

2794

2794 Susan E. Doherty  
415 N.W. 1st St.  
Pendleton, Ore. 97801

## STATUS OF APPLICATION

Change in 2 Addn. Pts. of Diversion  
 Date filed April 23, 1973  
 Date of hearing October 16, 1973  
 Place of hearing Pendleton  
 Date of order 1-2-74 Vol. 24, page 27  
 Date for application of water 10-1-74  
 Proof mailed \_\_\_\_\_  
 Proof received MAY 24 1974  
 Certificate issued \_\_\_\_\_ Vol. 32, page 40397

JUN 17 1977

44542

## DESCRIPTION OF WATER RIGHT

Name of stream Butter Creek  
 Trib. of \_\_\_\_\_ County of Umatilla  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 164 1/2  
 Name of ditch East Side and West Side Ditches  
 Date of priority 1873  
 In name of A. H. Sanderman  
Butter Creek Adjudication, Vol. 1, page 272  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 2695  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
4-23-73	33.75	33417
8-13-73	40.00 P.O.N.	36084
8-13-73	+ 8.75 transferred from Recording Fee	
TOTAL		
9-14-73	3 <sup>00</sup> Cert. Fee	From P.O.N.

## FEES REFUNDED

Date	Amount	Check No.
9-14-73	\$6.69 P.O.N.	5451

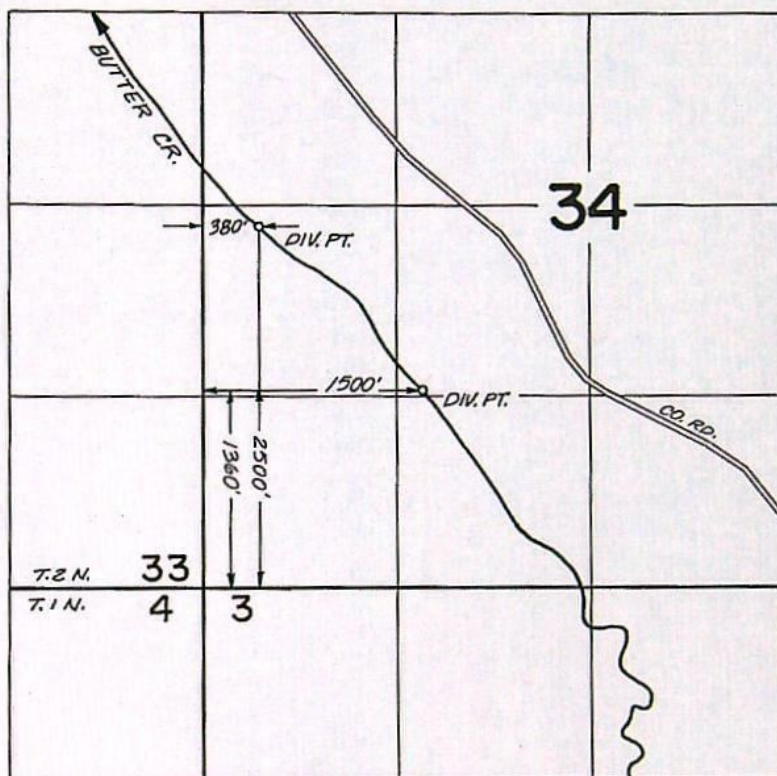
## REMARKS

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	WN	
	Stream	WN	
	Pt. of Div.		
	Calendar	WN	
	CHECKED TO RECORDS:		
	Twp. & Rge.	WAE	
	Decree-vault	WAR	
	Decree-safe	WAE	
	Cert. of W/R	WAE	
	Per. Folder		
	Chaindex		
	Cross Ref.		
	Power Claim		
	Abstracts		

6880



T.2N. R.27E. W.M.



# FINAL PROOF SURVEY

## UNDER

Transfer No. 2794  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF  
SUSAN E. DOHERTY

Surveyed April 2 1975, by R.G.Mucken



753

Superseded by  
Cert. No. ~~40397~~  
Spec. Or. ~~V. 24, p. 27~~

# STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF MORROW

## CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That Susan E. Doherty  
415 N.W. Furnish  
of Pendleton State of Oregon 97801 has a right to the use of  
the waters of Butter Creek, a tributary of the Umatilla River,

for the purpose of the irrigation of 164.1 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 Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 3 at page 250; that the priority of the right hereby confirmed dates from 1873.

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 purpose, and shall not exceed 2.74 cubic feet per second, and shall be subject to all other conditions and limitations contained in said decree.

