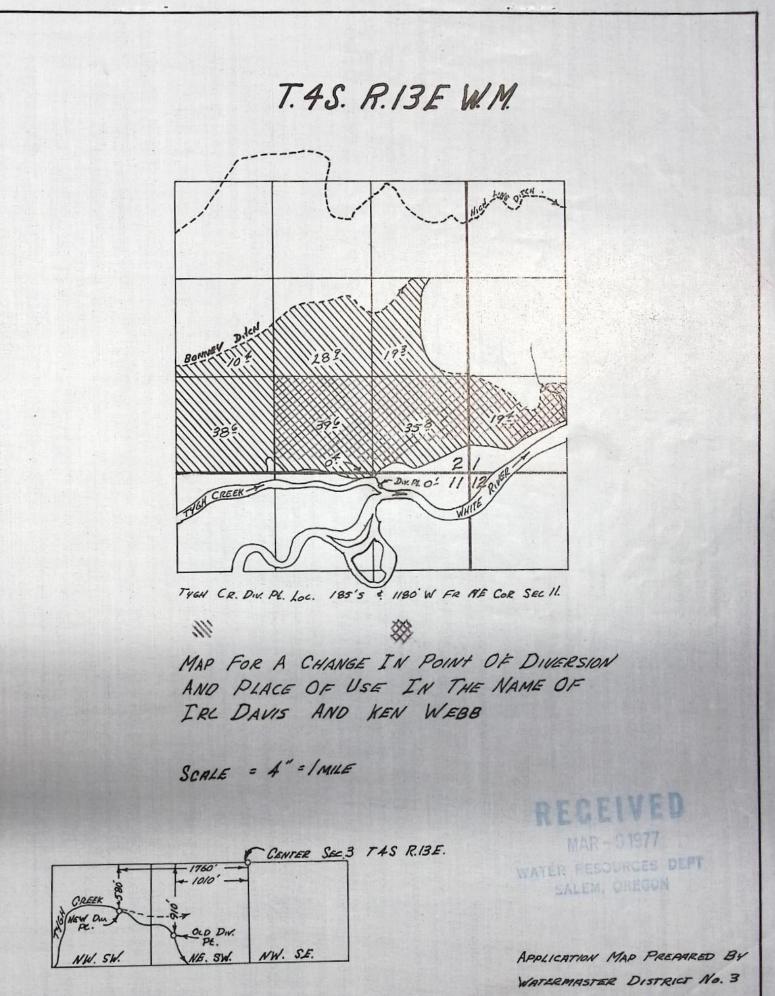


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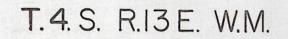
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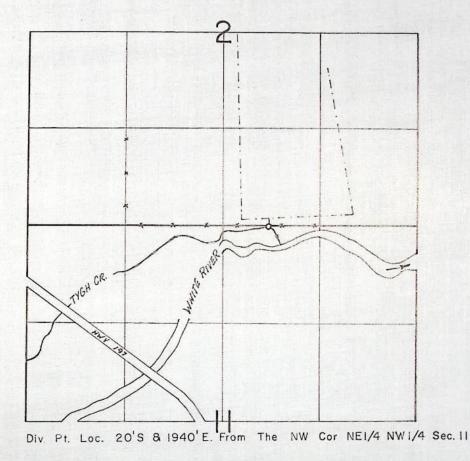
Decree-vault - Decree-safe Cert. of W/R Per. Folder

> Chaindex Cross Ref. Power Claim Abstracts



THOMAS J. PAUL





## FINAL PROOF SURVEY

 TRANSFER 2974

 Application No.
 Permit No.

