

2982

STATUS OF APPLICATION

Change in additional point of division
Date filed 2-25-74
Date of hearing Dec. 6, 1978
Place of hearing Vale
Date of order 12-18-78 Vol. 31, page 483
Date for application of water completed
Proof mailed _____
Proof received _____
Certificate issued JAN 29 1979 Vol. 40, page 47308
APR 24 1987 51 56139

to survey 12/78

Surveyed 9/16/85

REMARKS

See G 841

G 6391

See Sp. D. Vol. 23, p. 122 Trsf. 2735

DESCRIPTION OF WATER RIGHT

Name of stream Willow Creek
Trib. of _____ County of Malheur
Use irrigation
Quantity of water _____ No. of acres 109.0
Name of ditch Bottom Hill, #1 [Ehms]
Date of priority 1882
In name of S.M. Molthan
Willow Creek Adjudication, Vol. 3, page 295
App. No. _____ Per. No. _____ Cert. No. 1600
Certificate cancelled _____
Notation made on record by _____

FEES PAID

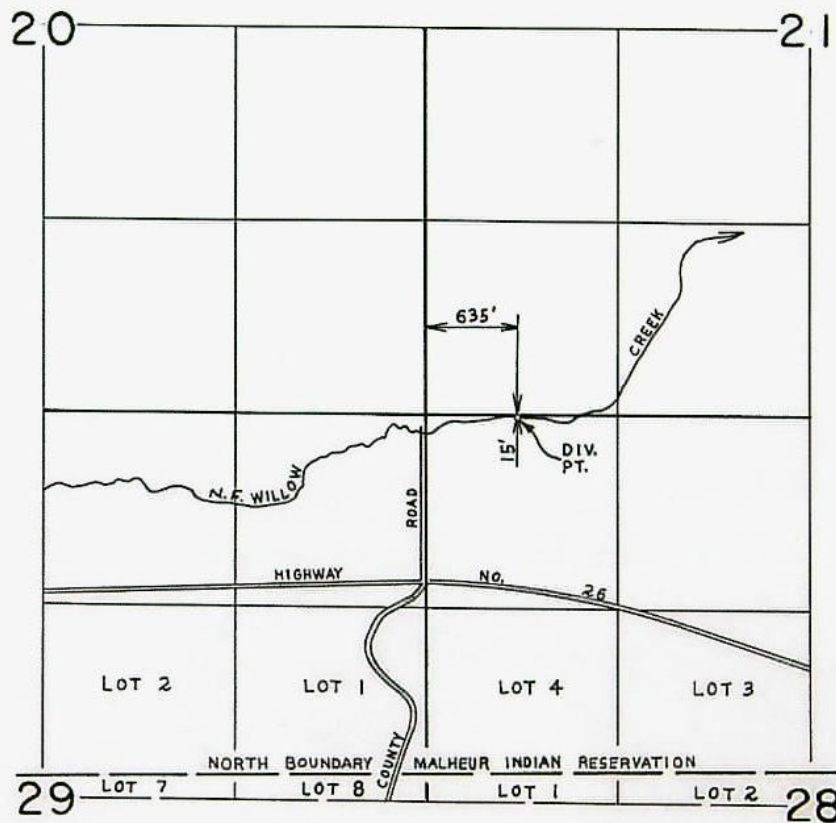
Date	Amount	Receipt No.
<u>2-25-74</u>	<u>30.00</u>	<u>38808</u>
<u>2-25-74</u>	<u>39.75</u>	<u>38809</u>
TOTAL . . .		
<u>11-16-78</u>	<u>\$4 Cert. Fee</u>	<u>Trsf. fee 38828</u>
<u>Malheur Enterprise #37.24 pd 11/16/78 ck # 2828</u>		

FEES REFUNDED

Date	Amount	Check No.
	<u>Ex 15.00</u>	
	<u>POD 15.00</u>	
	<u>PON 37.24</u>	
	<u>67.24</u>	
	<u>Cert Fee 2.00</u>	
	<u>0.51 excess recording</u>	
	<u>69.75</u>	

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

T. 14 S., R. 39 E., W. M.



SCALE: 4" = 1 mile

FINAL PROOF SURVEY UNDER

TRANSFER NO. 2982

Application No. Permit No.

IN NAME OF

..... JOHN MOLTHAN

Surveyed SEPT. 16, 1985., by L. TOLL

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF MAHEUR

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That S. M. MOLTHAM
 of Ironside State of Oregon has a right to the use of
 the waters of South Fork of Willow Creek and North Fork of Willow Creek, tributary
 of Willow Creek,

for the purpose of the irrigation of ^{74.0}~~225.5~~ acres of land, domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of
 Oregon for Maheur County, and the said decree entered of record at Salem,
 in the Order Record of the ~~MAHEUR~~ ^{STATE WATER BOARD} of the State of Oregon, in Volume 3, at
 page 258; that the priority of the right hereby confirmed dates from the year 1880

for 46.0 acres from South Fork on lands south of the North Fork channel, and
 1882 for 28.0 acres from North Fork on lands north of the North Fork channel;

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 pur-
 poses, and shall not exceed a rate of flow of 1.85 sec. ft. from April 1st to
 May 1st and 0.93 sec. ft. from May 1st to September 1st of each year, or the
 equivalent in case of rotation; the total quantity diverted during each irrigation
 season not to exceed 222.0 acre feet.