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: 14.3 acres in the Northwest quarter of Southwest quarter of Section Twenty-seven, 6 acres in the Northwest quarter of Northwest quarter; 35 acres in the Southwest quarter of Northwest quarter; 3.4 acres in the Southeast quarter of Northwest quarter; 32.1 acres in the Northeast quarter of Southwest quarter; 39.2 acres in the Northwest quarter of Southwest quarter; and 11.4 acres in the Southeast quarter of Southwest quarter of Section Thirty-four, Township Two North, Range Twenty-seven East of Willamette Meridian, in Morrow County Oregon.

11.4 acres NESE 4  
Sec 33  
6.0  
35.0  
3.4  
32.1  
39.2  
37.0

NW 1/4 NW 1/4  
SW 1/4 NW 1/4  
SE 1/4 NW 1/4  
NE 1/4 SW 1/4  
NW 1/4 SW 1/4  
SE 1/4 SW 1/4

Additional  
State Div.

Sec 34  
T2N R27E WM

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

This certificate is issued to confirm a change in additional place of use and points of diversion

approved by an order of the Water Resources Director entered January 2, 1974,  
together with cert 40397  
and supersedes certificate of water right issued to 2695

(SEAL OF STATE WATER BOARD)

By Percy A. Cupper,  
State Engineer, President

Attest:

R. W. Potter,

Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 2695-7.

P.O.D.: NE 1/4 SW 1/4, NW 1/4 SW 1/4, SE 1/4 SW 1/4 Sec 34, T2N, R27E, WM;  
1360' N, 1500' E, 2500' N, 1380' E, N 87° 10' E 2700' All from the SW cor Sec 34



STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That A.H. SUNDERMAN  
of Echo State of Oregon has a right to the use of  
the waters of Butter Creek, a tributary of the Umatilla River,

for the purpose of the irrigation of <sup>14.3</sup>~~176.7~~ 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 Umatilla County, and the said decree entered of record at Salem, in the Order Record of the <sup>STATE WATER BOARD</sup>~~State Water Board~~ of the State of Oregon, in Volume <sup>3</sup>~~XX~~ at page 250; that the priority of the right hereby confirmed dates from 1873.

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 purpose<sup>s</sup>, and shall not exceed <sup>0.24</sup>~~2.98~~ cubic feet per second, and shall be subject to all other conditions and limitations contained in said decree.

DIV. PT. SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec 34 T2N R27E W.M.

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: 14.3 acres in the Northwest quarter of Southwest quarter of Section Twenty-seven, ~~6~~ acres in the Northwest quarter of Northwest quarter; ~~35~~ acres in the Southwest quarter of Northwest quarter; ~~3.4~~ acres in the Southeast quarter of Northwest quarter; ~~32.1~~ acres in the Northeast quarter of Southwest quarter; ~~39.2~~ acres in the Northwest quarter of Southwest quarter; and ~~37~~ acres in the Southeast quarter of Southwest quarter of Section ~~thirty-four~~, and ~~11.4~~ acres in the Northeast quarter of Southeast quarter of Section Thirty-three, Township Two North, Range Twenty-seven East of Willamette Meridian, in Morrow County, Oregon.

14.3 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section ~~27~~ 27  
T.2N. R.27E. W.M.

An order of the State Engineer entered Jan. 2 1974, approves a change in Pt of Div. for the irrigation of 164.1 acres. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to A.H. Sunderman and recorded at page 2695, State Record of Water Right Certificates.

(SEAL OF STATE WATER BOARD)

By Percy A. Cupper,  
State Engineer, President

Attest:

R. W. Potter,  
Secretary

Recorded in State Record of Water Right Certificates, Volume <sup>3</sup>~~XX~~ page 2695.



BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION  
OF SUSAN E. DOHERTY FOR THE APPROVAL  
OF ESTABLISHING ADDITIONAL POINTS OF  
DIVERSION OF WATER FROM BUTTER CREEK

ORDER APPROVING  
TRANSFER NO. 2794

On April 23, 1973, Susan E. Doherty filed an application in the office of the State Engineer for the approval of establishing additional points of diversion of water from Butter Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, Oregon, entered September 9, 1916, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Butter Creek and its Tributaries, a water right was established in the name of A. H. Sunderman for the use of the waters of Butter Creek for the irrigation of, among other lands, 11.4 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33, 6.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 35.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 3.4 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 32.1 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 39.2 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , and 37.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 2 North, Range 27 East, W.M., with a date of priority of 1873, as evidenced by certificate of water right recorded at page 2695, Volume 3, State Record of Water Right Certificates. These lands are irrigated by means of the East Side ditch and West Side ditch from a point of diversion located North 87° 10' East 2700 feet from the Southwest corner of Section 34, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 2 North, Range 27 East, W.M.

