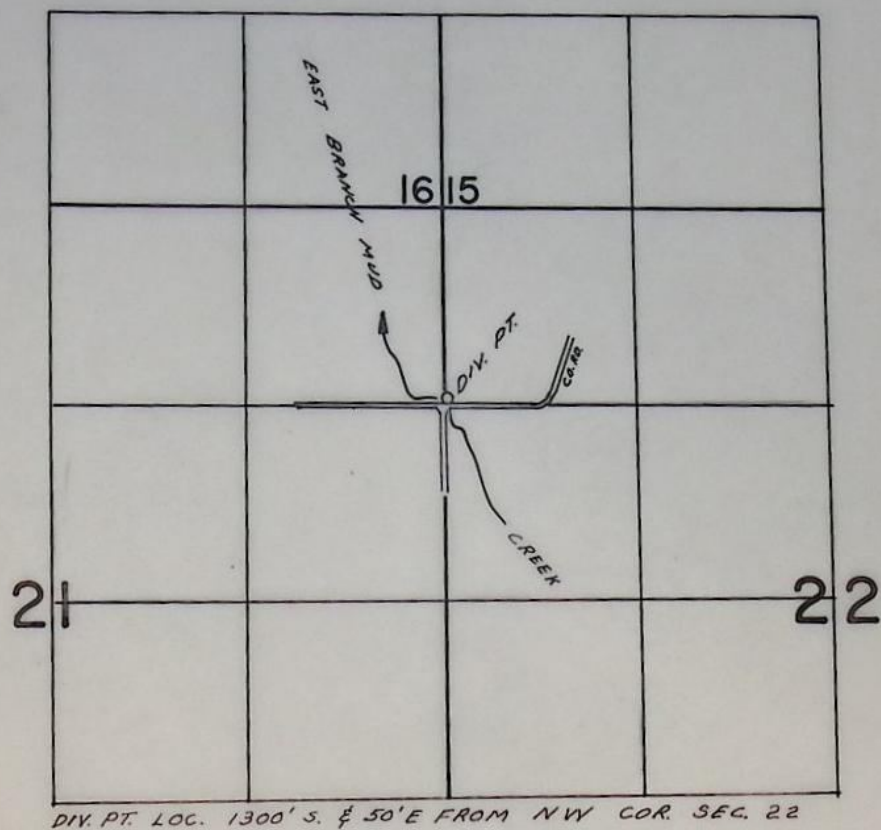


T.6N. R.35E. W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3159
Application No. Permit No.
IN NAME OF

..... **WILLIAM J. LAMBERT**

Surveyed APR. 28. 1977. by L.H. NUNN.....

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF UMATILLA.

Sp. Or. V. 27, 283
(7-3189)

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That

S. B. MEHRIMAN,

of R.F.D.1, Freewater, State of Oregon, 97862 has a right to the use of
the waters of EAST BRANCH OF MUD CREEK, a tributary of the Walla Walla River, in
Umatilla County, Oregon,

for the purposes of irrigation, domestic use, and stock, (Irrigation season: April
1st to September 1st of each year)

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 Board of Control of the State of Oregon, in Volume 1, at
page 113 ; that the priority of the right hereby confirmed dates from 1896;

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 pur-
poses, and shall not exceed 0.12 cubic feet per second, not to exceed the rate of
one-fortieth (1/40) of a second foot to each one thousand (1000) head of stock.

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:

Six (6) acres in W $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 22, T. 6 N., R. 35 E., W. M.,
in Umatilla County, Oregon.

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 Board

of Control, affixed this 29th day
of November, 1911.

BOARD OF CONTROL

(Seal of Board of Control)

By JOHN H. LEWIS,
State Engineer, President

Attest:

M. B. Wann,

Secretary

Recorded in State Record of Water Right Certificates, Volume 1, page 27

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION
OF WILLIAM J. LAMBERT FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM EAST BRANCH
OF MUD CREEK

ORDER APPROVING
TRANSFER NO. 3159

On January 22, 1975, William J. Lambert filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from East Branch of Mud Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to S. B. Merriman and recorded at Page 27, Volume 1, State Record of Water Right Certificates, confirms a right to the use of water from East Branch of Mud Creek for domestic use, stock and the irrigation of, among other lands, 5.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 6 North, Range 35 East, W.M., with a date of priority of 1896. These lands are irrigated by means of the S. B. Merriman ditch from a point of diversion located 1490 feet South and 1140 feet West from the center of Section 22, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to convey water to the house, stock facilities and acreage from a point of diversion to be located 1340 feet North and 10 feet East from the West quarter-corner of Section 22, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 6 North, Range 35 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 Pendleton, Oregon, on June 22, 1976, at 9:30 a.m. The notice was published in the Pendleton East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of April 30, May 7 and 14, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. William I. Porfily, 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 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 change in point of diversion of water from East Branch of Mud Creek, to wit:

From a point located 1490 feet South and 1140 feet West from the center of Section 22, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 6 North, Range 35 East, W.M.

To a point to be located 1340 feet North and 10 feet East from the West quarter-corner of Section 22, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 6 North, Range 35 East, W.M.

for domestic use, stock watering and irrigation of 5.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 6 North, Range 35 East, W.M., with a date of priority of 1896, 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, 1977.