 IN NAME OF

 RICK HARVEY

 Surveyed Nov. 15 19.82, by T.J. PAUL

 Sept. 19, 1984

41065-179-1111 \$ 145 R

## BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

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IN THE MATTER OF THE APPLICATION OF KEN WEBB AND IRL DAVIS FOR APPROVAL OF CHANGES IN PLACE OF USE AND POINT OF DIVERSION OF WATER FROM TYGH CREEK

ORDER APPROVING Transfer No. 2974

On February 13, 1974, an application was filed in the office of the Water Resources Director by Ken Webb and Irl Davis for changes in place of use and point of diversion under an existing water right of record, pursant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 5747, Volume 6, State Record of Water Right Certificates, in the name of Chas. Harth, describes a right for the use of water from Tygh Creek for irrigation of a certain 115.0 acres, described below as Tract No. 1, with a date of priority of 1877, and a certain 77.5 acres, described below as Tract No. 2, with a date of priority of 1866, the water for said right being diverted through the Bonney Ditch from a point located 910 feet South and 1010 feet West from the center of Section 3, being within the NE¼ SW¼ of Section 3, Township 4 South, Range 13 East, W.M.:

Tract No. 1 4.7 acres in NW4 SW4 Section 1 12.8 acres in NE4 SW4 35.8 acres in SE4 SW4 28.4 acres in NE4 SE4 33.3 acres in NW4 SE4 Section 2 T 4 S, R 13 E, W.M. Tract No. 2 17.3 acres in SW4 SW4 Section 1 32.2 acres in SW4 SE4 28.0 acres in SE4 SE4 Section 2 T 4 S, R 13 E, W.M.

P 115-113

The applicants herein, owners of the lands above described, propose to change the place of use of water under a priority date of 1877 from a certain

4.7 acres in NW4 SW4 of Section 1; 2.4 acres in NE4 SW4, 9.1 acres in NE4 SE4, and 4.4 acres in NW4 SE4 of Section 2, Township 4 South, Range 13 East, W.M. and, without loss of priority, to irrigate in lieu thereof a certain 2.1 acres in SW4 SW4 of Section 1; 2.8 acres in SE4 SW4, 7.4 acres in SW4 SE4, 7.8 acres in SE4 SE4 of Section 2; 0.1 acre in NE4 NE4, and 0.4 acre in NW4 NE4 of Section 11, Township 4 South, Range 13 East, W.M.

The applicants also propose to change the place of use of water under a priority date of 1866 from a certain 5.0 acres in SW4 SW4 of said Section 1 and, without loss of priority, to irrigate in lieu thereof a certain other 5.0 acres in the said SW4 SW4 of Section 1.

The applicants also propose to change the point of diversion from the point described above and, without loss of priority, to obtain the water from Tygh Creek at two points of diversion located:

> No. 1 - 185 feet South and 1180 feet West from the Southeast corner of Section 2, being within the NE½ NE½ of Section 11, Township 4 South, Range 13 East, W.M. No. 2 - 580 feet South and 1760 feet West from the center of Section 3, being within the NW½ SW½ of Section 3, Township 4 South, Range 13 East, W.M.

for irrigation of all of the lands under the subject water right, being 115.0 acres with a date of priority of 1877, described below as Tract No. 1, and 77.5 acres with a date of priority of 1866, described below as Tract No. 2:

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Tract No. 1 2.1 acres in SW4 SW4 Section 1 10.4 acres in NE4 SW4 38.6 acres in SE4 SW4 19.3 acres in NE4 SE4 28.9 acres in NW4 SE4 7.4 acres in SW4 SE4 7.8 acres in SE4 SE4 Section 2 0.1 acre in NE4 NE4 Section 11 T 4 S, R 13 E, W.M.

17.3 acres in SW4 SW4 Section 1
32.2 acres in SW4 SE4
28.0 acres in SE4 SE4 Section 2
T 4 S, R 13 E, W.M.

Tract No. 2

Notice of the application, pursant to ORS 540.510, was published in The Dalles Chronicle, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of March 29, April 5 and 12, 1977.

Mr. Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion as described herein, without loss of priority, are approved.

