

307 Leonard Huffman
Union, Or

T-3079

STATUS OF APPLICATION

Change in point of diversion
Date filed 7-1-74
Date of hearing 11-4-76
Place of hearing La Grande
Date of order 11-9-76 Vol. 28, page 117
Date for application of water 10-1-77
Proof mailed _____
Proof received _____

Certificate issued APR 15 1977 Vol. 36, page 44330
DEC 29 1989 63806
to survey 9/77

DESCRIPTION OF WATER RIGHT

Name of stream Cathurina Creek
Trib. of _____ County of Union
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch Townley - Joly & S Company ditch
Date of priority _____
In name of _____
Grande Ronde Riv. Adjudication, Vol. 8, page 51
App. No. _____ Per. No. _____ Cert. No. 33238
Certificate cancelled _____
Notation made on record by _____
OK cert

FEES PAID

Date	Amount	Receipt No.
<u>7-1-74</u>	<u>30.00</u>	<u>41731</u>
<u>8-25-76</u>	<u>30.00 PON</u>	<u>55705</u>
<u>10-4-76</u>	<u>1.26 PON</u>	<u>56310</u>
TOTAL . . .		
<u>5-16-77</u>	<u>4 Cert. Fee</u>	<u>60518</u>

Paid newspaper (The Observer) \$31.25 ck # 892 10/11/76

FEES REFUNDED

Date	Amount	Check No.
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REMARKS


(original cert. # 6392 86394) (H-146)

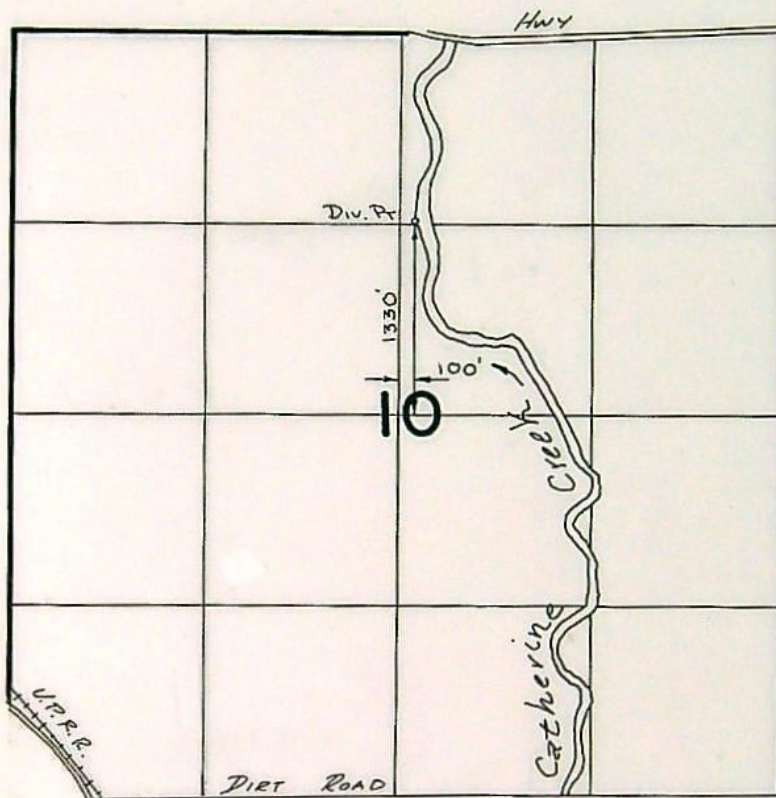
Surveyed 7-10-84

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
<u>WH</u> Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WH</u> Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WH</u> Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WH</u> Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>nd</u> CHECKED TO RECORDS:		
<u>nd</u> Top. & Rge.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>nd</u> Decree-vault	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>nd</u> Decree-safe	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>nd</u> Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>nd</u> Per. Folder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>nd</u> Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>nd</u> Cross Ref.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>nd</u> Power Chain	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>nd</u> Abstracts	<input checked="" type="checkbox"/>	<input type="checkbox"/>

T. 4S., R. 39E., W. M.


SCALE 1" = 1320'



FINAL PROOF SURVEY
UNDER

TRANSFER 3079
IN NAME OF

.....LEONARD.....HUFFMAN.....

Surveyed ...7-10... 1984, by ...V.L. Church.....

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

W. R. HUTCHINSON

of Union, State of Oregon, 97883, has
a right to the use of the waters of Catherine Creek

a tributary of Grand Ronde River
irrigation of 400 acres

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Union County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 8, at page 1; that the priority of the
right thereby confirmed dates from (See Below*)

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 acre feet per
acre in any irrigation season diverted at a rate of not to exceed one-fortieth of
one cubic foot per second per acre;

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:

DATE OF PRIORITY	NUMBER OF ACRES	USE	DITCH	STREAM	DESCRIPTION OF LAND
1870	80	Irrigation	Dobbin	Catherine Creek	40 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1 T. 4 S., R. 39 E., W.M.
1884	160	Irrigation	Godley	Catherine Creek	40 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres SP $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23 40 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26 T. 3 S., R. 39 E., W. M.
1898	80	Irrigation	Hutchinson Schoonover Swackhamer	Catherine Creek	40 acres SW $\frac{1}{4}$ SP $\frac{1}{4}$ 40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1 T. 4 S., R. 39 E., W. M.
March 1905	80	Irrigation	Hempe- Wright Hutchinson	Catherine Creek	40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 40 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26 T. 3 S., R. 39 E., W. M.

