

2734

2734 East M. E. Cable
Rt. 1, Box 214C
Milton, Massachusetts 02162

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed Nov. 10, 1972
 Date of hearing May 16, 1973
 Place of hearing Pendleton, Ore.
 Date of order 1-4-74 Vol. 24, page 46-48
 Date for application of water 10-1-74
 Proof mailed _____
 Proof received _____
 Certificate issued MAR 30 1979 Vol. 41, page 477-66
Summary 1/77

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Dugger Creek
 Trib. of _____ County of Umatilla
 Use Irrigation
 Quantity of water _____ No. of acres 394
 Name of ditch Richard Graham ditch
 Date of priority 1906 + 1872
 In name of S.R. Phillips
Dugger Creek Adjudication, Vol. 3, page 124
 App. No. _____ Per. No. _____ Cert. No. 1704
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>11-10-72</u>	<u>20.00</u>	<u>31396</u>
<u>1-8-73</u>	<u>5.00</u>	<u>32003</u>
<u>1-8-73</u>	<u>40.00 P.O.N.</u>	<u>32004</u>
TOTAL . . .		
<u>4-10-73</u>	<u>1.50</u> Cert. Fee	<u>From P.O.N.</u>

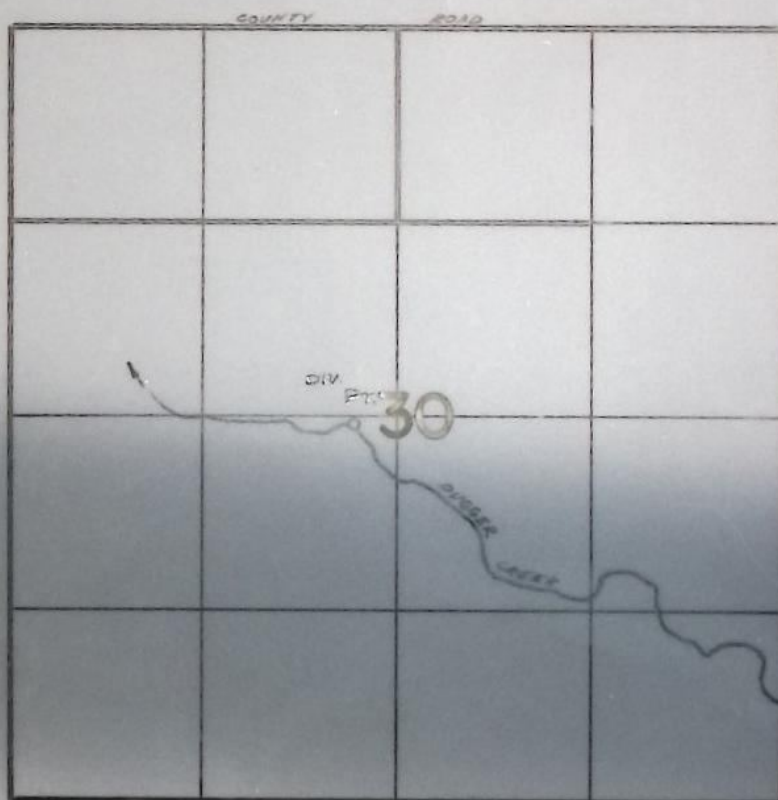
FEES REFUNDED

Date	Amount	Check No.
<u>4-10-73</u>	<u>*3.67</u> P.O.N.	<u>5253</u>

INDEX CARDS:

TO BE ENTERED WHERE CHECKED	Entered	Checked
<input checked="" type="checkbox"/> Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Pt. of Div.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> CHANGED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Sec.	<u>WAC</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Decree-vault	<u>WAC</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Decree-sale	<u>WAC</u>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cert. of W/R	<u>WAC</u>	<input type="checkbox"/>
<input type="checkbox"/> Per. order	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Check-ref.	<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. 6N. R. 35E. W.M.



