

2649 Jedediah Aylett
Hermiston,
Oregon 97838

STATUS OF APPLICATION

Change in Point of Diversion
Date filed MAY 24, 1972
Date of hearing 11-2-76
Place of hearing Neppner
Date of order 11-3-76 Vol. 28, page 85
Date for application of water 10-1-77 10-1-77
Proof mailed

Proof received _____
Certificate issued SEP 13 1979 Vol. 42, page 48549
49077

FEB 25 1980
FEB 25 1980
FEB 25 1980

Survey 10/78 49075
49076

DESCRIPTION OF WATER RIGHT

Name of stream Wells
Trib. of _____ County of Morrow
Use Irrigation
Quantity of water _____ No. of acres 309⁰
Name of ditch _____
Date of priority _____
In name of E.F. McDole

Adjudication, Vol. _____, page _____

App. No. G-279 ^{G-190} Per. No. G-2782 ^{G-2782} Cert. No. 37034 ³⁴²⁸¹

Certificate cancelled

Notation made on record by

REMARKS

FEES PAID

Date	Amount	Receipt No.
5-24-72	\$ 40.45	28501
3-28-73	29.55 PON	33053
10-20-76	28.00 PON	56528
TOTAL	15.45 PON	28501
11-9-76	2.00	
10-20-76	\$1 Cert. Fee	56529

Heppner Gazette-Times \$ 73.00 ck. # 944

FEES REFUNDED

Date	Amount	Check No.
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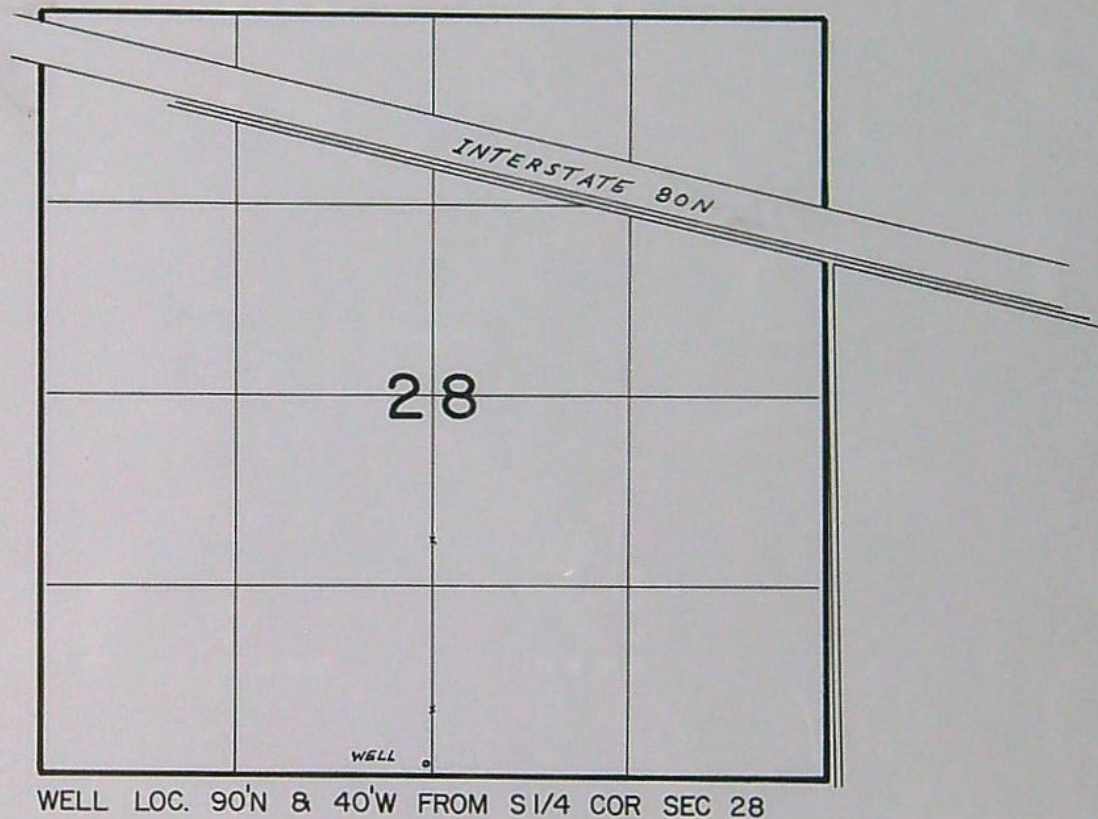
Fees:	
Exam	15.00
Revised POB	10.00
	<hr/>
Total	25.00

