

2637 ^{Imnaha Sprinkle}
 (James Stubblefield) Hs-7
 Imnaha,
 Oregon 97842

2637

STATUS OF APPLICATION

Change in Pt. of Diversion & Place of Use
 Date filed MAY 8, 1972
 Date of hearing August 15, 1972 9:30 a.m.
 Place of hearing Enterprise
 Date of order April 17, 1973 Vol. 23, page 118
 Date for application of water October 1, 1973
 Proof mailed ~~OCT 17 1979~~ JAN 23 1980
 Proof received _____
 Certificate issued MAY 24 1974 Vol. 32, page 4040
August 5, 81 44 Survey 50171
3-3-81 75

DESCRIPTION OF WATER RIGHT

Name of stream Schleuer Creek
 Trib. of Imnaha River County of Wallowa
 Use Irrigation
 Quantity of water _____ No. of acres 26⁰⁰
 Name of ditch Schleuer Creek ditch
 Date of priority November 11, 1887
 In name of W. G. Miller
Imnaha River Adjudication, Vol. 10, page 325
 App. No. _____ Per. No. _____ Cert. No. 9374
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
5-8-72	25.00	28202
6-1-72	30.00 P.O.N.	28584
6-1-72	5.00	28583 *
7-28-72	1.98 P.O.N.	29960
TOTAL 9-8-72	5.00	30576
7-28-72	2.00	29959
	\$1 Cert. Fee	

FEES REFUNDED

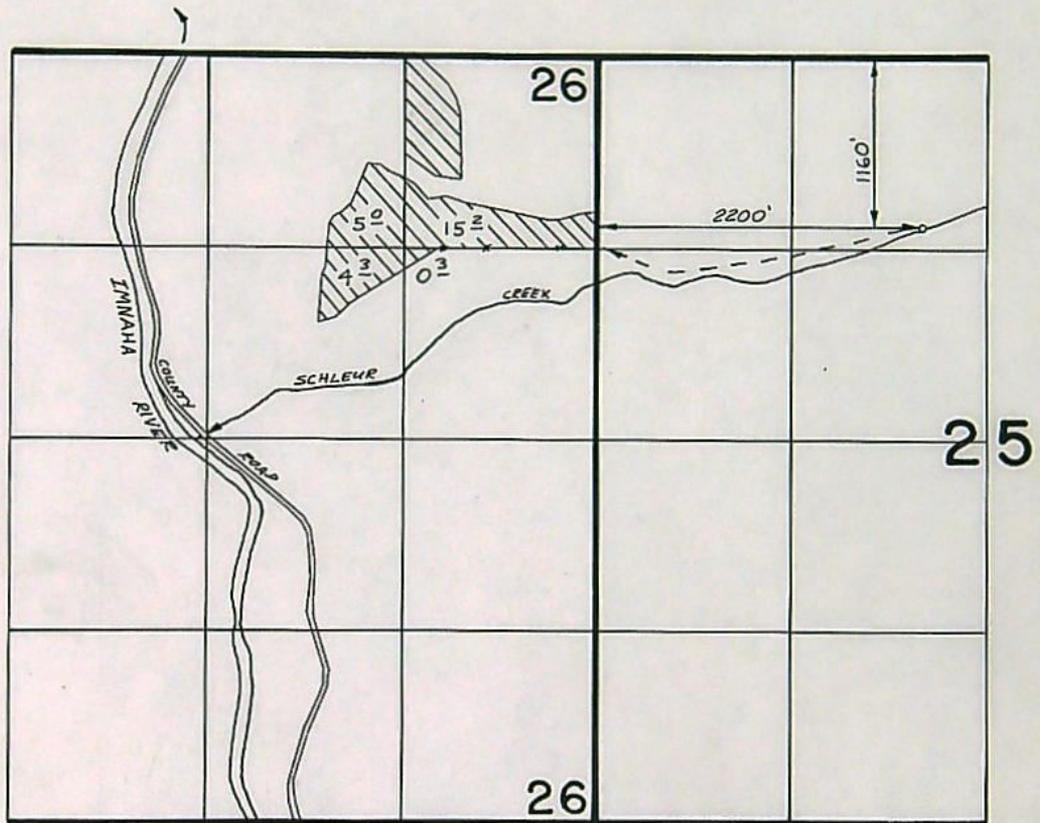
Date	Amount	Check No.
This \$5.00 transferred to P.O.N. 8-3-72. See CT 51.		

REMARKS

no cert. typed
 Form 130 sent MAR 6 1980

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> N	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> S	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> F	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> C	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cl	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<input checked="" type="checkbox"/> Per. order	<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"/>

T. 1S. R. 48E. W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER 2637

Application No. Permit No.