DIV. PT. LOC. 40'S & 300'W FROM CENTER SEC. 30

FINAL PROOF SURVEY
UNDER

TRANSFER 2734

Application No. _____ Permit No. _____
IN NAME OF

Estate of Eva M. Greable

Surveyed 4-8 1977, by L. NUNN

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ESTATE OF EVA M. GREABLE

of Rt. 1, Box 214A, Milton Freewater, State of Oregon, 97862, has
a right to the use of the waters of Dugger Creek

a tributary of Pine Creek for the purpose of
the irrigation of 39.4 acres, 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 WATER RESOURCES DIRECTOR, in Volume 3, at page 321; that the priority of the right thereby confirmed dates from 1872 for the irrigation of 15.4 acres and 1906 for 24.0 acres

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 a rate of flow of 0.49 cubic foot per second from May 1st to September 1st of each year or its equivalent in case of rotation; the total quantity diverted during each irrigation season not to exceed 118.2 acre feet

The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, T. 6 N., R. 35 E., W. M., 40 feet South and 300 feet West from the C $\frac{1}{4}$ Corner, Section 30

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

1872

6.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.2 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.2 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

1906

10.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ 10.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 30

T. 6 N., R. 35 E., W. M.

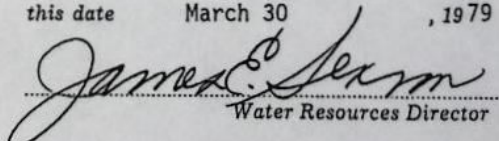
This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered January 4, 1974 and supersedes certificate of water right recorded on Page 1704, Volume 3, State Record of Water Right Certificates.

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 March 30, 1979.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 41, page 47766

IN THE _____ COURT OF THE
STATE OF OREGON FOR UMATILLA COUNTY

AFFIDAVIT OF
PUBLICATION OF

Equity Law } No. _____

STATE OF OREGON, } ss.
County of Umatilla

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 Application 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 3 successive and consecutive insertions in
the following issues:

30,
March 23, April 6, 1973

Subscribed and sworn to before me this 9th day of
April, 19 73

Denise L Johnston
Notary Public of Oregon

My Commission Expires March 1, 1974

RECEIVED
APR 10 1973
STATE ENGINEER
SALEM OREGON

EO-779
NOTICE OF FILING
APPLICATION FOR A
CHANGE IN POINT OF
DIVERSION OF WATER

Notice is given hereby that Eva M. Greable has filed an application for the approval of a change in point of diversion of water from Dugger Creek.

In the Dugger Creek Decree a water right was established in the name of S. R. Phillips for the use of the waters of Dugger Creek, for domestic and stock use, and irrigation of 10.0 acres in SW¹/₄ NE¹/₄, 10.0 acres in SE¹/₄ NW¹/₄, 1 1/5 acres in NE¹/₄ SW¹/₄, and 18 1/5 acres in NW¹/₄ SE¹/₄, Section 30, Township 6 North, Range 35 East, W.M., with a date of priority of 1906 and 1872.

These lands are irrigated from a point of diversion located 2160 feet East and 1680 feet South from the center corner of Section 30, Township 6 North, Range 35 East, W.M., being within the SE¹/₄ of the SE¹/₄ of Section 30, 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 510 feet South and 50 feet East from the center corner of Section 30, being within the NW¹/₄ SE¹/₄ of Section 30, Township 6 North, Range 35 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on May 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 Eva M. Greable, Route 1, Box 214 C, Milton-Freewater, Oregon, 97862, 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 upon request.

Dated at Salem, Oregon, this 15th day of March, 1973.
CHRIS L. WHEELER
State Engineer
March 23, 30, April 6, 1973

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

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 Application 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 3 successive and consecutive insertions in
the following issues:

30,
March 23, April 6, 1973

Ina Maestretti

Subscribed and sworn to before me this 9th day of
April, 19 73

Denise L. Johnston
Notary Public of Oregon

My Commission Expires March 1, 1974

EO-779
NOTICE OF FILING
APPLICATION FOR A
CHANGE IN POINT OF
DIVERSION OF WATER

Notice is given hereby that Eva M. Greable has filed an application for the approval of a change in point of diversion of water from Duggar Creek.