100-180-100

THIS IS A COPY OF THE ORIGINAL

This certificate describes that portion of the water right confirmed by the prior certificate 33238, NOT modified by the provisions of an order entered on November 9, 1976, approving transfer application 3079.

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

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 April 15, 1977.

James E. Sexson
Water Resources Director

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That W. R. HUTCHINSON

of Union
to the use of the waters of Catherine Creek ~~and Godley Creek~~ State of Oregon ⁹⁷⁸⁸³, has a right

a tributary of ⁴⁰⁰
irrigation of ~~400~~ acres

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Union County, and the said decree entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 8, at page 1; that the priority of the right thereby
confirmed dates from (See Below*)

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 acre feet per
acre in any irrigation season diverted at a rate of not to exceed one-fortieth
of cubic foot per second per acre;

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:

DATE OF PRIORITY	NUMBER OF ACRES	USE	DITCH	STREAM	DESCRIPTION OF LAND
1870	80	Irrigation	Dobbin	Catherine Creek	40 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1 T. 4 S., R. 39 E., W.M.
1884	180 ¹⁶⁰	Irrigation	Godley No. 2	Catherine Creek	40 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23 40 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26 T. 3 S., R. 39 E., W.M.
1898	80	Irrigation	Hutchinson Schoonover Swackhamer	Catherine Creek	40 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1 T. 4 S., R. 39 E., W.M.
March 1905	80	Irrigation	Hempe- Wright Hutchinson	Catherine Creek	40 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23 40 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26 T. 3 S., R. 39 E., W.M.
1903	40	Irrigation	Hutchinson	Ladd Creek	40 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4 T. 4 S., R. 39 E., W.M.

STATE OF OREGON

COUNTY OF CLATSOP

CERTIFICATE OF WATER RIGHT

That the amount of water to which such right is entitled for the purposes aforesaid is limited to an amount annually beneficially used for said purposes and shall not exceed 1,200 cubic feet per acre in any irrigation season divided at a ratio of not to exceed one-third of said total per second per acre;

The point of diversion is located in the
A description of the place of use under the right and to which said right is appurtenant is as follows:

The point of diversion is located in the
A description of the place of use under the right and to which said right is appurtenant is as follows:

DATE OF DIVERSION	AMOUNT OF WATER	NAME OF USER	LOCATION OF DIVERSION	LOCATION OF USE
1970	60	Investment	Bobbin	Investment
1971	100	Investment	Bobbin	Investment

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 33238, Volume 25, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on November 9, 1976, approving transfer application No. 3079.

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

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 July 19, 1966.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 25, page 33238

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Union County

IN THE MATTER OF THE APPLICATION }
OF LEONARD HUFFMAN FOR THE }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION OF WATER FROM CATHERINE }
CREEK }

ORDER APPROVING
TRANSFER NO. 3079

On July 1, 1974, Leonard Huffman filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion under an existing right of record from Catherine Creek.

The Decree of the Court dated August 8, 1925, In the Adjudication of the Grande Ronde River and its Tributaries above the mouth of Gordon Creek, as corrected by an order of the Circuit Court of the State of Oregon for Union County, dated August 16, 1976, allowed a right to appropriate the waters of Catherine Creek, with a date of priority of 1903, for irrigation of 40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 4 South, Range 39 East, W.M., tabulated in the name of W. R. Hutchinson on Page 51.

These lands are irrigated from a point of diversion located 1700 feet South and 4350 feet East from the Northwest corner of Section 15, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 4 South, Range 39 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 3940 feet North and 2830 feet East from the Northwest corner of Section 15, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 4 South, Range 39 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the La Grande Observer, a newspaper printed and having general circulation in Union County, Oregon, for a period of three weeks in the issues of September 8, 15 and 22, 1976.

Mr. H. Boyd Hadden, Watermaster of District No. 6, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection 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 change in point of diversion described herein, without loss of priority, is approved.

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, and shall not exceed 3 acre-feet per acre in any irrigation season diverted at a rate of not to exceed 1/40th cubic foot per second per acre.

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1977.

The certificate issued in the name of W. R. Hutchinson and recorded at Page 33238, Volume 25, State Record of Water Right Certificates, to confirm certain rights allowed by decree of the court in the adjudication of the Grande Ronde River and its tributaries above the mouth of Gordon

Creek includes the right involved in this proceeding. Therefore:

It is FURTHER ORDERED that the certificate of water right heretofore issued to W. R. Hutchinson and recorded at Page 33238, Volume 25, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon 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 Leonard Huffman.