IN NAME OF

..... **IMNAHA SPRINKLER ASSN.**

Surveyed 8-24 1978, by R. BARWIN

STATE OF OREGON

COUNTY OF **WALLOWA**

CERTIFICATE OF WATER RIGHT

Imnaha Sprinkler Association

This is to Certify, That ~~W. G. MILLER~~

% James Stubblefield
of **Imnaha**, State of **Oregon** **97842** has a right to the use of

~~the waters of Spring Creek for Tract No. 1; Schleuer Creek for Tract No. 2, and Spring in NW 1/4 NE 1/4 Sec. 26, T. 1 S., R. 48 E. W.M., for Tract No. 3. Trib. Imnaha River for the purpose of Irrigation for Tract No. 1; Irrigation, domestic and stock for Tract No. 2, and Irrigation and domestic for Tract No. 3. of 24.8 acres,~~

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for **Wallowa** County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume **11** at page **6**; that the priority of the right thereby confirmed dates from **November, 1887** for Tract No. 1; **November 11, 1887** for Tract No. 2, and **1909** for Tract No. 3.

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-eighths of one cubic foot per second per acre of land irrigated, and not to exceed one and one-half acre feet per acre during any period of 30 days during the irrigation season, if available at the original point of diversion, SW NE Sec 26 T1S R48E W.M.; Schleuer**

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:

- Tract No. 1: 2.6 acres in SE 1/4 SW 1/4 Section 23, Township 1 South, Range 48 East, W.M.
- Tract No. 2: 12.0 acres in NW 1/4 NE 1/4, 6.0 acres in SW 1/4 NE 1/4, 5.0 acres in NE 1/4 NW 1/4, 3.0 acres in SW 1/4 NW 1/4, Section 26; Township 1 South, Range 48 East, W.M.
- Tract No. 3: 0.25 acre in NE 1/4 NW 1/4, Section 26, Township 1 South, Range 48 East, W.M.

- 15.2 acres NE 1/4 NE 1/4
- 5.0 NW 1/4 NE 1/4
- 4.3 SW 1/4 NE 1/4
- 0.3 SE 1/4 NE 1/4

Sec 26

T1S R48E W.M

And said right shall be subject to all other conditions and limitations contained in said decree.

This certificate is issued to describe that portion of the water right pertaining to domestic and stock from Schleuer Creek confirmed by the prior certificate recorded at page 9374, Vol 9, SRWRC, NOT modified by the provisions of an order of the WRD entered April 17, 1973 and is issued to confirm a change in place of use and point of diversion approved by the same order and together with certificate 40407 supersedes certificate 9374

The issuance etc

POD: NE 1/4 NW 1/4 Sec 25, T1S R48E W.M.
1160' S & 2200' E from NW cor. Sec 25

Creek Div. - 450' N & 2125' W from E 1/4 cor. Sec 26

STATE OF OREGON

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. L. BROWN ESTATE

of Milton, State of Oregon, has
a right to the use of the waters of
Walla Walla River

a tributary of irrigation of 0.7 acre for the purpose of

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 WATER RESOURCES DIRECTOR, in Volume 12, at page 9; that the priority of the right thereby confirmed dates from 1883

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 one and one-half miner's inches per acre measured at the point of diversion.

The point of diversion is located in the

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

0.7 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 2
Township 5 North, Range 35 East, WM

being within the following described tract: ~~Commencing at a point on the west line 36 rods south of the northwest corner of the SE $\frac{1}{4}$ of Section 2, T5N, R35E, WM, running thence east 13 1/3 rods; thence north 12 rods; thence west 13 1/3 rods; thence south 12 rods to the place of beginning. ALSO: Lots 33, 34 and 35 in Block 7 of North Milton, now known as Wright's Addition to Milton, in Umatilla County, Oregon.~~

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 12931, Volume 11, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on November 25, 1980.

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.

And said right shall be subject to all other conditions and limitations contained in said decree. 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 August 5, 1981.

.....
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 44, page 50171

RECEIVED

MAY 22 1980

Superseded by
Cert. No. 40407

STATE OF OREGON

WATER RESOURCES DEPT
SALEM, OREGON

Trs. Sp. Or. V. 23, p. 118

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

This is to Certify, That **W. G. MILLER**

of **Imnaha**, State of **Oregon** has a right to the use of

the waters of **Spring Creek for Tract No. 1; Schleuer Creek for Tract No. 2,**
and **Spring in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26, T. 1 S., R. 48 E.W.M., for Tract No. 3.**
for the purpose of **Irrigation for Tract No. 1; Irrigation, domestic and stock for Tract**
No. 2, and Irrigation and domestic for Tract No. 3.