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

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 hereing 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 other 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 and said water so transferred shall be applied to beneficial use on or before October 1, 1979. It is FURTHER ORDERED that the certificate of water right heretofore issued to Chas. Harth and recorded at page 5747, Volume 6, State Record of Water Right Certificates, is 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 the applicant herein. Dated at Salem, Oregon, this 21st day of July, 1977.

> s/s JAMES E. SEXSON Director

Gibraltar Onion Skin

MULERS FALLS

ALL COTTON

Gibraltar Onion Skin MILLERS FALLS

The purpose of Irrigation = 1925 area         at the angine or the base been confirmed by decree of the Circuit Court of the State of Oregon for County, on the state area of record at Salem, in the Order sector of the STATE ENGINEER, in Volume 7 , at page 196 ; that the priority the right thereby confirmed dates from 1877 for Tract 1 and 1866 for Tract 2;         at the angount of water to which such right is crititled, for the purposes aforesaid, is limited to an another ange of the STATE ENGINEER, in Volume 7 , at page 196 ; that the priority the right thereby confirmed dates from 1877 for Tract 1 and 1866 for Tract 2;         at the angount of water to which such right is crititled, for the purposes aforesaid, is limited to an another ange any triggetion season (with the further limitetions contained in parameters of the state for many season (with the further limitetions contained in parameters); a state for the purposes, the priority of the leads irrighted trutter such water is put to beneficially used for said purpose, and shall not exceed there is apputetered.         A decorriging any triggetion season (with the further limitetions contained in parameters); a state for purposes, the prior there are the beneficial rush; but a follows.         A decorriging and the state season (with the further limitetions contained in parameters); a state for other there are the beneficial rush; but a for the state of the state season (with the further limitetions); but at for the parameters is a state of the state season (with the further limitetions); but at for the state of the state season (with the further limitetions); but at the further limitetions (with the further limitetions); but at the further limitetion (with the further limitetions); but at the further limitetion (with the further limitetions); but at the further limitetions (with the further limit	Court-21811-	-500-7-23.			RECE	VED
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## Affidavit of Jublication

STATE OF OREGON. County of Wasco

SS.

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 2974 Notice is given hereby that Ken Webb and Irl Davis have filed an application in the office of the Water Resources Director for the approval of changes in place of use and point of diversion from Tygh

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Certificate of water right recorded at Page 5747, Vol. 6, State Record of Water Right Certificates, in the name of Chas. Harth, describes an existing right of record for the use of water from Tygh Creek for irrigation of a certain 115.0 acres with a priority date of 1877 and a certain 77.5 acres

Creek.

with a priority date of 1866, said lands being within the W1/2SW1/4 of Sec. 1; the E1/2 SW1/4 and the SE1/4 of Sec. 2, T. 4 S., R. 13E., W.M.

Water for the said right is diverted through the Bonney ditch from a point located 910 ft. S. and 1010 ft. W. from the center of Sec. 3, being within the NE¼SW¼ of Sec. 3, T. 4 S., R. 13 E., W.M.

The applicants herein, owners of the lands above described, propose to change, without loss of priority, the point of diversion to a point located 580 ft. S. and 1760 ft. W. from the center of Sec. 3. being within the NW1/4SW1/4 of Sec. 3, and to establish an

day of\_\_\_(

## Jolene Kyle

additional point of diversion at a point located 185 ft. S. and 1180 ft. W. from the SE corner of Sec. 2, being within the NE4NE4 of Sec. 11, all within T. 4 S., R. 13 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at The Dalles, Oregon, on May 24, 1977, 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 Ken Webb and Irl Davis, Tygh Valley, Oregon 97063, and one copy filed with the Water Resources Depart-

Subscribed and sworn to before me this.

ment, 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 Water Resources the Department upon request. Dated at Salem, Oregon,

this 16th day of March, 1977. JAMES E. SEXSON Director Mar. 29, Apr. 5, 12, 1977 No. 1483

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Notary Jublic for Oregon. My Commission Expires July 31, 1980