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 0.11 cubic foot per second.

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

WILLIAM J. LAMBERT

of Milton-Freewater, State of Oregon, 97862, has
a right to the use of the waters of East Branch of Mud Creek

a tributary of Walla Walla River for the purpose of
irrigation of 5.5 acres and stock

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 1, at page 113; that the priority of the
right thereby confirmed dates from 1896

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 0.11 cubic foot per
second, not to exceed the rate of one-fortieth of a second foot to each one
thousand head of stock

The point of diversion is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, T. 6 N., R. 35 E., W. M.,
1300 feet South and 50 feet East from the NW Corner, Section 22

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

Stock & 5.5 acres W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 22
T. 6 N., R. 35 E., W. M.

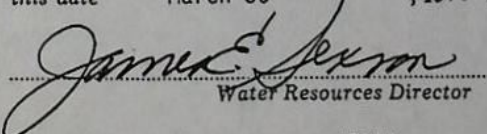
This certificate is issued to confirm a change in point of diversion approved
by an order of the Water Resources Director entered July 1, 1976 and together
with certificate of water right recorded at Page 43791, Volume 35, State Record
of Water Right Certificates supersedes certificate of water right recorded on
Page 27, Volume 1, 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 47767

3159

STATE OF OREGON

COUNTY OF UMATILLA

RECEIVED

NOV 22 1976

WATER RESOURCES DEPT
SALEM, OREGON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

S. B. MERRIMAN

of Milton-Freewater
a right to the use of the waters of
East Branch of Mud Creek

, State of Oregon, 97862 , has

a tributary of Walla Walla River for the purpose of
irrigating 0.5 acre (Irrigation season: April 1st to September 1st of each year)

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 1 , at page 113 ; that the priority of the
right thereby confirmed dates from 1896

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 0.01 cubic foot per
second

The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, T. 6 N., R. 35 E., W. M.,
1490 feet South and 1140 feet West from the Center Corner of Section 22.

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

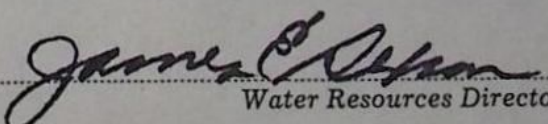
0.5 acre W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 22
T. 6 N., R. 35 E., W. M.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at Page 27, Volume 1, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on July 1, 1976, approving transfer application No. 3159.

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, and is subject to the existing minimum flow policies established
by the Water Policy Review Board. WITNESS the signature of the Water Resources Director, affixed

this date October 18 , 1976 .


Water Resources Director

CERTIFICATE OF WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON,

County of Umatilla

ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume 5
of Record of Water Right Certificates, at
Page 368, on the 12th day
of November, 19 76.

Jessie M. Bell, Co. Clerk

By Alm Master County Clerk Deputy

SP*32934-090

Page 504
Book

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 ~~S. R. PHILLIPS~~ ESTATE of EVA M. GREABLE
of ~~RTI, Box 244, MILTON-FREEWATER~~ State of Oregon 97862
the waters of Dugger Creek, a tributary of Pine Creek,

for the purpose of the irrigation of 39.4 acres ~~of land and~~ 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~~ ^{STATE WATER BOARD} and the said decree entered of record at Salem, in the Order Record of the ~~Board of Control~~ of the State of Oregon, in Volume 3, at page 321; that the priority of the right hereby confirmed dates from the year 1872 for the irrigation of 15.4 acres and from 1906 for 24.0 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 purposes, and shall not exceed a rate of flow of 0.49 sec. ft. 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.

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:

~~10 acres in Southeast quarter of Northwest quarter; 1.2 acres in Northeast quarter of Southwest quarter; 18.2 acres in Northwest quarter of Southeast quarter; 10 acres in Southwest quarter of Northeast quarter of Section Thirty (30), Township Six (6) North Range Thirty-five (35) East of Willamette Meridian, in Umatilla County, Oregon.~~

1872
SE 1/4 NW 1/4 6.0
NE 1/4 SW 1/4 1.2
NW 1/4 SE 1/4 8.2
1906
SW 1/4 NE 1/4 10.0
SE 1/4 NW 1/4 4.0
NW 1/4 SE 1/4 10.0
T. 6 N. R. 35 E. W. M.

SW 1/4 NE 1/4 10.0
SE 1/4 NW 1/4 10.0
NE 1/4 SW 1/4 1.2
NW 1/4 SE 1/4 18.2
SEC. 30
T. 6 N. R. 35 E. W. M.

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} Board
Water Board
of control, affixed this 16th day

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered JAN 4, 1974 and supersedes certificate of water right recorded on Page 1704, Volume 3, SRWRC.

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

Attest:

M. P. MERS

Secretary

Recorded in State Record of Water Right Certificates, Volume 7, page 1704.

