29
30
31
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hereto and one copy for the State Engineer of the State of Oregon.

Harold Jenkins
HAROLD JENKINS

First Party

James Corrigan
JAMES CORRIGALL

Virginia Corrigan
VIRGINIA CORRIGALL

Eugene Dice
EUGENE DICE

Beverly Dice
BEVERLY DICE

Grady Romans
GRADY ROMANS

Martha Romans
MARTHA ROMANS

Second Parties

STATE OF OREGON)

County of Malheur)

:ss

July 23, 1970.

Personally appeared the above named HAROLD JENKINS, and
acknowledged the foregoing instrument to be his voluntary act and
deed.

Before me:

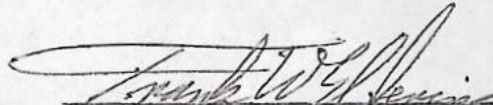
Thomas W. Hines
Notary Public for Oregon

My Commission Expires: November 3, 1972

1 STATE OF OREGON)
2 :ss July 23, 1970.
3 County of Malheur)

4 Personally appeared the above named JAMES CORRIGALL and
5 VIRGINIA CORRIGALL, husband and wife, and acknowledged the fore-
6 going instrument to be their voluntary act and deed.

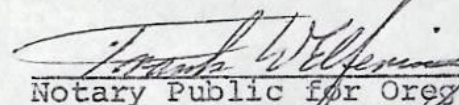
7 Before me:

8 
9 Notary Public for Oregon
My Commission Expires: November 3, 1972

10 STATE OF OREGON)
11 :ss July 23, 1970.
12 County of Malheur)

13 Personally appeared the above named ~~EUGENE~~ ^{Wol Gene} DICE and
14 BEVERLY DICE, husband and wife, and acknowledged the foregoing
15 instrument to be their voluntary act and deed.

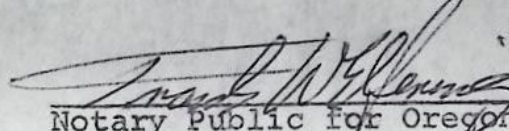
16 Before me:

17 
18 Notary Public for Oregon
My Commission Expires: November 3, 1972

19 STATE OF OREGON)
20 :ss July 30, 1970.
21 County of Malheur)

22 Personally appeared the above named GRADY ROMANS and
23 MARTHA ROMANS, husband and wife, and acknowledged the foregoing
24 instrument to be their voluntary act and deed.

25 Before me:

26 
27 Notary Public for Oregon
28 My Commission Expires: November 3, 1972

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RECEIVED
JUL 17 1970

AFFIDAVIT OF PUBLICATION
STATE ENGINEER
SALEM OREGON

Oregon, July 10, 1970

To MALHEUR ENTERPRISE, Dr.

To publishing attached Legal Notice in 3 issues \$ 24.50

STATE OF OREGON
County of Malheur } ss.

I, W. G. Ayer

being first duly sworn, depose and say that I am the Forman Publisher of the printers of The Malheur Enterprise, which is a weekly newspaper of general circulation, printed and published in Vale in said county and state that such newspaper is made up of at least four pages of six columns each and at least 17 3/4 inches in depth of matter; that such newspaper was regularly and uninterruptedly published each week for at least twelve consecutive months immediately preceding the first publication of attached

Legal Notice and has more than 200 bona fide subscribers within said county; that the Legal Notice

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

successive and consecutive weeks, being published 3 times commencing with the

issue dated the 24th day of June, 1970 and ending with the issue

dated the 8th day of July, 1970

That the amount of charge actually made and to be collected for such newspaper for such newspaper for such publication is \$ 24.50

Foreman Publisher of the Printers

Subscribed and sworn so before me this 10th day of July 1970

Notary Public for Oregon

(My commission expires July 3, 1974)

NOTICE OF FILING
APPLICATION FOR
AN ADDITIONAL POINT
OF DIVERSION

Notice is given hereby that Harold Jenkins has filed an application for the approval of an additional point of diversion of water from Bully Creek.

In the Malheur River Adjudication proceedings a water right was established in the names of J. H. Rowley and J. M. Handleman for the use of the waters of Bully Creek for the irrigation of 21.0 acres in SW 1/4 NE 1/4, 30.5 acres in SW 1/4 NW 1/4, 32.0 acres in SE 1/4 NW 1/4, 40.0 acres in NE 1/4 SW 1/4, 40.0 acres in NW 1/4 SW 1/4, 26.5 acres in SW 1/4 SW 1/4 and 29.5 acres in SE 1/4 SW 1/4, Sec. 21, T. 18 S., R. 41 E., W.M., with a date of priority of 1880. These lands are irrigated by means of the Reeves Rowley Ditch from a point of diversion located N 66 degrees 40' W 3915 feet from the SW corner of Sec. 21 being within the NE 1/4 SW 1/4 of Sec. 20, T. 18 S., R. 41 E., W.M.

The applicant herein, owner of the lands above described, proposes to maintain the present point of diversion and establish an additional point of diversion to be located N 27 degrees 35' E 782 feet from the SW corner of Sec. 21 being within the SW 1/4 SW 1/4 of Sec. 21, T. 18 S., R. 41 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Vale, Oregon, on August 20, 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 Harold Jenkins, Westfall, 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 17th day of June, 1970.

CHRIS L. WHEELER
State Engineer

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