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Pt. of Dis.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Decree-valet	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Decree-safe	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Cert. of W/E (3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Per. Folder (+)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Chaindex	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Abstracts	<input type="checkbox"/>	<input type="checkbox"/>

Fees 25 -
Cer 2 -
PON 73

100 -

T. 4N. R. 27E. W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER 2649

Application No. Permit No.
IN NAME OF

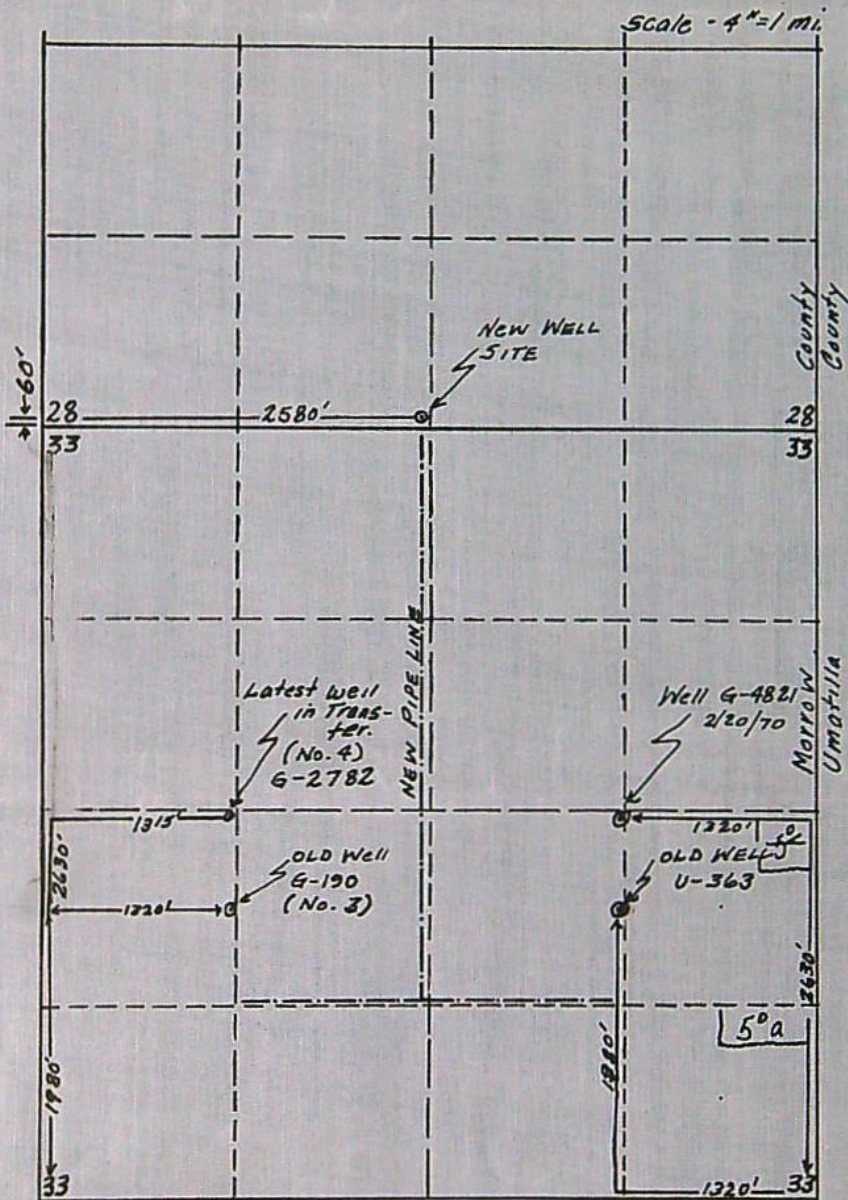
J. W. AYLETT

Surveyed 8-9 1978, by R. BARWIN

PTS-1978-P-D V.L.C.

RECEIVED
MAY 24 1972
STATE ENGINEER
SALEM, OREGON

T. 4 N., R. 27 E. W. M.



Map to accompany an
Application for a change in point of diversion
in the name of U.W. AYLETT. of Route 1,
Box 177, Hermiston, OR. - 97838

T-2649

Will pay \$200
SP-35674-690

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. W. Aylett

of Rt. 1, Box 177 Hermiston, State of OR 97838, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a well

a tributary of Umatilla River for the purpose of
irrigation of 61⁶ acres

under Permit No. G-4821 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from FEBRUARY 20, 1970 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.77 cubic foot second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the SE¹SW¹ SECTION 28, T. 4 N., R. 27 E., W.M., 90 ft N and 40 ft W from ~~SW~~ S¹/₄ COR Section 28

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ¹/₈₀ of one cubic foot per second per acre, 3A-ft provided further that the well shall not exceed 140 feet in depth, nor appropriate water from an aquifer below that depth.

