

3160 Ben A. Weinke  
Route 2, Box 96  
Pendleton, OR 97801

3160

### STATUS OF APPLICATION

Change in point of diversion  
Date filed 1-27-75  
Date of hearing Sept 4, 1980  
Place of hearing Pendleton  
Date of order 9-8-80 Vol. 33 page 654  
Date for application of water completed

Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued OCT 28 1980 Vol. 43 page 49735

**MAY 27 1982** 45-  
**AUG 15 1986** 50  
**AUG 15 1986** 50  
**AUG 15 1986** 50  
**AUG 15 1986** 50

~~50022~~  
~~54761~~  
54765 IN 32C  
54766 NIS  
54767 9 NIS  
**REMARKS**

### DESCRIPTION OF WATER RIGHT

Name of stream Birch Creek  
Trib. of \_\_\_\_\_ County of Umatilla  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 49 1/2  
Name of ditch \_\_\_\_\_  
Date of priority \_\_\_\_\_  
In name of \_\_\_\_\_  
Umatilla River Adjudication, Vol. 3 page 241  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 2579 3478

Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

### FEES PAID

Date	Amount	Receipt No.
<u>1-27-75</u>	<u>30.00</u>	<u>44964</u>
<u>6/28/80</u>	<u>100.00</u>	<u>19108</u>
TOTAL . . .		
	Cert. Fee	

East Oregonian # 80-39 pd 8/12/80 ck # 4338

### FEES REFUNDED

Date	Amount	Check No.
<u>8-12-80</u>	<u>14 61</u>	<u>4339</u>

EX 20-  
POD 15-  
PON 8039  
11539

INDEX CARDS:	Entered	Checked
Name	<u>gig</u>	_____
Stream	<u>gig</u>	_____
Pt. of Div.	_____	_____
Calendar	<u>gig</u>	_____
CHECKED TO RECORDS:		
Twp. & Rge.	<u>SRB</u>	_____
Decree-vault	<u>SRB</u>	_____
Decree-safe	<u>SRB</u>	_____
Cert. of W/R	<u>SRB</u>	_____
Per. Folder	<u>SRB</u>	_____
Chaindex	_____	_____
Cross Ref.	_____	_____
Power Claim	<u>gig</u>	_____
Abstracts	_____	_____