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

	<u>7-2785</u>	<u>7-2982</u>
20.5 acres in SE 1/4 SE 1/4		<u>20.5</u>
Section 20		
20.0 acres in SE 1/4 NE 1/4		
29.0 acres in NE 1/4 SW 1/4		<u>29.2</u>
10.0 acres in NW 1/4 SW 1/4		<u>10.2</u>
40.0 acres in SW 1/4 SW 1/4		<u>40.2</u>
3.0 40.0 acres in SE 1/4 SW 1/4 - 272		<u>10.2</u>
13.0 acres in NE 1/4 SE 1/4		
38.0 acres in NW 1/4 SE 1/4		
13.0 acres in SW 1/4 SE 1/4 - 132		
Section 21		
T 14 S, R 39 E, W.M.	<u>40.2 Ac</u> <u>1880</u>	<u>109.5 Ac</u> <u>1882</u>
	<u>1.0 cfs</u>	<u>2.74 cfs</u> Apr 1 - May 1
	<u>.5 cfs</u>	<u>1.37 cfs</u> after May 1 - Sept 1

This certificate describes that portion of the water right confirmed by the
 prior certificate recorded at page 1600, Volume 2, State Record of Water Right
 Certificates, NOT modified by an order of the State Engineer entered on April
 17, 1973, approving transfer application No. 2735, or by an order of the Water
 Resources Director entered on Dec 18, 1978, approving transfer
 application No. 2982.

The issuance of this superseding certificate does not confirm the status of
 the water right in reference to ORS 540.610.

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS
State Engineer, President

Attest:

M. F. MERS

Secretary

Recorded in State Record of Water Right Certificates, Volume 2, page 1600.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOHN MOLTHAN FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM WILLOW CREEK)

ORDER APPROVING
TRANSFER NO. 2982

On February 25, 1974, an application was filed in the office of the Water Resources Director by John Molthan for approval of an additional point of diversion from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 1600, Volume 2, State Record of Water Right Certificates, in the name of S. M. Moltham, describes a right which includes the use of not to exceed 1/40th cubic foot per second per acre from April 1 to May 1, and 1/80th cubic foot per second per acre after May 1 to September 1, not to exceed 3 acre feet per acre irrigated during each year, for irrigation of a certain 20.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20; 29.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 10.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 10.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 14 South, Range 39 East, W.M., with a priority date of 1882.

Water for the said right is diverted, through the Elms Ditch, from a point located South 72 degrees 46 minutes West, 1605 feet from the Southwest Corner of Section 21, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 14 South, Range 39 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish, without loss of priority, an additional point of diversion from Willow Creek, located 12 feet South and 500 feet East from the Southwest Corner of Section 21, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 14 South, Range 39 East, W.M., for irrigation of the said lands.

Notice of the application, pursuant to ORS 540.520(2), 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 October 11, 18 and 25, 1978.

Mr. Frank Elfering, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in 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 additional point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point 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 herein confirmed:

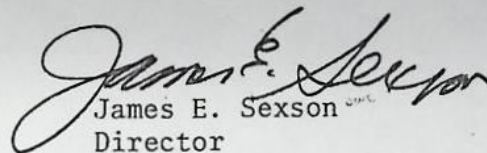
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the additional point of diversion is completed.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered April 17, 1973, approving transfer application No. 2735; and upon receipt of 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 herien.

Dated at Salem, Oregon this 18th day of December, 1978.


James E. Sexson
Director

PJ54

AFFIDAVIT OF PUBLICATION

Vale, Oregon October 25 1978

TO MALHEUR ENTERPRISE, Dr.

To publishing attached Legal Notice In 3 issues \$37.24

STATE OF OREGON }
County of Malheur }ss.

I, Warren G. Auyer being first duly sworn, depose and say that I am the Foreman 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 eight columns each and at least 21 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 3 successive and consecutive weeks, being published 3

times commencing with the issue dated the 25th day of October, 1978

and ending with the issue dated the 25th day of October, 1978

That the amount of charge actually made and to be collected for such newspaper for such publication is \$ 37.24

Warren G. Auyer
Foreman Publisher of the Printers

Subscribed and sworn to before me this 25th day of Oct., 1978

Janet Ann Auyer
Notary Public for Oregon

My commission expires August 11, 1982

Notices

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 2982

Notice is given hereby that an application has been filed in the office of the Water Resources Director by John Molthan for approval of an additional point of diversion from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

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The applicant herein, owner of the lands above described, proposes to establish, without loss of priority, an additional point of diversion from Willow Creek, located 12 ft S & 500 ft E from the SW Corner of Sec 21, being within the NW 1/4 NW 1/4 of Sec 28, T 14S, R 39E, WM, for irrigation of the said lands.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Vale, Oregon, on December 6, 1978, 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 John Molthan, Ironside, OR 97908; and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 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 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 6th day of October, 1978.

/s/ James E. Sexson
Director

Publish: Oct. 11, 18, 25, 1978

RE
0
WATER R
SALE

AFFIDAVIT OF PUBLICATION

Vale, Oregon October 25 19 78

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each week for 3 successive and consecutive weeks, being published 3

times commencing with the issue dated the 25th day of October, 19 78

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Warren G. Auyer
Foreman Publisher of the Printers

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James E. Sexson
Notary Public for Oregon

My commission expires August 11, 19 82

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Dated at Salem, Oregon this 6th day of October, 1978.
/s/ James E. Sexson
Director

Publish: Oct. 11, 18, 25, 1978

Reg. \$3.29

RECEIVED

OCT 30 1978

WATER RESOURCES DEPT.
SALEM, OREGON