NE 1/4 SW 1/4 Sec 30 T 6 N R 35 E W M
40' S & 300' W from the C 1/4 cor Sec 30

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION
OF WILLIAM J. LAMBERT FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM EAST BRANCH
OF MUD CREEK

ORDER APPROVING
TRANSFER NO. 3159

On January 22, 1975, William J. Lambert filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from East Branch of Mud Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to S. B. Merriman and recorded at Page 27, Volume 1, State Record of Water Right Certificates, confirms a right to the use of water from East Branch of Mud Creek for domestic use, stock and the irrigation of, among other lands, 5.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 6 North, Range 35 East, W.M., with a date of priority of 1896. These lands are irrigated by means of the S. B. Merriman ditch from a point of diversion located 1490 feet South and 1140 feet West from the center of Section 22, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to convey water to the house, stock facilities and acreage from a point of diversion to be located 1340 feet North and 10 feet East from the West quarter-corner of Section 22, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 6 North, Range 35 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 Pendleton, Oregon, on June 22, 1976, at 9:30 a.m. The notice was published in the Pendleton East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of April 30, May 7 and 14, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. William I. Porfily, 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 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 change in point of diversion of water from East Branch of Mud Creek, to wit:

From a point located 1490 feet South and 1140 feet West from the center of Section 22, being within the $SE\frac{1}{4}SW\frac{1}{4}$ of Section 22, Township 6 North, Range 35 East, W.M.

To a point to be located 1340 feet North and 10 feet East from the West quarter-corner of Section 22, being within the $NW\frac{1}{4}NW\frac{1}{4}$ of Section 22, Township 6 North, Range 35 East, W.M.

for domestic use, stock watering and irrigation of 5.5 acres in $NW\frac{1}{4}NW\frac{1}{4}$, Section 22, Township 6 North, Range 35 East, W.M., with a date of priority of 1896, 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, 1977.

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 0.11 cubic foot per second.

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 certificate of water right heretofore issued to S. B. Merriman and recorded at Page 27, Volume 1, 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 Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to William J. Lambert confirming the change in point of diversion.

Dated at Salem, Oregon, this 1st day of July, 1976.

/s/ JAMES E. SEXSON
Director

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, Patricia S. Daly 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 E.O. 695-Notice of Filing Application

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:

April 30, May 7, 14, 1976

Subscribed and sworn to before me this 14th day of
May, 1976

Lita M. Jock
Notary Public of Oregon

EO-695

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

Notice is given hereby that William J. Lambert has filed an application for the approval of a change in point of diversion from East Branch of Mud Creek.

Certificate of water right issued to S.B. Merriman and recorded at Page 27, Volume 1, State Record of Water Right Certificates, confirms a right to the use of water from East Branch of Mud Creek for domestic use, stock and the irrigation of, among other lands, 5.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, T. 6 N., R. 35 E., W.M., with a date of priority of 1896.

These lands are irrigated by means of the S.B. Merriman Ditch from a point of diversion located 1490 ft. S. and 1140 ft. W. from the center of Sec. 22, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T. 6 N., R. 35 E., W.M.

The applicant herein proposes to convey water to the house, stock facilities and acreage from a point of diversion to be located 1340 ft. N. and 10 ft. E. from the W. $\frac{1}{4}$ corner of Sec. 22, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, T. 6 N., R. 35 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on June 22, 1976, 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 William J. Lambert, Route 2, Box 245, Milton-Freewater, Oregon, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 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 Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 15th day of April, 1976.

JAMES E. SEXSON
Director

April 30, May 7, 14, 1976

MY COMMISSION EXPIRES
APRIL 22, 1978

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

AFFIDAVIT OF
PUBLICATION OF

Equity
Law

} No. _____

STATE OF OREGON, }

County of Umatilla } ss.

I, Patricia S. Daly 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 E.O. 695-Notice of Filing Application

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:

April 30, May 7, 14, 19 76

Subscribed and sworn to before me this 14th day of

May, 19 76

John M. Jost
Notary Public of Oregon

EO-495

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

Notice is given hereby that William J. Lambert has filed an application for the approval of a change in point of diversion from East Branch of Mud Creek.

Certificate of water right issued to S.B. Merriman and recorded at Page 27, Volume 1, State Record of Water Right Certificates, confirms a right to the use of water from East Branch of Mud Creek for domestic use, stock and the irrigation of, among other lands, 5.5 acres in NW¹/₄ NW¹/₄, Section 22, T. 6 N., R. 35 E., W.M., with a date of priority of 1896.

These lands are irrigated by means of the S.B. Merriman Ditch from a point of diversion located 1490 ft. S. and 1140 ft. W. from the center of Sec. 22, being within the SE¹/₄ SW¹/₄, Sec. 22, T. 6 N., R. 35 E., W.M.

The applicant herein proposes to convey water to the house, stock facilities and acreage from a point of diversion to be located 1340 ft. N. and 10 ft. E. from the W. ¹/₄ corner of Sec. 22, being within the NW¹/₄ NW¹/₄, Sec. 22, T. 6 N., R. 35 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on June 22, 1976, 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 William J. Lambert, Route 2, Box 245, Milton-Freewater, Oregon, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 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 Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 15th day of April, 1976.

JAMES E. SEXSON

Director

April 30, May 7, 14, 1976

MY COMMISSION EXPIRES
APRIL 22, 1978