TO BE ENTERED WHERE CHECKED

2579 & 2931

C-3478  
A-7818

see files 7818

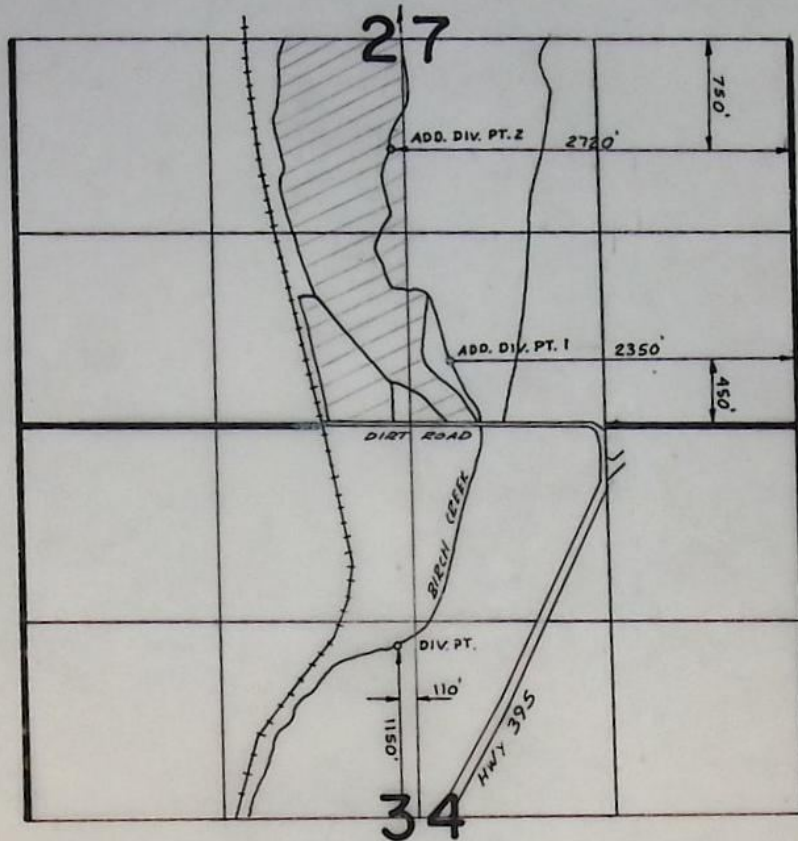
31327

16-9751

Order approving Transfer No 3870 canceled certificate 2579



T. 1 N. R. 32 E. W.M.



**FINAL PROOF SURVEY**  
UNDER

**TRANSFER 3160**

Application No. .... Permit No. ....  
IN NAME OF

..... **BEN A. WEINKE** .....

Surveyed 6-18 1980, by John L. Church

RECEIVED

JUN 27 1980

WATER RESOURCES DEPT  
SALEM, OREGON



## STATE OF OREGON

COUNTY OF

UMATILLA

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That**

LOUIS MALE

of Pilot Rock, State of Oregon 97868, has  
a right to the use of the waters of Birch Creek

a tributary of Umatilla River for the purpose of  
irrigation of 54.0 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 127; that the priority of the right  
thereby confirmed dates from 1867 for 6.0 acres and 1908 for 48.0 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 0.685 cubic foot  
per second, subject to the provisions of Paragraph 33 of said decree

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:

5.0 acres SE 1/4 SW 1/4  
25.0 acres SW 1/4 SE 1/4  
Section 22

10.0 acres NW 1/4 NE 1/4  
14.0 acres NE 1/4 NW 1/4  
Section 27

Township 1 North, Range 32 East, WM

This certificate is issued so as to correctly describe the place of use and  
supersedes Certificate 50922, Volume 45, State Record of Water Right  
Certificates.

The issuance of this superseding certificate does not confirm the status of  
the water right in regard to the provisions of ORS 540.610 pertaining to  
forfeiture or abandonment.

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 August 15, 1986.

*William H. Young*  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 50, page 54769



## STATE OF OREGON

COUNTY OF

UMATILLA

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That**

LOUIS MALE

of Pilot Rock, State of Oregon 97868, has  
a right to the use of the waters of Birch Creek

a tributary of Umatilla River for the purpose of  
irrigation of 85.0 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 127; that the priority of the right  
thereby confirmed dates from 1867 for 6.0 acres and 1908 for 79.0 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 1.065 cubic feet  
per second, subject to the provisions of Paragraph 33 of said decree

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:

5.0 acres SE 1/4 SW 1/4  
25.0 acres SW 1/4 SE 1/4  
Section 22

10.0 acres NW 1/4 NE 1/4  
20.0 acres SW 1/4 NE 1/4  
20.0 acres NE 1/4 NW 1/4  
5.0 acres SE 1/4 NW 1/4  
Section 27

Township 1 North, Range 32 East, WM

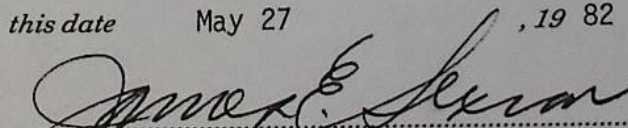
Certificate of water right recorded at page 49735, Volume 43, State Record of  
Water Right Certificates was issued in error. This certificate describes that  
portion of the water right confirmed by the prior certificate recorded at page  
2579, Volume 3, State Record of Water Right Certificates, NOT modified by the  
provisions of orders of the Water Resources Director entered October 5, 1978,  
May 30, 1979, September 8, 1980, approving Transfer Applications 3948, 3870,  
and 3160 and is issued to supersede Certificate 49735.

The issuance of this superseding certificate does not confirm the status of  
the water right in regard to the provisions of ORS 540.610 pertaining to  
forfeiture or abandonment.