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Wallowa County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume **11** at page **6**; that the priority
of the right thereby confirmed dates from **November, 1887 for Tract No. 1; November 11,**
1887 for Tract No. 2, and 1909 for Tract No. 3.

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-eighths of**
one cubic foot per second per acre of land irrigated, and not to exceed one and
one-half acre feet per acre during any period of 30 days during the irrigation
season.

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:

- Tract No. 1:** 2.6 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 23,
Township 1 South, Range 48 East, W.M.
- Tract No. 2:** 12.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
6.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
5.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 26;
Township 1 South, Range 48 East, W.M.
- Tract No. 3:** 0.25 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 26,
Township 1 South, Range 48 East, W.M.

And said right shall be subject to all other conditions and limitations
contained in said decree.

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

WITNESS the signature of the State Engineer,
affixed this **5th** day
of **November**, 19**81**

CHAS. E. STRICKLIN
State Engineer.

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

This is to Certify, That W. G. MILLER

of Imnaha, State of Oregon has a right to the use of

the waters of Spring Creek for Tract No. 1; ~~Schleuer Creek for Tract No. 2;~~ and Spring in NW 1/4 NE 1/4 Sec. 26, T. 1 S., R. 48 E.W.M., for Tract No. 3. for the purpose of Irrigation ^{of 2.6 acres} for Tract No. 1; ~~Irrigation, domestic and stock for Tract No. 2,~~ and Irrigation ^{of 0.25 acres} and domestic for Tract No. 3.

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 11 at page 6 that the priority of the right thereby confirmed dates from November, 1887 for Tract No. 1; November 14, 1887 for Tract No. 2, and 1909 for Tract No. 3.

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-eighths of one cubic foot per second per acre of land irrigated, and not to exceed one and one-half acre feet per acre during any period of 30 days during the irrigation season.

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:

- Tract No. 1: ✓ 2.6 acres in SE 1/4 SW 1/4 Section 23, Township 1 South, Range 48 East, W.M. ✓
- Tract No. 2: 12.0 acres in NW 1/4 NE 1/4 Section 26; 6.0 acres in SW 1/4 NE 1/4 Section 26; 5.0 acres in NE 1/4 NW 1/4 Section 26; 3.0 acres in SW 1/4 NW 1/4 Section 26; Township 1 South, Range 48 East, W.M. ✓
- Tract No. 3: ✓ 0.25 acre in NE 1/4 NW 1/4 Section 26, Township 1 South, Range 48 East, W.M. ✓

Proof #99 Imnaha Findings

An order of the State Engineer entered April 17 1973, approves a change in place of use ^{1/4 Pt. of Div.} for the irrigation of 26.0 acres. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to W.G. Miller and recorded at page 9374, State Record of Water Right Certificates.

WITNESS the signature of the State Engineer, affixed this 5th day of November, 1973

CHAS. E. STRICKLIN State Engineer.

Recorded in State Record of Water Right Certificates, Volume 9, page 9374

C-40407

BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION)
OF IMNAHA SPRINKLER ASSOCIATION)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION AND PLACE OF)
USE OF WATER FROM SCHLEUER CREEK)

ORDER APPROVING
TRANSFER NO. 2637

On May 8, 1972, Imnaha Sprinkler Association filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from Schleuer Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wallowa County, Oregon, entered November 3, 1930, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Imnaha River and its Tributaries, a water right was established in the name of W. G. Miller for the use of the waters of Schleuer Creek for the irrigation of, among other lands, 12.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 1 South, Range 48 East, W.M., with a date of priority of November 11, 1887, as evidenced by certificate of water right recorded at page 9374, Volume 9, State Record of Water Right Certificates. These lands are irrigated by means of the Schleuer Creek Ditch from a point of diversion located 450 feet North and 2125 feet West from the East $\frac{1}{4}$ corner of Section 26, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 1 South, Range 48 East, W.M.

The applicant herein, owner of the land above described, propose to transfer the water right therefrom, without loss of priority to 16.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 3.0 acres

in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 1 South, Range 48 East, W.M., and to irrigate these lands from a point of diversion to be located 1280 feet South and 2050 feet East from the NW corner of Section 25, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 1 South, Range 48 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 change in point of diversion of water, if any there were, namely: at the county courthouse in Enterprise, Oregon, on August 15, 1972, at 9:30 a.m. The notice was published in Wallowa County Chieftain, a newspaper printed and having general circulation in Wallowa County, Oregon, for a period of three weeks in the issues of June 22, 29, and July 6, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert W. DeBow, Watermaster of District No. 7, has filed a report to the effect that the proposed change in point of diversion of water 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 change in place of use of water is approved and the water right hereinbefore described as appurtenant to 12.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 1 South, Range 48 East, W.M., with a date of priority of November 11, 1887, be severed therefrom and simultaneously and without loss of priority transferred to 16.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 3.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 1 South, Range 48 East, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from Schleuer Creek, to-wit:

From a point located 450 feet North and 2125 feet West from the East $\frac{1}{4}$ corner of Section 26, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 1 South, Range 48 East, W.M.