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

34.4 acres SW¹/₄ SE¹/₄
27.2 acres SE¹/₄ SE¹/₄
SECTION 33
T. 4 N., R. 27 E., W.M.

THIS CERT. IS ISSUED TO CONFIRM A CHANGE IN POINT OF APPROPRIATION approved by an order of the W.R.D. entered Nov. 3, 1976 and supersedes the water right established by performance under provisions of water right permit No. G-4821.

THE ISSUANCE of this ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed
this date.

Water Resources Director

STATE OF OREGON
COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **ELROY F. McDOLLE**

of **Route 2, Box 117, Umatilla**, State of **Oregon**, **97838**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of **Umatilla River** for the purpose of
irrigation of 79.0 acres

under Permit No. **U-363** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **November 1, 1950**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.987 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, T. 4 N., R. 27 E., W. M., 16 feet South and 1310 feet West from the E $\frac{1}{4}$ Corner, Section 33.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **3 acre feet per acre for each acre irrigated during the irrigation season of each year,**

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

**39.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 33
T. 4 N., R. 27 E., W. M.**

This certificate is issued to confirm a change in point of diversion approved by an order of the State Engineer entered August 31, 1970, and supersedes certificate of water right heretofore issued to E. F. McDole and recorded at page 20686, Volume 15, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. **September 3, 1974**

.....**Chris L. Wheeler**.....
State Engineer

Recorded in State Record of Water Right Certificates, Volume **32**, page **40855**

T#2649

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

This Is to Certify, That E. F. McDole

of Route 1, Box 183, Hermiston, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of E. F. McDole Well No. 3

a tributary of Umatilla River for the purpose of irrigation of 80.0 acres

under Permit No. G-190 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 26, 1956

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.0 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, T. 4 N., R. 27 E., W. M. Well located: 5 feet South and 1342 feet East from W $\frac{1}{4}$ Corner, Section 33.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

40.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
40.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 33
T. 4 N., R. 27 E., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the State Engineer entered April 9, 1965, and supersedes the certificate of water right heretofore issued to E. F. McDole and recorded at page 30311, Volume 22, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. October 22, 1970

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37054

T# 2649

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

This Is to Certify, That E. F. McDole

of Route 1, Box 183, Hermiston, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of McDole well No. 4

a tributary of Umatilla River (Columbia River) for the purpose of irrigation of 80.0 acres

under Permit No. G-2782 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 4, 1965

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.0 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, T. 4 N., R. 27 E., W. M. Well located 5 feet South and 1342 feet East from the W $\frac{1}{4}$ Corner, Section 33.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year;

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

40.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
40.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 33
T. 4 N., R. 27 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. September 13, 1967

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 26, page 34281

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Morrow County

IN THE MATTER OF THE APPLICATION
OF J. W. AYLETT FOR THE APPROVAL
OF CHANGES IN POINT OF APPROPRIATION
OF GROUND WATER

ORDER APPROVING
TRANSFER NO. 2649

On May 24, 1972, J. W. Aylett filed an application for transfer of water right in the office of the Water Resources Director proposing changes in point of appropriation of ground water from a certain aquifer pursuant to the provisions of ORS 537.705.

Water is appropriated from the shallow, alluvial aquifer system by means of two wells under existing rights of record as follows:

(1) A right to appropriate not to exceed 0.987 cubic foot per second with a priority date of November 1, 1950, from a well located 16 feet South and 1310 feet West from the East quarter-corner of Section 33, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 4 North, Range 27 East, W.M., for irrigation of 39.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 33, evidenced by the certificate recorded at Page 40855, Volume 32, State Record of Water Right Certificates.

(2) A right to appropriate not to exceed 1.0 cubic foot per second with a priority date of March 26, 1956, from a well located 5 feet South and 1342 feet East from the West quarter-corner of Section 33, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 4 North, Range 27 East, W.M., for irrigation of 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33, evidenced by the certificate recorded at Page 37054, Volume 29, State Record of Water Right Certificates.