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 May 27, 1982.

  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 45, page 50922



## STATE OF OREGON

COUNTY OF UMATILLA

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** LOUIS MALE (FOR GEO. MALE)

of Pilot Rock, State of Oregon 97868, has  
a right to the use of the waters of  
Birch Creek

a tributary of Umatilla River for the purpose of  
irrigation of 105 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 127; that the priority of the  
right thereby confirmed dates from 1867 for 6 acres; 1908 for 99 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 1.315 cubic feet  
per second.

This certificate describes that portion of the water right confirmed by 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 127; that the priority of the  
right thereby confirmed dates from 1867 for 6 acres; 1908 for 99 acres,

The point of diversion is located in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 34, T. 1 N., R. 32 E., W.M.

The issuance of this superseding certificate does not confirm the status of the  
A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:

SEE NEXT PAGE

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, official

this day

October 20, 1930.

Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 33, page 4913b



5.0 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
25.0 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 22

20.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
20.0 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
20.0 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
5.0 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
10.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 27  
T. 1 N., R. 32 E., W.M.

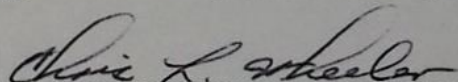
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 2579, Volume 3, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on September 8, 1980, approving transfer application No. 3160.

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                      October 28                      , 19 80 .



Deputy      Water Resources Director



## STATE OF OREGON

COUNTY OF

UMATILLA

## CERTIFICATE OF WATER RIGHT

**This is to certify, That** BEN A. WEINKE

of Route 2, Box 96, Pendleton, State of Oregon 97801, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Birch Creek

a tributary of Umatilla River for the purpose of irrigation of 10.0 acres

under Permit No. 5067 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 30, 1921

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

0.13 cubic foot per second, if available at the original point of diversion, NW 1/4 NE 1/4, Section 34, T1N, R32E, WM; Weinke Ditch - 520 feet South and 120 feet East from N 1/4 Corner, Section 34

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 27, SE 1/4 NW 1/4, Section 34, T1N, R32E, WM; 750 feet South and 2,720 feet West from E 1/4 Corner, Section 27, 450 feet North and 2,350 feet West from SE Corner, Section 27, 1,150 feet North and 110 feet West from C 1/4 Corner, Section 34

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ----- of one cubic foot per second per acre,

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.

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

10.0 acres SE 1/4 SW 1/4  
Section 27  
Township 1 North, Range 32 East, WM

This certificate is issued to confirm changes in points of diversion approved by an order of the Water Resources Director entered September 8, 1980 and supersedes Certificate of Water Right recorded at page 3478, Volume 4, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed

this date. August 15, 1986

/s/ William H. Young  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 50, page 54764



## STATE OF OREGON

COUNTY OF

UMATILLA

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That**

BEN A. WEINKE

of Route 2, Box 96, Pendleton  
a right to the use of the waters of Birch Creek

, State of Oregon 97801 , has

a tributary of Umatilla River  
irrigation of 10.0 acres

for the purpose of

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 127 ; that the priority of the right thereby confirmed dates from 1908

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 0.125 cubic foot per second if available at the original point of diversion, NW 1/4 NE 1/4, Section 34, T1N, R32E, WM; Weinke Ditch - 520 feet South and 120 feet East from N 1/4 Corner, Section 34 subject to the provisions of paragraph 33 of said decree

The point of diversion is located in the NE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 27, SE 1/4 NW 1/4, Section 34, T1N, R32E, WM; 750 feet South and 2,720 feet West from E 1/4 Corner, Section 27, 450 feet North and 2,350 feet West from SE Corner, Section 27, 1,150 feet North and 110 feet West from C 1/4 Corner, \*

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

\* Section 34

5.0 acres NE 1/4 SW 1/4

5.0 acres SW 1/4 SE 1/4

Section 27

Township 1 North, Range 32 East, WM

This certificate is issued to confirm changes in points of diversion approved by an order of the Water Resources Director entered September 8, 1980 and together with Certificates of Water Right recorded at pages 54767, 54768, 54769, Volume 50, State Record of Water Right Certificates supersedes Certificate 2579.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 August 15 , 19 86 .

