

205 Robert W. Leibrand
Rt. 4 Box 187
Milton-Freewater, Ore. 97862

2765

STATUS OF APPLICATION

Change in Point of Diversion
Date filed Feb. 20 1973
Date of hearing _____
Place of hearing _____
Date of order April 26, 1973 Vol. 23, page 216
Date for application of water _____
Proof mailed _____
Proof received _____
Certificate issued NOV 21 1973 Vol. 31, page 39602
JAN 18 1977 Vol. 36 pg. 44116
44131

DESCRIPTION OF WATER RIGHT

Name of stream West Branch West Crockett
Trib. of _____ County of Umatilla
Use Irrigation
Quantity of water _____ No. of acres 7³⁵
Name of ditch Herr ditch & Gent ditch
Date of priority 1879 1885
In name of Elizabeth A. Herr & C.J. Karker
Walla Walla River Adjudication, Vol. 12, page 148
158
App. No. _____ Per. No. _____ Cert. No. 12773
12826
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-20-73</u>	<u>20.00</u>	<u>32491</u>
<u>3-12-73</u>	<u>5.00</u>	<u>32808</u>
TOTAL . . .	<u>4.50</u>	
<u>3-12-73</u>	Cert. Fee	<u>32809</u>

FEES REFUNDED

Date	Amount	Check No.
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REMARKS

INDEX CARDS: ☒ Entered ☒ Checked

<input checked="" type="checkbox"/>	Name	<u>ot</u>	<u>ot</u>
<input checked="" type="checkbox"/>	Stream	<u>ot</u>	<u>ot</u>
<input checked="" type="checkbox"/>	Pt. of Div.	<u>ot</u>	<u>ot</u>
<input checked="" type="checkbox"/>	Calendar	<u>ot</u>	<u>ot</u>
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/>	Twp. & Rge.	<u>ot</u>	<u>ot</u>
<input checked="" type="checkbox"/>	Decree-vest	<u>ot</u>	<u>ot</u>
<input checked="" type="checkbox"/>	Decree-safe	<u>ot</u>	<u>ot</u>
<input checked="" type="checkbox"/>	Cert. of W/R	<u>ot</u>	<u>ot</u>
<input checked="" type="checkbox"/>	Per. Folder	<u>ot</u>	<u>ot</u>
<input checked="" type="checkbox"/>	Chsindex	<u>ot</u>	<u>ot</u>
<input checked="" type="checkbox"/>	Cross Ref.	<u>ot</u>	<u>ot</u>
<input checked="" type="checkbox"/>	Power Claim	<u>ot</u>	<u>ot</u>
<input checked="" type="checkbox"/>	Abstracts	<u>ot</u>	<u>ot</u>

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF ROBERT W. LEIBBRAND FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM WEST BRANCH)
OF CROCKETT CREEK)

ORDER APPROVING
TRANSFER NO. 2765

On February 20, 1973, Robert W. Leibbrand filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from West Branch Crockett Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, Oregon, entered May 16, 1932, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Walla Walla River and its Tributaries, a water right was established in the name of Elizabeth A. Herr for the use of the waters of West Branch of West Crockett Creek for the irrigation of, 6.0 acres in NE¼ NW¼, Section 35, Township 6 North, Range 35 East, W.M., with a date of priority of 1879, as evidenced by certificate of water right recorded at page 12773, Volume 11, State Record of Water Right Certificates, and in the name of C. J. Karker for the use of the waters of West Branch of West Crockett Creek for the irrigation of, among other lands, 1.16 acres in NE¼ NW¼, Section 35, Township 6 North, Range 35 East, W.M., with a date of priority of 1885, as evidenced by certificate of water right recorded at page 12826, Volume 11, State Record of Water Right Certificates. These lands are irrigated by means of Gent Ditch from a point of diversion located 2320 feet North and 30 feet West from the center of Section 35, being within the NE¼ NW¼, Section 35, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1960 feet North and 210 feet East from the center of Section 35, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, Township 6 North, Range 35 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said Section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Jerry F. Haines, Watermaster of District No. 5, 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 point of diversion of water from West Branch West Crockett Creek, to-wit:

From a point located 2320 feet North and 30 feet West from the center of Section 35, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 6 North, Range 35 East, W.M.

To a point to be located 1960 feet North and 210 feet East from the center of Section 35, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 6 North, Range 35 East, W.M.

for the irrigation of 6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 6 North, Range 35 East, W.M., having a date of priority of 1879, and 1.16 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 6 North, Range 35 East, W.M., having a date of priority of 1885, 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 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 certificate of water right heretofore issued to C. J. Karker and recorded at page 12826, Volume 11, 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 certificate of water right heretofore issued to Elizabeth A. Herr and recorded at page 12773, Volume 11, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, two certificates of water right shall be issued to Robert W. Leibbrand confirming the change in point of diversion.

Dated at Salem, Oregon, this 26th day of April, 1973.