(3) A right to appropriate not to exceed 1.0 cubic foot per second with a priority date of February 4, 1965, from a well located 5 feet South and 1342 feet East from the West quarter-corner of Section 33, being within

the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 4 North, Range 27 East, W.M., for irrigation of 40.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33, evidenced by the certificate recorded at Page 34281, Volume 26, State Record of Water Right Certificates. 80⁰

(4) A right to appropriate not to exceed 0.77 cubic foot per second with a priority date of February 20, 1970, from a well located 16 feet South and 1310 feet West from the East quarter-corner of Section 33, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 4 North, Range 27 East, W.M., for irrigation of 34.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 27.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, established by performance under the provisions of water right permit No. G-4821 as determined by proof satisfactory to the Water Resources Director. 61⁶

The applicant herein, contract purchaser of the lands above described, proposes to discontinue use of the said two wells as the means of appropriation and, without change of priority, change the point of appropriation to obtain the water from the said aquifer for irrigation of all of the said lands by means of one well located 60 feet North and 2580 feet East from the Southwest corner of Section 28, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 4 North, Range 27 East, W.M., Morrow County, Oregon.

Mr. Elroy F. McDole, title holder of lands above described, has given his approval to the proposed changes in point of appropriation.

Notice of the application, pursuant to ORS 540.510, was published in the Heppner Gazette-Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of September 9, 16 and 23, 1976.

Mr. William I. Porfily, Watermaster of District No. 5, has filed a statement to the effect that the proposed changes in point of appropriation may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed changes in point of appropriation may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it is ORDERED that the proposed change in point of appropriation of ground water from the certain shallow alluvial aquifer system, without change in priority, is approved for appropriation of:

not to exceed 0.987 cubic foot per second with a date of priority of November 1, 1950, for irrigation of 39.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33;

not to exceed 1.0 cubic foot per second with a date of priority of March 26, 1956, for irrigation of 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33;

not to exceed 1.0 cubic foot per second with a date of priority of February 4, 1965, for irrigation of 40.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33; and

not to exceed 0.77 cubic foot per second with a date of priority of February 20, 1970, for irrigation of 34.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 27.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 4 North, Range 27 East, W.M.

by means of one well located 60 feet North and 2580 feet East from the Southwest corner of Section 28, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 4 North, Range 27 East, W.M.

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1977.

It is FURTHER ORDERED that the certificates of water right heretofore issued to Elroy P. McDole and to E. F. McDole and recorded at Page 34281, Volume 26, Page 37054, Volume 29, and at Page 40855, Volume 32, State Record of Water Right Certificates, are canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to J. W. Aylett.

Dated at Salem, Oregon, this 3rd day of November, 1976.

/s/ JAMES E. SEXSON
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Marion County

IN THE MATTER OF A PETITION)
FOR RECONSIDERATION IN BEHALF)
OF J. W. AYLETT ON THE QUESTION)
OF DETERMINATION OF A CRITICAL)
GROUND WATER AREA IN THE)
ORDNANCE AREA -----)

ORDER
DENYING PETITION
FOR RECONSIDERATION

On June 1, 1976, Mr. Roy Kilpatrick filed a petition for reconsideration of certain portions of the Water Resources Director's order of April 2, 1976, determining the Ordinance critical ground water area on behalf of J. W. Aylett.

The petition has been considered and the points raised are not well taken.

Paragraph 11 of the Conclusions, which petitioner complains of, together with paragraph 4 of the order, provide that application No. G-5684 may be approved or withdrawn upon request of the applicant within 60 days of the date of the order. While its approval is little, if any practical value to the applicant, it can be had upon request.

Petitioners attempt to infuse approval of an application for changes in points of diversion under several rights is also not well taken. The application (File No. TR-2649) for changes in points of diversion under several rights is being considered on its own merits as provided by ORS 537.705, 540.520 and 540.530. These sections set forth the statutory procedure for the Director to approve changes in use, place of use, or point of diversion of ground water, and must be followed. Such procedures include publication of notice, hearing on the question, and finding that the change can be made without injury to existing rights.

NOW, THEREFORE, it is ORDERED that the petition for reconsideration is hereby denied.

Dated at Salem, Oregon this 30th day of June 1976.

/s/ JAMES E. SEXSON
Director

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

Notice is given hereby that J.W. Aylett has filed water right transfer application numbered 2649 for approval of changes in point of appropriation of ground water from a certain aquifer, under the following described rights of record:

(1) A right to appropriate not to exceed 0.987 c.f.s. with a priority date of November 1, 1950, from a well located 16 ft. S. and 1310 ft. W. from the E. $\frac{1}{4}$ corner of Sec. 33, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 4 N., R. 27 E., W.M., for irrigation of 39.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 33, evidenced by the certificate recorded at page 40855, Volume 32, State Record of Water Right Certificates.

(2) A right to appropriate not to exceed 1.0 c.f.s. with a priority date of March 26, 1956, from a well located 5 ft. S. and 1342 ft. E. from the W. $\frac{1}{4}$ corner of Sec. 33, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 4 N., R. 27 E., W.M., for irrigation of 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 33, evidenced by the certificate recorded at page 37054, Volume 29, State Record of Water Right Certificates.

