

# STATUS OF APPLICATION

Change in add'l point of diversion  
 Date filed 8-26-74  
 Date of hearing June 25, 1980  
 Place of hearing Pendleton  
 Date of order 7-25-80 Vol. 33, page 484  
 Date for application of water 10-1-81  
 Proof mailed APR 3 1985 DEC 19 1984  
 Proof received \_\_\_\_\_  
 Certificate issued JUL 10 1985 Vol. 48, page 53261

OK cert

to see 12/81

## REMARKS

Card for C NOV 20 1981

Form 130 sent JAN 14 1985

Form 130 Sent; MAR 15 1985

# DESCRIPTION OF WATER RIGHT

Name of stream Birch Creek  
 Trib. of \_\_\_\_\_ County of Umatilla  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch \_\_\_\_\_  
 Date of priority \_\_\_\_\_  
UMATILLA  
→ Rader R Adjudication, Vol. 3, page 209  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 2567  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

DVA Notification P36539-J2

# FEES PAID

Date	Amount	Receipt No.
8-26-74	65.50	42643
7/14/80	14.50	19399
TOTAL . . .		
	Cert. Fee	

EAST OREGONIAN \$50.00 1d 6/24/80 ck#4270

# FEES REFUNDED

Date	Amount	Check No.
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EX - 15-  
 POD 15-  
 PON 50-  
70-80

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>LC</u>	_____
<input checked="" type="checkbox"/> Stream	<u>LC</u>	_____
<input checked="" type="checkbox"/> Pt. of Div.	<u>LC</u>	_____
<input checked="" type="checkbox"/> Calendar	<u>LC</u>	_____
<input checked="" type="checkbox"/> Twp. & Rge.	<u>SRB</u>	_____
<input checked="" type="checkbox"/> Decree-vault	<u>SRB</u>	_____
<input checked="" type="checkbox"/> Decree-safe	<u>SRB</u>	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>SRB</u>	<u>SRB</u>
<input checked="" type="checkbox"/> Per. Folder	_____	_____
<input checked="" type="checkbox"/> Chainindex	_____	_____
<input checked="" type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	_____	_____
<input checked="" type="checkbox"/> Abstracts	<u>LC</u>	_____





72R  
NB-2MM-128 3/15/84 V.L.C.  
PTS-1978-P-A 1/16/84



STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That JAS. JOHNS (Transferred to J. B. Stanton)  
of Pendleton State of Oregon 97801 has a right to the use of  
the waters of Birch Creek and Johns Creek, tributaries of the Umatilla River,

for the purpose of the irrigation of  $100\frac{1}{2}$  acres of land, 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 STATE WATER BOARD of the State of Oregon, in Volume 34 at page 127; that the priority of the right hereby confirmed dates from 1895 for  $40\frac{1}{2}$  acres and 1910 for 60 acres

that the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purpose<sup>s</sup>, and shall not exceed 1.25 cubic feet per second, subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 1 acre in the Northeast quarter of Northwest quarter;  $33\frac{1}{2}$  acres in the Northwest quarter of Northwest quarter; 14 acres in the Southwest quarter of Northwest quarter and 14 acres in the Southeast quarter of Northwest quarter of Section Nineteen, 26 acres in the Southwest quarter of Southwest quarter of Section Eighteen, Township Two North, Range Thirty-two; 3 acres in the Northeast quarter of Northeast quarter of Section Twenty-four, and 9 acres in the Southeast quarter of Southeast quarter of Section Thirteen, Township Two North, Range Thirty-one, all East of Willamette Meridian, in Umatilla County, Oregon.

7.9ac. CANCELED: Sp. Or. 33 p. 171

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the State  
Water Board  
of                      affixed this 29th day  
of December . 1919 .  
STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By Percy A. Cupper  
State Engineer, President

Attest:  
R. W. Potter,  
Secretary

Recorded in State Record of Water Right Certificates, Volume 34, page 2567.