Dated at Salem, Oregon, this 9th day of November, 1976.

/s/ JAMES E. SEXSON
Director

ATT COLLOM

WINTER EVG

EXPLANATION ONION 25

Affidavit of Publication

STATE OF OREGON, }
COUNTY OF UNION, } ss.

I, Berneva Brazeau, being first duly sworn, depose and say that I am the principal clerk of THE OBSERVER, a newspaper of general circulation as defined by ORS 193.010 and 193.020; printed and published at LaGrande, in the aforesaid county and state; that the Notice of Filing Application for a Change in Point of Diversion from Catherine Creek.

a printed copy of which is hereto annexed was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues: September 8, 15, and 22, 1976.

Subscribed and sworn to before me this 22 day of Sept., 1976

Berneva Brazeau
Lalanda K. Loring
Notary Public of Oregon

My commission expires September 12, 1977.

NOTICE OF FILING APPLICATION FOR A CHANGE IN

POINT OF DIVERSION FROM CATHERINE CREEK

Notice is given hereby that Leonard Huffman has filed an application for the approval of a change in point of diversion from Catherine Creek.

The decree of the court dated August 8, 1925, in the adjudication of the Grande Ronde River and its tributaries above the mouth of Gordon Creek, as corrected by an order of the Circuit Court of the State of Oregon for Union County dated August 16, 1976, allowed a right to appropriate the waters of Catherine Creek with a date of priority of 1903 for irrigation of 40 acres in SW 1/4 SE 1/4 of Sec. 4, T. 4 S., R. 39 E., W.M., tabulated in the name of W. R. Hutchinson on page 51.

These lands are irrigated from a point of diversion located 1700 ft. S. and 4350 ft. E. from the NW corner of Sec. 15, being within the SE 1/4 NE 1/4 of Sec. 15, T. 4 S., R. 39 E., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 3940 ft. N. and 2830 ft. E. from the NW corner of Sec. 15, being within the SW 1/4 NE 1/4 of Sec. 10, T. 4 S., R. 39 E., W.M.

Any and all objections to the proposed change must be prepared in writing, one copy to be served on Leonard Huffman, Union, Oregon 97883, and one copy filed in the office of the Water Resources Director, Salem, Oregon 97310, together with a \$10 filing fee, on or before October 25, 1976. If such objections are filed a hearing will be held in the county courthouse at La Grande, Oregon, on Nov. 4, 1976, at 9:30 a.m. The rules for filing protests will be furnished upon request to the Water Resources Director.

Dated at Salem, Oregon, this 27th day of August, 1976.

James E. Sexson
Director

Publish: September 8, 15, 22, 1976
No. 16

59



CIRCUIT COURT OF THE STATE OF OREGON FOR UNION COUNTY

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS OF THE)
VARIOUS CLAIMANTS TO THE USE OF)
THE WATER OF THE GRANDE RONDE)
RIVER ABOVE THE MOUTH OF GORDON)
CREEK AND OF ALL ITS TRIBUTARIES)
ABOVE SAID POINT, INCLUDING)
GORDON CREEK, EXCEPT MILL CREEK)
HERETO ADJUDICATED, IN UNION)
COUNTY, OREGON)

RECEIVED

AUG 25 1976

WATER RESOURCES DEPT
SALEM, OREGON

ORDER

THIS MATTER came on for hearing upon the Petition of David C. Baum, Jr., acting as the attorney for David C. Baum and Leonard S. Huffman, for an order correcting the decree issued by the above entitled Court in the above entitled matter on August 8, 1925, and it appearing to the Court that the error was made in the original Decree as it relates to the source of water for irrigation of the Southwest quarter, Southeast quarter, Section 4, Township 4, South, Range 39, E. W. M., in that the decree shows the source of water as Ladd Creek whereas the actual source of water is now, and always has been, Catherine Creek, and the Court being fully advised in the premises,

NOW THEREFORE, IT IS HEREBY ORDERED, that the Decree in the above entitled matter dated August 8, 1925, on page 51, relative to water right 6394 be and the same is hereby corrected by changing Ladd Creek to Catherine Creek as it relates to the forty (40) acre tract hereinabove described.

DATED this 16th day of August, 1976.

STATE OF OREGON } ss
COUNTY OF UNION }

I HEREBY CERTIFY THAT THE FOREGOING IS A FULL
AND CORRECT COPY OF THE ORIGINAL.

ATTORNEY FOR

CIRCUIT JUDGE

STATE OF OREGON, }
COUNTY OF UNION, } ss.

I, Shirley L. Bolin, County Clerk and ex-officio Clerk of the Circuit Court
of Union County, State of Oregon, do hereby certify that the foregoing copy of ORDER In the Matter
of the Determination of the Relative Rights of the Various Claimants to the Use of the
Water of the Grande Ronde River has been compared by me with the original,
and it is a correct transcript therefrom, and the whole of such original Order
as the same appears on file and of record in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court

this 16th day of August, A.D. 19 76

Shirley L. Bolin County Clerk

By *Margaret Steptoe* Deputy