(3) A right to appropriate not to exceed 1.0 c.f.s. with a priority date of February 4, 1965, from a well located 5 ft. S. and 1342 ft. E. from the W. $\frac{1}{4}$ corner of Sec. 33, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 4 N., R. 27 E., W.M., for irrigation of 40.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 33, evidenced by the certificate recorded at page 34281, Volume 26, State Record of Water Right Certificates.

(4) A right to appropriate not to exceed 0.77 c.f.s. with a priority date of February 20, 1970, from a well located 16 ft. S. and 1310 ft. W. from the E. $\frac{1}{4}$ corner of Sec. 33, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 33, T. 4 N., R. 27 E., W.M., for irrigation of 34.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 27.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 33 established by performance under the provisions of water right permit No. G-4821 as determined by proof satisfactory to the Water Resources Director.

The applicant herein proposes to irrigate all of the above described lands, without change of priority, from a well located 60 ft. N. and 2580 ft. E. from the SW corner of Sec. 28, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 28, T. 4 N., R. 27 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Heppner, Oregon, on November 2, 1976, 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 should be prepared in writing, one copy to be served on J.W. Aylett c-o Roy Kilpatrick, Attorney at Law, P.O. Box A, Mt. Vernon, Oregon 97865, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for the hearing. If no objection is filed, the application may be approved by the Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 31st day of August, 1976.

AFFIDAVIT OF PUBLICATION

STATE OF OREGON }
County of Morrow } ss:

I, Wil C. Phinney

being first duly sworn, depose and say that I am the editor of the HEPPNER GAZETTE-TIMES, a newspaper of general circulation, as defined by O.R.S. 193.010 and 193.020; printed and published at Heppner, Oregon: that the Public Notice of Filing Application for a change in point of Diversion of Water

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: Sept. 9, 16, 23, 1976

Wil C. Phinney
Subscribed and sworn before me this 1 day of October, 1976.

Milton Ray Boyce
Notary Public for Oregon

My Commission Expires: 3-22-79
(SEAL)

RECEIVED

OCT 07 1976

WATER RESOURCES DEPT
SALEM, OREGON

SE $\frac{1}{4}$ of said Sec. 33, evidenced by the certificate recorded at page 40855, Volume 32, State Record of Water Right Certificates.

(2) A right to appropriate not to exceed 1.0 c.f.s. with a priority date of March 26, 1956, from a well located 5 ft. S. and 1342 ft. E. from the W. $\frac{1}{4}$ corner of Sec. 33, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 4 N., R. 27 E., W.M., for irrigation of 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 33, evidenced by the certificate recorded at page 37054, Volume 29, State Record of Water Right Certificates.

(3) A right to appropriate not to exceed 1.0 c.f.s. with a priority date of February 4, 1965, from a well located 5 ft. S. and 1342 ft. E. from the W. $\frac{1}{4}$ corner of Sec. 33, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 4 N., R. 27 E., W.M., for irrigation of 40.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 33, evidenced by the certificate recorded at page 34281, Volume 26, State Record of Water Right Certificates.

(4) A right to appropriate not to exceed 0.77 c.f.s. with a priority date of February 20, 1970, from a well located 16 ft. S. and 1310 ft. W. from the E. $\frac{1}{4}$ corner of Sec. 33, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 33, T. 4 N., R. 27 E., W.M., for irrigation of 34.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 27.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 33 established by performance under the provisions of water right permit No. G-4821 as determined by proof satisfactory to the Water Resources Director.

The applicant herein proposes to irrigate all of the above described lands, without change of priority, from a well located 60 ft. N. and 2580 ft. E. from the SW corner of Sec. 28, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 28, T. 4 N., R. 27 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Heppner, Oregon, on November 2, 1976, 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 should be prepared in writing, one copy to be served on J.W. Aylett c-o Roy Kilpatrick, Attorney at Law, P.O. Box A, Mt. Vernon, Oregon 97865, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for the hearing. If no objection is filed, the application may be approved by the Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 31st day of August, 1976.

JAMES E. SEXSON
Director

Published Sept. 9, 16, 23, 1976

Application for a change in point of

Diversion of Water

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for³..... successive and consecutive weeks in the following issues: Sept. 9, 16,
23, 1976

Case C. Phinney

Subscribed and sworn before me this
.....¹..... day of October, 1976

Milton Ray Boyce

Notary Public for Oregon

My Commission Expires: 3-22-79

(SEAL)

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OCTO 7 1976

WATER RESOURCES DEPT
SALEM, OREGON

OK due