In the Duggar Creek Decree a water right was established in the name of S. R. Phillips for the use of the waters of Duggar Creek, for domestic and stock use, and irrigation of 10.0 acres in SW¹/₄ NE¹/₄, 10.0 acres in SE¹/₄ NW¹/₄, 1 1/5 acres in NE¹/₄ SW¹/₄, and 18 1/5 acres in NW¹/₄ SE¹/₄, Section 30, Township 6 North, Range 35 East, W.M., with a date of priority of 1906 and 1872.

These lands are irrigated from a point of diversion located 2160 feet East and 1680 feet South from the center corner of Section 30, Township 6 North, Range 35 East, W.M., being within the SE¹/₄ of the SE¹/₄ of Section 30, 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 510 feet South and 50 feet East from the center corner of Section 30, Township 6 North, Range 35 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on May 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 Eva M. Greable, Route 1, Box 214 C, Milton-Freewater, Oregon, 97862, 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 upon request.

Dated at Salem, Oregon, this 15th day of March, 1973.

CHRIS L. WHEELER
State Engineer
March 23, 30, April 6, 1973

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION }
OF EVA M. GREABLE FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM DUGGER CREEK }

ORDER APPROVING
TRANSFER NO. 2734

On November 10, 1972, Eva M. Greable filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Dugger 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 Dugger Creek and its Tributaries, a water right was established in the name of S. R. Phillips for the use of the waters of Dugger Creek for the irrigation of 6.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1 1/5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 8 1/5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, with a date of priority of 1872; 4.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 10.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, with a date of priority of 1906, all in Section 30, Township 6 North, Range 35 East, W.M. This right is evidenced by certificate recorded at page 1704, Volume 2, State Record of Water Right Certificates. These lands are irrigated from a point of diversion located 2160 feet East and 1680 feet South from the center corner of Section 30, Township 6 North, Range 35 East, W.M., being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, 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 510 feet South and 50 feet East from the center corner of Section 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

Gibraltar Onion Skin
MILLERS FALLS

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 Pendleton, Oregon, on May 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 March 23, 30 and April 6, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Walter 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 of water 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 Dugger Creek, to wit:

From a point located 2160 feet East and 1680 feet South from the center corner of Section 30, being within the $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

To a point to be located 510 feet South and 50 feet East from the center corner of Section 30, being within the $NW\frac{1}{4}$ $SE\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

for the irrigation of 6.0 acres in $SE\frac{1}{4}$ $NW\frac{1}{4}$, 1 $\frac{1}{5}$ acres in $NE\frac{1}{4}$ $SW\frac{1}{4}$, and 8 $\frac{1}{5}$ acres in $NW\frac{1}{4}$ $SE\frac{1}{4}$, with a date of priority of 1872; 4.0 acres in $SE\frac{1}{4}$ $NW\frac{1}{4}$, 10.0 acres in $SW\frac{1}{4}$ $NE\frac{1}{4}$, and 10.0 acres in $NW\frac{1}{4}$ $SE\frac{1}{4}$, with a date of priority of 1906, all in Section 30, Township 6 North, Range 35 East, W.M., is approved.

Gibraltar Onion Skin
MILLERS FALLS
ALL COTTON

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, 1974.

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 0.49 cubic foot per second.

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 S. R. Phillips and recorded at page 1704, Volume 3, State Record of Water Right Certificates, is canceled, 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 Eva M. Greable confirming said change in point of diversion.

Dated at Salem, Oregon, this 4th day of January, 1974.

/s/ CHRIS L. WHEELER
State Engineer