

3018 *Hand Laid to*
331 SE 1945

3018

STATUS OF APPLICATION

Change in point of diversion
Date filed 4-11-74
Date of hearing 2-2-74
Place of hearing Fossil
Date of order 7-3-74 Vol. 25, page 27
Date for application of water 10-1-75
Proof mailed JUN 25 1990
Proof received _____
Certificate issued MAY 21 1975 Vol. 34, page 42159
SEP 28 1990 64848

again 12/77
Surveyed 5/11/87 - Howe

Survey 6/76
REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream West Branch of Specter
Trib. of _____ County of Madison
Use irrigation
Quantity of water _____ No. of acres 6.0
Name of ditch Taylor ditch
Date of priority 1872
In name of E W Taylor
Bridge Creek Adjudication, Vol. 12, page 431
App. No. _____ Per. No. _____ Cert. No. 13594
Certificate cancelled _____
Notation made on record by _____
8-27-90 cert

FEES PAID

Date	Amount	Receipt No.
<u>4-11-74</u>	<u>30.00</u>	<u>39504</u>
<u>4-11-74</u>	<u>40.00 P.O.N.</u>	<u>39505</u>
TOTAL . . .		
<u>6-6-74</u>	<u>3⁰⁰ Cert. Fee</u>	<u>From P.O.N.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>6-6-74</u>	<u>4.00 P.O.N.</u>	<u>5818</u>

	INDEX CARDS:	
	Entered	Checked
☒ Name	<u>WH</u>	<u> </u>
☒ Stream	<u>WH</u>	<u> </u>
☒ Pt. of Div.	<u>WH</u>	<u> </u>
☒ Calendar	<u>WH</u>	<u> </u>
CHECKED TO RECORDS:		
☒ Twp. & Rge.	<u>WH</u>	<u> </u>
☒ Decree-vault	<u>WH</u>	<u> </u>
☒ Decree-safe	<u>WH</u>	<u> </u>
☒ Cert. of W/E	<u>WH</u>	<u> </u>
☐ Per. Folder	<u> </u>	<u> </u>
☐ Chainindex	<u> </u>	<u> </u>
☐ Cross Ref.	<u> </u>	<u> </u>
☐ Power Claim	<u> </u>	<u> </u>
☐ Abstracts	<u> </u>	<u> </u>

W.R.I.S.

Assembled 6/15/84 by CLH

Entered _____ by _____

Verified _____ by _____

STATE OF OREGON

COUNTY OF WHEELER

Recorded by

Cert. No. 42159

Sp. Or. Vol. 27

CERTIFICATE OF WATER RIGHT

This Is to Certify, That E. W. TAYLOR of the said

of said city of Mitchell, State of Oregon, has a right to the use of
the waters of West Branch

for the purpose of irrigation, domestic, and stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
the County of Wheeler, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 12, at page 388; that the priority
of the right thereby confirmed dates from 1872;

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-fortieth of one cubic
foot per second per acre of land irrigated before June 15, and one-eightieth of one
cubic foot per second per acre after June 15, during the irrigation season from March 1
to October 1, of each year, measured at the point of diversion from the stream.

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:

T-3018

4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 2;
4.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.8
4.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
2.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.2
1.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
and the NW $\frac{1}{4}$ of Section 3,
T. 12 S., R. 20 E., W. M.
3 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
1.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
5.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 35,
T. 11 S., R. 20 E., 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 1st day
of July, 1941.

CHAS. E. STRICKLIN

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 12, page 13594.

T-4839 T2645

STATE OF OREGON

COUNTY OF WHEELER

Sp. Or. V. 10, p. 415

CERTIFICATE OF WATER RIGHT

This Is to Certify, That E. W. TAYLOR

of Mitchell, State of Oregon, 97750, has a right
to the use of the waters of
West Branch

a tributary of Bridge Creek for the purpose of
irrigation of 20.5 acres, domestic, and stock
and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Wheeler County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 12, at page 388; that the priority of the right thereby
confirmed dates from 1872

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-fortieth of one
cubic foot per second per acre of land irrigated before June 15, and one-eightieth
of one cubic foot per second per acre after June 15, during the irrigation season
from March 1 to October 1 of each year; measured at the point of diversion from
the stream.

The point of diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, T. 12 S., R. 20 E., W. M.

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

4.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 2

0.5 acre NE $\frac{1}{4}$ NE $\frac{1}{4}$
4.6 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
1.1 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 3

T. 12 S., R. 20 E., W. M.

3.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
1.9 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
5.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 35

T. 11 S., R. 20 E., W. M.

An order of the State Engineer entered July 3, 1974, approved a change in point of
diversion for the irrigation of 6.0 acres. This certificate is issued to confirm
the remaining right and supersedes the certificate heretofore issued to E. W. Taylor
and recorded at page 13594, Volume 12, State Record of Water Right Certificates.

