

2974 Ken Webb & Son  
Lans, Tygh Valley, Or

2974

STATUS OF APPLICATION

Change in point of diversion and additional point of diversion  
Date filed 2-13-74  
Date of hearing 5-24-77  
Place of hearing The Dallas  
Date of order 7-21-77 Vol. 29, page 110  
Date for application of water 10-1-77 <sup>EXT</sup> 6-1-83  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued **DEC 4 1984** Vol. 47, page **52578**

DESCRIPTION OF WATER RIGHT

Name of stream Tygh Creek  
Trib. of \_\_\_\_\_ County of Wasco  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 82.3  
Name of ditch Bonney ditch  
Date of priority 1877 and 1866  
In name of Chas. Harth  
White River Adjudication, Vol. 7, page 215  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 5747  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>2-13-74</u>	<u>30.00</u>	<u>38627</u>
<u>2-13-74</u>	<u>45.00 P.O.U.</u>	<u>38628</u>
<u>5-9-77</u>	<u>10.37</u>	<u>60348</u>
TOTAL . . .		
	No Cert. Fee	

Pd. The Dallas Chronicle \$45.37 ch# 1344  
6/9/77

FEES REFUNDED

Date	Amount	Check No.

Fees Exam 15  
POU 10  
POD 15  
40.00  
PON 45.37  
85.37  
Rec'd 75 -  
need \$10.37

REMARKS

CARD FOR C DEC 26 1979

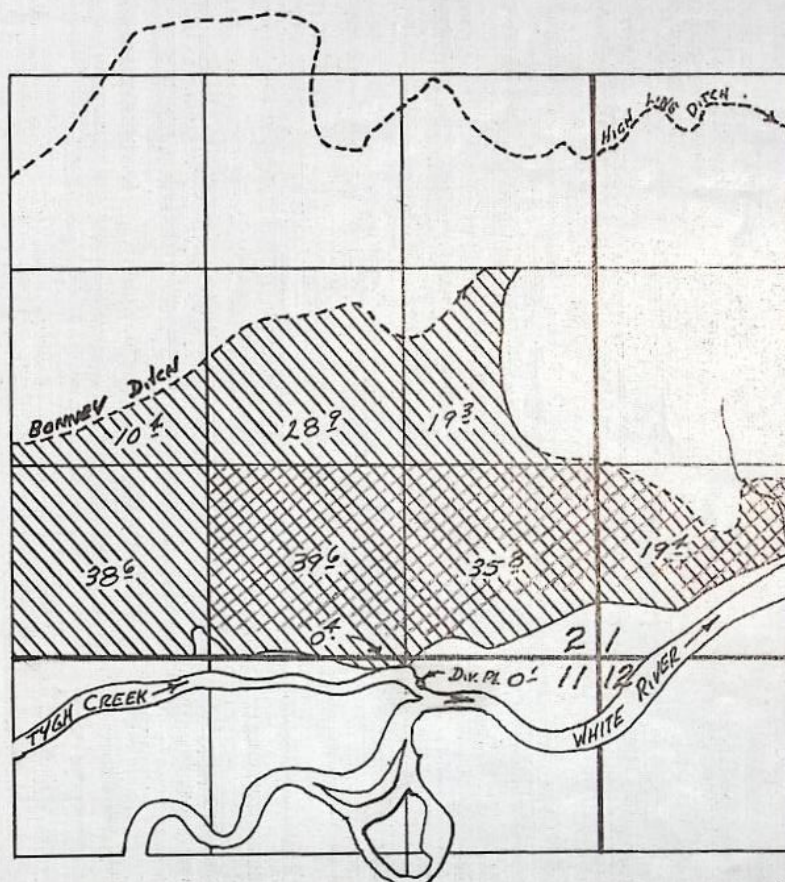
TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	<input checked="" type="checkbox"/>	Name	<u>lg</u>	_____
	<input checked="" type="checkbox"/>	Stream	<u>lg</u>	_____
	<input checked="" type="checkbox"/>	Pt. of Div.	_____	_____
	<input checked="" type="checkbox"/>	Calendar	<u>lg</u>	_____
	CHECKED TO RECORDS:			
	<input checked="" type="checkbox"/>	Twp. & Rge.	_____	_____
	<input checked="" type="checkbox"/>	Decree-vault	<u>lg</u>	_____
	<input checked="" type="checkbox"/>	Decree-safe	<u>lg</u>	_____
	<input checked="" type="checkbox"/>	Cert. of W/R	<u>lg</u>	<u>lg</u>
	<input checked="" type="checkbox"/>	Per. Folder	_____	_____
	<input checked="" type="checkbox"/>	Chaindex	_____	_____
	<input checked="" type="checkbox"/>	Cross Ref.	_____	_____
	<input checked="" type="checkbox"/>	Power Claim	_____	_____
	<input checked="" type="checkbox"/>	Abstracts	<u>lg</u>	_____