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF JAMES E. McBROOM FOR APPROVAL )  
OF A CHANGE IN PLACE OF USE AND )  
ADDITIONAL POINTS OF DIVERSION )  
OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 3122

On August 26, 1974, an application was filed in the office of the Water Resources Director by James E. McBroom for approval of a change in place of use and establishment of additional points of diversion of water from Birch Creek under an existing right of record, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, entered September 9, 1916, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Umatilla River and Its Tributaries, a water right, tabulated at page 209, Volume 3, and described by the certificate recorded at page 2567, Volume 3, State Record of Water Right Certificates, in the name of Jas. Johns (transferred to J.B. Stanton,) was allowed for the use of not to exceed 1.15 cubic feet per second from Birch Creek for domestic, stock, and irrigation of a certain 9.0 acres in SE 1/4 SE 1/4, Section 13, and 3.0 acres in NE 1/4 NE 1/4, Section 24, Township 2 North, Range 31 East, W.M.; 26.0 acres in SW 1/4 SW 1/4, Section 18, 1.0 acre in NE 1/4 NW 1/4, 33.5 acres in NW 1/4 NW 1/4, 14.0 acres in SW 1/4 NW 1/4 and 14.0 acres in SE 1/4 NW 1/4, Section 19, Township 2 North, Range 32 East, W.M.

The order of the Water Resources Director entered at page 171, Volume 33, Special Order Record of the Water Resources Department, canceled the right to use of 0.09 cubic foot per second of water for the irrigation of 7.9 acres located east of the railroad right of way, within the NW 1/4, Section 19, Township 2 North, Range 32 East, W.M.

The applicant proposes to sever the remainder of the right therefrom and to use said water for domestic, stock and irrigation of 9.7 acres in SE 1/4 SE 1/4, Section 13; 9.3 acres in NE 1/4 NE 1/4, Section 24, Township 2 North, Range 31 East, W.M.; 9.8 acres in NW 1/4 NW 1/4 and 11.7 acres in SW 1/4 NW 1/4, Section 19, Township 2 North, Range 32 East, W.M., with a priority date of 1895; and 6.5 acres in SE 1/4 SE 1/4, Section 13, 0.2 acre in



NE 1/4 NE 1/4, Section 24, Township 2 North, Range 31 East, W.M.; 13.2 acres in SW 1/4 SW 1/4, Section 18, 19.3 acres in NW 1/4 NW 1/4, 12.4 acres in SW 1/4 NW 1/4 and 0.5 acre in SE 1/4 NW 1/4, Section 19, Township 2 North, Range 32 East, W.M., with a priority date of 1910. Said lands to be irrigated from Reith and Johns Ditches and from two additional points of diversion located: (1) 1190 feet South and 780 feet East from the Northwest Corner of Section 19, being within the NW 1/4 NW 1/4, Section 19, Township 2 North, Range 32 East, W.M.; and (2) 390 feet North and 210 feet West from the Southeast Corner of Section 13, being within the SE 1/4 SE 1/4, Section 13, Township 2 North, Range 31 East, W.M.

Mr. Steven P. Applegate, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

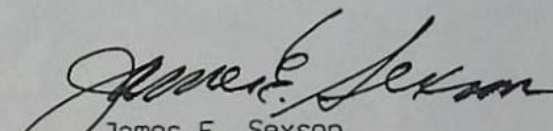
No objections having been filed and it appearing that the proposed changes in place of use and point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion of water, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that 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 the applicant herein.

Dated at Salem, Oregon this 25th day of July, 1980.

  
James E. Sexson  
Director



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
UMATILLA COUNTY

IN THE MATTER OF CANCELLATION )  
OF A PORTION OF A WATER RIGHT )  
IN THE NAME OF JAS. JOHNS )  
(TRANSFERRED TO J. B. STANTON))  
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O R D E R

On March 24, 1980, James E. McBroom and Sandra L. McBroom submitted an affidavit that they are the owners of a certain water right and the lands to which the water right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same be canceled.