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 State Engineer, affixed

this date May 21, 1975.

Chris L. Wheeler
State Engineer

Recorded in State Record of Water Right Certificates, Volume 34, page 42159

BEFORE THE STATE ENGINEER OF OREGON

Wheeler County

IN THE MATTER OF THE APPLICATION }
OF DANIEL LEO HOWE FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM WEST BRANCH OF TAYLOR }
CREEK }

ORDER APPROVING
TRANSFER NO. 3018

On April 11, 1974, Daniel Leo Howe 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, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wheeler County, Oregon, entered March 30, 1937, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Bridge Creek and its Tributaries, a water right was established in the name of E. W. Taylor for the use of the waters of West Branch for the irrigation of, among other lands, 3.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and 2.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 12 South, Range 20 East, W.M., with a date of priority of 1872, as evidenced by certificate of water right recorded at page 13594, Volume 12, State Record of Water Right Certificates. These lands are irrigated by means of the Taylor ditch from a point of diversion located 1650 feet North and 120 feet East from the South $\frac{1}{4}$ corner of Section 3, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, Township 12 South, Range 20 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 1000 feet North and 900 feet West from the East $\frac{1}{4}$ corner of Section 3, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 12 South, Range 20 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 Fossil, Oregon, on July 2, 1974, at 9:30 a.m. The notice was published in the Fossil Journal, a newspaper printed and having general circulation in Wheeler County, Oregon, for a period of three weeks in the issues of May 9, 16 and 23, 1974. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Walter N. Perry, Watermaster Supervisor, 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, to wit:

From a point located 1650 feet North and 120 feet East from the South $\frac{1}{4}$ corner of Section 3, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 12 South, Range 20 East, W.M.

To a point to be located 1000 feet North and 900 feet West from the East $\frac{1}{4}$ corner of Section 3, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 12 South, Range 20 East, W.M.

for the irrigation of 3.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, and 2.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 12 South, Range 20 East, W.M., with a date of priority of 1872, 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, 1975.

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 E. W. Taylor and recorded at page 13594, Volume 12, 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, a certificate of water right shall be issued to Daniel Leo Howe confirming the change in point of diversion.

Dated at Salem, Oregon, this 3rd day of July, 1974.

/s/ CHRIS L. WHEELER
State Engineer

RECEIVED

JUN 5 1974

STATE ENGINEER
SALEM, OREGON

AFFIDAVIT OF PUBLICATION

STATE OF OREGON, COUNTY OF WHEELER, ss:

I, McKenna E. Stinchfield
being first duly sworn, depose and say that I am the
Managing Editor of the
FOSSIL JOURNAL, a newspaper of general circulation
as defined by Sections 1-509, 1-510, Oregon Code; printed and
published at Fossil in the aforesaid county and state; that
the Notice of Appl. for Change in Point of ^{Water Diversion} a printed
copy of which is hereto annexed, was published in the entire
issue of said newspaper for three successive
and consecutive weeks in the following issues:

No. 19 May 9, 1974

No. 20 May 16, 1974

No. 21 May 23, 1974

Subscribed and sworn to before me this 4th
day of June, 19 74

Kenneth Anderson

Notary Public for Oregon.

Gilliam County Oregon

(My commission expires June, 19 75.)

LEGAL NOTICE

NOTICE OF FILING
APPLICATION FOR A
CHANGE IN POINT OF
DIVERSION OF WATER

Notice is given hereby that Daniel Leo Howe has filed an application for the approval of a change in point of diversion of water from West Branch.

In the Bridge Creek Adjudication Proceedings, a water right was established in the name of E. W. Taylor and recorded at page 13594, Volume 12, State Record of Water Right Certificates for the use of waters of West Branch for domestic, stock use and irrigation of, among other lands, 3.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 12 S., R. 20 E., W.M., with a date of priority of 1872.

E., W.M., with a date of priority of 1872.

Water for these uses is conveyed from a point of diversion located 1650 ft. N. and 120 ft. E. from the S. $\frac{1}{4}$ corner of Sec. 3, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 3, T. 12 S., R. 20 E., W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands from a point of diversion to be located 1000 ft. N. and 900 ft. W. from the E. $\frac{1}{4}$ corner of Sec. 3, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 3, T. 12 S., R. 20 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Fossil, Oregon on July 2, 1974 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 Daniel Leo Howe, 2441G S.W. 26th Circle, Troutdale, Oregon 97060, 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.

Dated at Salem, Oregon, this 1st day of May, 1974.

CHRIS L. WHEELER
State Engineer

Published May 9, 16, 23, 1974.
FJ-46