Harvey

469



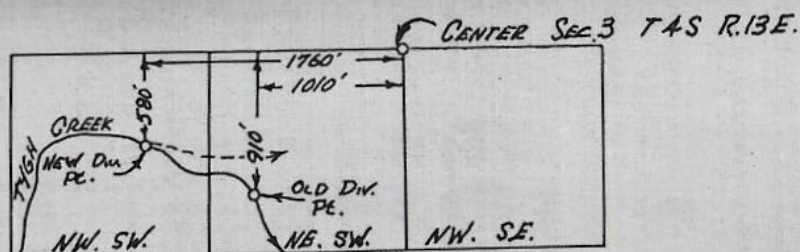
T.4S. R.13E W.M.



TYGH CR. DIV. PL. LOC. 185'S & 1180' W FR NE COR SEC 11.

MAP FOR A CHANGE IN POINT OF DIVERSION  
AND PLACE OF USE IN THE NAME OF  
IRL DAVIS AND KEN WEBB

SCALE = 4" = 1 MILE



RECEIVED

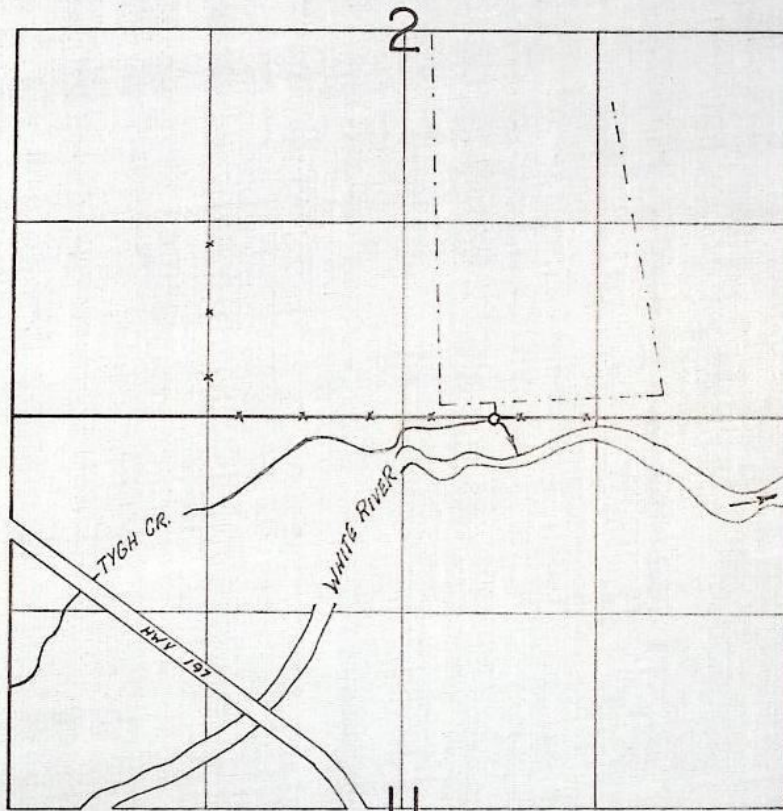
MAR - 9 1977

WATER RESOURCES DEPT  
SALEM, OREGON

APPLICATION MAP PREPARED BY  
WATERMASTER DISTRICT No. 3  
THOMAS J. PAUL



T.4 S. R.13 E. W.M.



Div. Pt. Loc. 20'S & 1940'E. From The NW Cor NE1/4 NW1/4 Sec. 11

**FINAL PROOF SURVEY**  
UNDER

*TRANSFER 2974*

Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

*RICK HARVEY*

Surveyed *Nov. 15, 1982*, by *T. J. PAUL*  
*Sept. 19, 1984*



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

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, pursuant 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 NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 3, Township 4 South, Range 13 East, W.M.:

Tract No. 1  
4.7 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 1  
12.8 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$   
35.8 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$   
28.4 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$   
33.3 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 2  
T 4 S, R 13 E, W.M.

Tract No. 2  
17.3 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 1  
32.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$   
28.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 2  
T 4 S, R 13 E, W.M.