The applicant herein, owner of the lands above described, proposes to maintain the present point of diversion and establish additional points of diversion to be located North 44° 40' East, 2075 feet from the Southwest corner of Section 34, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 2 North, Range 27 East, W.M., and North 10° 00' East 2550 feet from the Southwest corner of Section 34, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 2 North, Range 27 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 points of diversion of water, if any there were, namely: at the county courthouse in Pendleton, Oregon on October 16, 1973, at 9:30 a.m. The notice was published in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of August 22, 29 and September 5, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. William A. Holcomb, Watermaster of District No. 5, has filed a report to the effect that the proposed additional points of diversion of water may be established without injury to existing rights.

No objections having been filed and it appearing that the proposed additional points 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 present point of diversion of water from Butter Creek, to wit:

From a point located North  $87^{\circ} 10'$  East 2700 feet from the Southwest corner of Section 34, being within the  $SE\frac{1}{4} SW\frac{1}{4}$ , Section 34, Township 2 North, Range 27 East, W.M.

and may establish and maintain the additional points of diversion to be located as follows:

North  $44^{\circ} 40'$  East 2075 feet from the Southwest corner of Section 34, being within the  $NE\frac{1}{4} SW\frac{1}{4}$ , Section 34, Township 2 North, Range 27 East, W.M.

North  $10^{\circ} 00'$  East 2550 feet from the Southwest corner of Section 34, being within the  $NW\frac{1}{4} SW\frac{1}{4}$ , Section 34, Township 2 North, Range 27 East., W.M.

for the irrigation of 11.4 acres in  $NE\frac{1}{4} SE\frac{1}{4}$ , Section 33, 6.0 acres in  $NW\frac{1}{4} NW\frac{1}{4}$ , 35.0 acres in  $SW\frac{1}{4} NW\frac{1}{4}$ , 3.4 acres in  $SE\frac{1}{4} NW\frac{1}{4}$ , 32.1 acres in  $NE\frac{1}{4} SW\frac{1}{4}$ , 39.2 acres in  $NW\frac{1}{4} SW\frac{1}{4}$ , and 37.0 acres in  $SE\frac{1}{4} SW\frac{1}{4}$ , Section 34, Township 2 North, Range 27 East, W.M., with a date of priority of 1873, is approved.



It is FURTHER ORDERED that the construction work shall be completed and the establishment of additional points of diversion of water made on or before October 1, 1974.

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.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 certificate of water right heretofore issued to A. H. Sunderman and recorded at page 2695, Volume 3, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized points of diversion, a certificate of water right shall be issued to Susan E. Doherty confirming the additional points of diversion.

Dated at Salem, Oregon, this 2nd day of January, 1974.

/s/ CHRIS L. WHEELER  
State Engineer



IN THE \_\_\_\_\_ COURT OF THE  
STATE OF OREGON FOR UMATILLA COUNTY

AFFIDAVIT OF  
PUBLICATION OF

Equity  
Law

No. \_\_\_\_\_

STATE OF OREGON, }  
County of Umatilla } ss

I, Ina Maestretti being first duly  
sworn, depose and say that I am the principal clerk of the publisher of the East  
Oregonian, a newspaper of general circulation, as defined by ORS 193.010  
and 193.020; printed and published at Pendleton in the aforesaid county and  
state; that the Notice of Filing of Application

a printed copy of which is hereto annexed, was published in the entire issue  
of said newspaper for 3 successive and consecutive insertions in  
the following issues:

August 22, 29, September 5, 1973

Subscribed and sworn to before me this 12th day of  
September, 19 73

Denise L. Jankovic  
Notary Public of Oregon

My Commission Expires March 1, 1974

RECEIVED

SEP 14 1973

STATE ENGINEER  
SALEM, OREGON

EO-1  
NOTICE OF FILING  
AN APPLICATION FOR  
ADDITIONAL POINTS  
OF DIVERSION

Notice is given hereby that Susan E. Doherty has filed an application for the approval of additional points of diversion of water from Butler Creek. Certificate of water right issued to A. H. Sunderman and recorded at page 2695, Volume 3, State Record of Water Right Certificates, confirms a right to the use of not to exceed 2.98 cubic feet per second of water from Butler Creek for irrigation of, among other lands, 11.4 acres in NE 1/4 SW 1/4, Section 33, and 6.0 acres in NW 1/4 NW 1/4, 35.0 acres in SW 1/4 NW 1/4, 3.4 acres in SE 1/4 NW 1/4, 32.1 acres in NE 1/4 SW 1/4, 39.2 acres in NW 1/4 SW 1/4, 37.0 acres in SE 1/4 SW 1/4, Section 34, Township 2 North, Range 27 East, W.M., with a date of priority of 1873.

The point of diversion is located North 87° 10' East, 2700 feet from the SW corner of Section 34, being within the SE 1/4 SW 1/4 of Section 34, Township 2 North, Range 27 East, W.M.