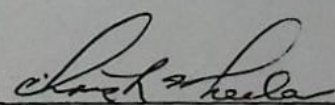
The water right in question was established by Decree of Circuit Court for Umatilla County, entered September 9, 1916, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Umatilla River, tabulated in the name of Jas. Johns (transferred to J. B. Stanton), at Page 209, Volume 3, Order Record of the Water Resources Director, and is a portion of the right described by the certificate recorded at Page 2567, Volume 3, State Record of Water Right Certificates, in the name of Jas. Johns, and is for the use of not to exceed 0.09 cubic foot per second of water from Birch Creek, with a date of priority of 1910, for the irrigation of 7.9 acres located east of the railroad right of way, within the NW $\frac{1}{4}$ , Section 19, Township 2 North, Range 32 East, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the said water right, being a portion of the right described by the certificate recorded at Page 2567, Volume 3, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon, this 29th day of April, 1980.

JAMES E. SEXSON  
Director

by   
Chris L. Wheeler  
Deputy Director



RECEIVED

JUN 1 1980

WATER RESOURCES DEPT  
SALEM, OREGON

RECEIVED

MAY 22 1980

WATER RESOURCES DEPT  
SALEM, OREGON

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, Beverly Krosting 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 EO- 511 Water Right Transfer no. 3122

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive insertion in the following issues:

May 5, 12, & 19th, 19 80

Beverly Krosting

Subscribed and sworn to before me this 20th day of

May

1980

Patricia O. Carpenter

Notary Public of Oregon

EO-511  
NOTICE OF WATER RIGHT  
TRANSFER APPLICATION  
NO. 3122

The Water Resources Director of Oregon has received and filed an application by James E. McBroom for approval, without loss of priority, of a change in place of use and additional points of diversion under a certain water right.

The affected water right is described by the certificate recorded at page 2567, Volume 3, State Record of Water Right Certificates, in the name of Jas. Johns (Transferred to J.B. Stanton) and is for the use of not to exceed 1.24 cubic feet per second from Birch Cr. under priority dates of 1895 and 1910, for irrigation of: 9.0 ac in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec 13 & 3.0 ac in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 24, T 2N, R 31E, WM; 26.0 ac in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec 18, 1.0 ac in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 33.5 ac in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 14.0 ac in SW $\frac{1}{4}$  NW $\frac{1}{4}$  & 14.0 ac in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec 19, T 2N, R 32E, WM.

The authorized point of diversion is located 30 ft N & 90 ft E from the SW Corner of SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec 19, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec 19, T 2N, R 32E, WM (Reith & Johns Ditches.)

The applicant proposes to sever the right therefrom and to irrigate in lieu thereof 9.7 ac in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec 13; 9.3 ac in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 24, T 2N, R 31E, WM; 9.8 ac in NW $\frac{1}{4}$  NW $\frac{1}{4}$  & 11.7 ac in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec 19, T 2N, R 32E, WM, with a priority date of 1895; and 6.5 ac in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec 13, 0.2 ac in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 24, T 2N, R 31E, WM; 13.2 ac in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec 18; 19.3 ac in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 12.4 ac in SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 0.5 ac in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec 19, T 2N, R 32E, WM, with a priority date of 1910. Said lands to be irrigated from Reith and Johns Ditches and from two additional points of diversion located (1) 1190 ft. S and 780 ft E from the NW corner of Sec 19, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec 19, T 2N, R 32E, WM; and (2) 390 ft N and 210 ft W from the SE corner of Sec 13, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec 13, T 2N, R 31E, WM.

Pursuant to ORS 540.520 (2), a hearing is scheduled for 9:30am on Wednesday, June 25, 1980, at the Umatilla County Courthouse, Pendleton, Oregon. Any objection to the proposed changes must be prepared in writing: one copy to be served on the applicant at Rt. 2 Box 125, Pendleton, OR 97801; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 28th day of April, 1980.  
James E. Sexson, Director  
May 5, 12, 19, 1980

MY COMMISSION EXPIRES  
SEPT. 8, 1980

87 lines



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
UMATILLA COUNTY

IN THE MATTER OF CANCELLATION )  
OF A PORTION OF A WATER RIGHT )  
IN THE NAME OF JAS. JOHNS )  
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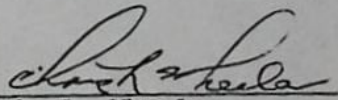
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JAMES E. SEXSON  
Director

by   
Chris L. Wheeler  
Deputy Director