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

11/79  
P 115-113



4.7 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1; 2.4 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 9.1 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and 4.4 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  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 SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1; 2.8 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 7.4 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 7.8 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2; 0.1 acre in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 0.4 acre in NW $\frac{1}{4}$  NE $\frac{1}{4}$  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 SW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 1 and, without loss of priority, to irrigate in lieu thereof a certain other 5.0 acres in the said SW $\frac{1}{4}$  SW $\frac{1}{4}$  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 NE $\frac{1}{4}$  NE $\frac{1}{4}$  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 NW $\frac{1}{4}$  SW $\frac{1}{4}$  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:

Tract No. 1

2.1 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 1  
10.4 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$   
38.6 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$   
19.3 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$   
28.9 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$   
7.4 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$   
7.8 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 2  
0.1 acre in NE $\frac{1}{4}$  NE $\frac{1}{4}$   
0.4 acre in NW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 11  
T 4 S, R 13 E, W.M.

Tract No. 2

17.3 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 1  
32.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$   
28.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 2  
T 4 S, R 13 E, W.M.



Notice of the application, pursuant 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.



Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON

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

MILLERS FALLS



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MAR-9 1977

WATER RESOURCES DEPT  
SALEM, OREGON

## STATE OF OREGON

COUNTY OF

WASCO  
WASCO

## CERTIFICATE OF WATER RIGHT

This is to Certify, That ~~CHAS. HARTH~~ **RICK HARVEY**  
 of **Rte. 1, Box 69**, State of **Tygh Valley**, Oregon **97063** has a right to the use of  
 the waters of **Tygh Creek**, a tributary of **White River**  
 for the purpose of **Irrigation** of **192.5** acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
**Wasco** County, and the said decree entered of record at Salem, in the Order  
 Record of the **STATE ENGINEER**, in Volume **7**, at page **196**; that the priority  
 of the right thereby confirmed dates from **1877** for Tract #1 and **1866** for Tract #2;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
 amount actually beneficially used for said purposes, and shall not exceed **Three acre feet per**

acre during any irrigation season (with the further limitations contained in para-  
 graph 24 of said decree); **if available at the original point of diversion;**

**NE+SW+ Sec. 3, T. 4S, R. 13E, N.M.; 910ft. S. & 1010ft. W. from Center of Sec. 3 (Bonney Ditch).**

A description of the lands irrigated under such right, and to which the water is appurtenant  
 (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

**The Point of Diversion is located in the NW+NE+ Sec. 11, T. 4S, R. 13E, N.M.; 20ft. S. & 1940ft. E.  
 from the NW Cor. NE+NW+ Sec. 11**

~~Tract #1.~~

Township North or South	Range E. or W. of Willamette Meridian	Section	Sub-Section	Number Acres To Be Irrigated	
				1877	1866
4 S	13 E	1	SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.1 ac.	17.3 ac
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	10.4	
		2	SE $\frac{1}{4}$ SW $\frac{1}{4}$	38.6	
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.3	
		11	NW $\frac{1}{4}$ SE $\frac{1}{4}$	28.9	
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	7.4	32.2
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	7.8	28.0
			NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.1	
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	0.4	

(If more space required, attach separate sheet)

This certificate is issued to confirm a change in point of diversion, approved  
 by an order of the Water Resources Director entered **July 21, 1977** and  
 supersedes certificate of water right recorded at page **5747**,  
 Volume **6**, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of  
 the water right in regard to the provisions of ORS 540.610 pertaining to  
 forfeiture or abandonment.

52578

WITNESS the signature of the State Engineer,

affixed this **9th** dayof **January**, 192 **6**.RICK HARVEY  
State Engineer.Recorded in State Record of Water Right Certificates, Volume **6**, page **5747**

T 2974



# Affidavit of Publication

STATE OF OREGON, } ss.  
County of Wasco }

I, Jolene Kyle

## 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 Creek.

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

with a priority date of 1866, said lands being within the  $W\frac{1}{2}SW\frac{1}{4}$  of Sec. 1; the  $E\frac{1}{2}SW\frac{1}{4}$  and the  $SE\frac{1}{4}$  of Sec. 2, T. 4 S., R. 13 E., 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  $NE\frac{1}{4}SW\frac{1}{4}$  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  $NW\frac{1}{4}SW\frac{1}{4}$  of Sec. 3, and to establish an

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  $NE\frac{1}{4}NE\frac{1}{4}$  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-

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 the Water Resources 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

principal  
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ad pub-  
that the

which is  
of said  
weeks  
issues

Subscribed and sworn to before me this 12

day of April, 1977

J. H. Wright  
Notary Public for Oregon.

My Commission Expires July 31, 1980