To a point to be located 1280 feet South and 2050 feet East from NW corner of Section 25, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 1 South, Range 48 East, W.M.

for the irrigation of 16.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 1 South, Range 48 East, W.M., with a date of priority of November 11, 1887, is approved.

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, 1973.

It is FURTHER ORDERED that the quantity of water diverted at the new point 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 W. G. Miller and recorded at page 9374, Volume 9, 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 change in point of diversion and place of use, a certificate of water right shall be issued to Imnaha Sprinkler Association confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 17th day of April, 1973.

/s/ CHRIS L. WHEELER
State Engineer

100% COTTON FIBER
BUNDESKIN
OLD FOUNDED TREE



STATE OF OREGON, }
County of Marion. } ss.

I, Chris L. Wheeler, State Engineer of the State of Oregon, do hereby certify that the foregoing copy of order entered 17th day of April, 1973, and recorded at page 118, Volume 23, Special Order Record of the State Engineer. has been compared with the original and that it is a correct transcript therefrom and the whole of such original order as the same appears of record in my office and custody.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of June, 19 73.

CHRIS L. WHEELER State Engineer
By James W. Carver, Jr. Deputy

RECEIVED
JUL 10 1972
STATE ENGINEER
SALEM OREGON

Affidavit of Publication

STATE OF OREGON }
County of Willowa } ss

I, Thelma Morgan, being
first duly sworn, depose and say that I am the
Office Manager

(printer, foreman of the printer, principal
clerk, publisher or business manager)
of the WALLOWA COUNTY CHIEFTAIN, a
newspaper of general circulation printed and
published at Enterprise in the aforesaid County
and State, as defined in Section 58, Oregon
Laws, and that the

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERS- ION AND PLACE OF USE OF WATER

a printed copy of which is hereto annexed, was
published in the entire issue of said newspaper
for 3 weeks in the issues of

June 22, 1972

June 29, 1972

July 6, 1972

Thelma Morgan

Subscribed and sworn to before me this 7th
day of July, 1972.

Maynard Martin

Notary Public for Oregon
county clerk

(My commission expires)

Notice Of Filing Application For A Change In Point Of Diversion And Place Of Use Of Water

Notice is given hereby that
Imnaha Sprinkler Association
has filed an application for
the approval of a change in
point of diversion and place of
use of water from Schleur
Creek.

In the Imnaha River Decree
a water right was established
in the name of W. G. Miller
for the use of the waters of
Schleur Creek for the domes-
tic, and stock use, and irri-
gation of, among other lands,
12.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0
acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.0 acres
in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.0 acres in
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Town-
ship 1 South, Range 48 East,
W.M., with a date of priority
of November 11, 1887. Water
for this use is diverted from
a point located 450 feet North
and 2125 feet West from the
East $\frac{1}{4}$ corner of Section 26,
being within the SW $\frac{1}{4}$ of the
NE $\frac{1}{4}$, Section 26, Township 1
South, Range 48 East, W.M.

The applicant herein, owner
of the land above described,
proposes to change the place
of use to the irrigation of 16.0
acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.0 acres
in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.0 acres
in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26,
Township 1 South, Range 48
East, W.M., and to convey wa-
ter to these lands by means of
Imnaha Sprinkler Association
Ditch, and the point of diver-
sion being located 1280 feet
South and 2050 feet East from
the NW corner of Section 25,
being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 25, Township 1 South,
Range 48 East, W.M.

All persons interested are no-
tified hereby that a hearing
will be held at the county
courthouse at Enterprise, Ore-
gon, on August 15, 1972, 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 Imnaha Sprinkler
Association (James Stubble-
field) Imnaha, Oregon, and one
copy filed with the State En-
gineer, Salem, Oregon, together
with a \$5 filing fee, at least
10 days prior to the date set
for the hearing. If no objec-
tions are filed, the application
may be approved by the State
Engineer without a hearing.

Administrative rules pertain-
ing to the filing of a protest
will be furnished by the State
Engineer upon request.

Dated at Salem, Oregon, this
13th day of June, 1972.

CHRIS L. WHEELER
State Engineer

c1813