/s/ CHRIS L. WHEELER
State Engineer

Set by

rt. No. 39602

Spec. Or. V. 216

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

Robert W. Leibbrand

Rt 4 Box 187 Milton-Freewater

S. J. KARKER

of R. #1, Freewater, State of Oregon

97862

, has a right to the use of

the waters of West Branch of West Branch of Crockett

trib Little Wells Wells R

for the purpose of Irrigation of 1.16 acres

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 ENGINEER, in Volume 12, at page 9; that the priority of the right thereby confirmed dates from 1885;

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.

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:

1.16 acres in NE 1/4

Section 35,

T. 6 N., R. 35 E. W. M., being within the following

described tract: Beginning at the northeast corner of the NW 1/4 of Sec. 35, T. 6 N., R. 35 E. W. M., running thence west 44 rods; thence south 20 rods; thence east 44 rods; thence north 20 rods to the place of beginning, containing 5.5 acres, more or less.

This certificate is issued to confirm a change in p.o.d.

approved by an order of the Water Resources Director entered April 26, 1973,

together with cert 39602

and supersedes certificate of water right issued to 12826

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 April

1940.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 12826

P.O.D.: NW 1/4 NE 1/4 Sec 35 T6N R35E W.M.,
1960' N & 210' E from the C/4 cor Sec 35

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That . . . C. J. KARKER

of R. #1, Freshwater, State of Oregon, has a right to the use of
the waters of West Branch of West Branch of Crockett
for the purpose of Irrigation of 3.46 acres

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 ENGINEER, in Volume 12, at page 9; that the priority
of the right thereby confirmed dates from 1885;

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.

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:

3.46
~~4.62~~ acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 35,
T. 6 N., R. 35 E. W. M., being within the following
described tract: Beginning at the northeast corner of the NW $\frac{1}{4}$ of Sec. 35, T. 6 N.,
R. 35 E. W. M., running thence west 44 rods; thence south 20 rods; thence east 44
rods; thence north 20 rods to the place of beginning, containing 5.5 acres, more
or less.

DIV. PT. NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 35 T. 6 N. R. 35 E. W. M.

Certificate of water right issued to C. J. Karker and recorded at page 12826,
Volume 11, State Record of Water Right Certificates, confirms the right to the use of
water for irrigation of 4.62 acres. A change in the point of diversion for the
irrigation of 1.16 acres was approved by order of the State Engineer entered April 26,
1973. This certificate is issued to confirm the remaining right to the use of water for
irrigation and supercedes the certificate heretofore issued to C. J. Karker.

WITNESS the signature of the State Engineer,

affixed this 5th day
of April, 1940.

CHAS. E. STRICKLIN
State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 12826

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

Robert W. Leibbrand
 This Is to Certify, That ELIZABETH A. HERR
Rt 4 Box 187 Milton-Freewater
 of R. #1, Freewater, State of Oregon *97862*, has a right to the use of

the waters of West Branch of West Crockett, *trib* ~~a branch~~ of Little Walla Walla River
 for the purpose of ~~the~~ irrigation of *6 acres*

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 ENGINEER, in Volume 12, at page 9; that the priority
 of the right thereby confirmed dates from 1879;

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.

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:

6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 35

T. 6 N., R. 35 E. W. M., being within the follow-

ing described tract: Commencing at a point 20 rods due south of the northeast corner
 of the NW $\frac{1}{4}$ of Sec. 35, T. 6 N., R. 35 E. W. M., running thence west 52 rods;
 thence south 20 rods; thence east 52 rods; thence north 20 rods to the place of
 beginning. ALSO: Commencing at a point 40 rods due south of the northeast corner
 of the NW $\frac{1}{4}$ of Sec. 35, T. 6 N., R. 35 E. W. M., running thence west 13 chains;
 thence south 9 links; thence easterly 13 chains; thence north 21 links to place
 of beginning.

This certificate is issued to confirm a change in *p.o.d.*
 approved by ~~an order of the Water Resources Director~~ entered *April 26, 1973*
 and supersedes certificate of water right issued to *12773*

affixed this 5th day

of April, 1940.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 12773.

P.O.D.: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 35 T6N R35E WM, 1960' N, 210' E from the C/4 cor Sec 35

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That . ELIZABETH A. HERR

of R. #1, Freewater , State of Oregon , has a right to the use of
the waters of West Branch of West Crockett, a branch of Little Walla Walla River
for the purpose of Irrigation

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 ENGINEER, in Volume 12 , at page 9 ; that the priority
of the right thereby confirmed dates from 1879;

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
minor's inches per acre measured at the point of diversion.

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:

6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 35

T. 6 N., R. 35 E. W. M., being within the follow-
ing described tract: Commencing at a point 20 rods due south of the northeast cor-
ner of the NW $\frac{1}{4}$ of Sec. 35, T. 6 N., R. 35 E. W. M., running thence west 52 rods;
thence south 20 rods; thence east 52 rods; thence north 20 rods to the place of
beginning. ALSO: Commencing at a point 40 rods due south of the northeast corner
of the NW $\frac{1}{4}$ of Sec. 35, T. 6 N., R. 35 E. W. M., running thence west 13 chains;
thence south 9 links; thence easterly 13 chains; thence north 21 links to place
of beginning.

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 April , 1940.

CHAS. E. STRICKLIN

State Engineer.