The applicant herein, owner of the lands above described, proposes to maintain the present point of diversion for irrigation and establish additional points of diversion to be located (1) North 44° 40' East, 2075 feet from the SW corner of Section 34, being within the NE 1/4 SW 1/4 of Section 34, Township 2 North, Range 27 East, W.M., (2) to be located North 10° 00' East, 2550 feet from the SW corner of Section 34, being within the NW 1/4 SW 1/4 of Section 34, Township 2 North, Range 27 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on October 16, 1973, 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 Susan E. Doherty, 415 NW Furnish, Pendleton, Oregon, 97801, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer.

Dated at Salem, Oregon, this 15th day of August, 1973.  
CHRIS L. WHEELER  
State Engineer  
August 22, 29, Sep. 5, 1973



RECEIVED  
SEP 14 1973  
STATE ENGINEER  
SALEM, OREGON

IN THE \_\_\_\_\_ COURT OF THE  
STATE OF OREGON FOR UMATILLA COUNTY

AFFIDAVIT OF  
PUBLICATION OF

Equity } No. \_\_\_\_\_  
Law }

STATE OF OREGON, } ss  
County of Umatilla

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sworn, depose and say that I am the principal clerk of the publisher of the East  
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state; that the Notice of Filing of Application

a printed copy of which is hereto annexed, was published in the entire issue  
of said newspaper for 3 successive and consecutive insertions in  
the following issues:

August 22, 29, September 5, 1973

Subscribed and sworn to before me this 12th day of  
September 1973

Denise L. Johnston  
Notary Public of Oregon

My Commission Expires March 1, 1974

EO-1  
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AN APPLICATION FOR  
ADDITIONAL POINTS  
OF DIVERSION

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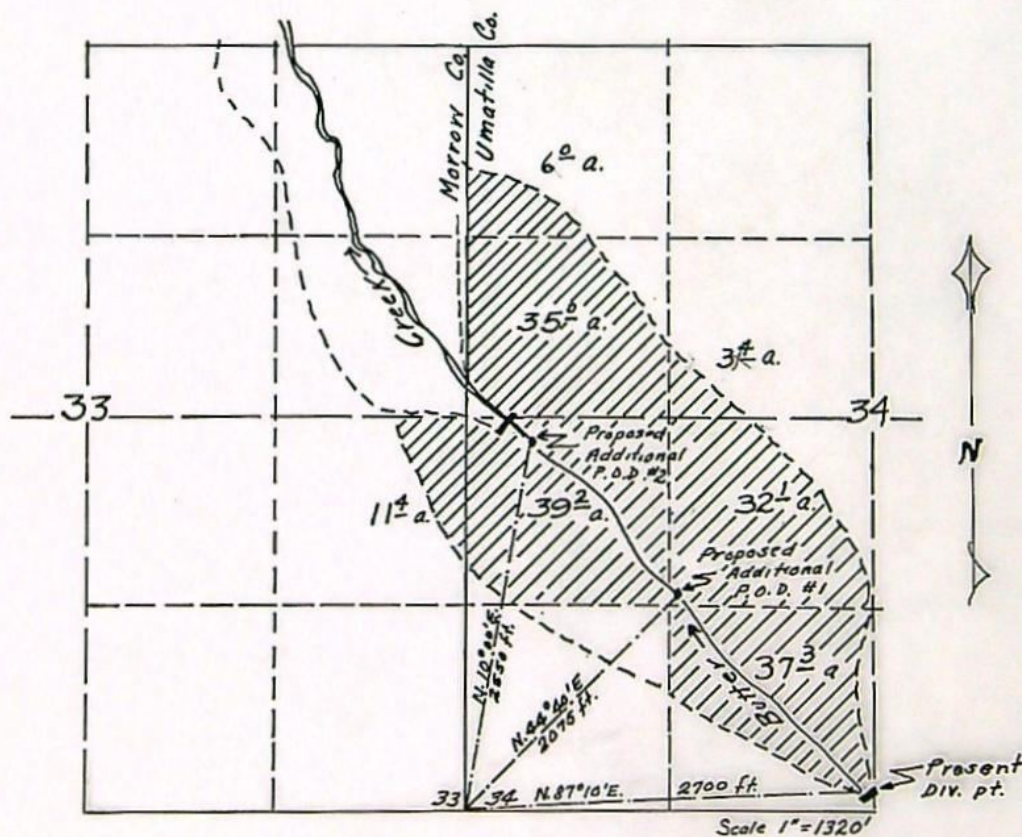
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Dated at Salem, Oregon, this 15th day of August, 1973.  
CHRIS L. WHEELER  
State Engineer  
August 22, 29, Sept. 5, 1973



RECEIVED  
APR 23 1973  
STATE ENGINEER  
SALEM, OREGON

T. 2 N., R. 27 E. W.M.



Map to accompany application in the name of Susan  
E. Doherty for 2 additional points of diversion.