/s/ William H. Young  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 50 , page 54766



## STATE OF OREGON

COUNTY OF UMATILLA

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

BEN A. WEINKE

of Route 2, Box 96, Pendleton, State of Oregon 97801, has  
a right to the use of the waters of Birch Creek

a tributary of Umatilla River for the purpose of  
irrigation of 25.0 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 127; that the priority of the  
right thereby confirmed dates from 1895

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 0.31 cubic foot  
per second if available at the original point of diversion, NW 1/4 NE 1/4,  
Section 34, T1N, R32E, WM; Weinke Ditch - 520 feet South and 120 feet East  
from N 1/4 Corner, Section 34 subject to the provisions of paragraph 33 of  
said decree

The point of diversion is located in the NE 1/4 SW 1/4, SW 1/4 SE 1/4, Section 27,  
SE 1/4 NW 1/4, Section 34, T1N, R32E, WM; 750 feet South and 2,720 feet West  
from E 1/4 Corner, Section 27, 450 feet North and 2,350 feet West from SE  
Corner, Section 27, 1,150 feet North and 110 feet West from C 1/4 Corner, \*

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

\* Section 34

CF  
11.5 acres NE 1/4 SW 1/4  
13.5 acres SE 1/4 SW 1/4  
Section 27  
Township 1 North, Range 32 East, WM

This certificate is issued to confirm changes in points of diversion approved  
by an order of the Water Resources Director entered September 8, 1980 and  
supersedes Certificate of Water Right recorded at page 2931, Volume 4, State  
Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of  
the water right in regard to the provisions of ORS 540.610 pertaining to  
forfeiture or abandonment.

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 August 15, 1986.

/s/ William H. Young  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 50, page 54765



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF BEN A. WEINKE FOR APPROVAL OF )  
CHANGE IN POINTS OF DIVERSION OF )  
WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 3160

On January 27, 1975, an application was filed in the office of the Water Resources Director by Ben A. Weinke for approval of a change in point of diversion and two additional points of diversion of water from Birch Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2579, Volume 3, State Record of Water Right Certificates, in the name of Louis Male, describes a right which includes the use of not to exceed 0.125 cubic foot per second from Birch Creek for irrigation of a certain 5.0 acres in NE 1/4 SW 1/4 and 5.0 acres in SW 1/4 SE 1/4, Section 27, Township 1 North, Range 32 East, W.M., with a date of priority of 1908.

The certificate recorded at page 2931, Volume 4 of said record, in the name of August Weinke, describes a right for the use of not to exceed 0.31 cubic foot per second from Birch Creek for irrigation of a certain 11.5 acres in NE 1/4 SW 1/4 and 13.5 acres in SE 1/4 SW 1/4 of said Section 27, with a date of priority of 1895.

The certificate recorded at page 3478 of said Volume 4, in the name of August Weinke, describes a right for the use of not to exceed 0.13 cubic foot per second from Birch Creek for irrigation of a certain 10.0 acres in SE 1/4 SW 1/4 of said Section 27, with a date of priority of March 21<sup>st</sup>, 1921.

Water for the said rights is diverted, through the Weinke Ditch, from a point located 520 feet South and 120 feet East from the North Quarter Corner of Section 34, being within the NW 1/4 NE 1/4, Section 34, Township 1 North, Range 32 East, W.M.

The applicant herein, owner of the lands above described, proposes, without loss of priority, to change to three points of diversion located 1) 1150 feet North and 110 feet West from the Center of Section 34, being within the SE 1/4 NW 1/4, Section 34; 2) 450 feet North and 2350 feet West from Southeast Corner of Section 27, being within the SW 1/4 SE 1/4, Section 27; and 3) 750 feet South and 2720 feet West from the East Quarter Corner of Section 27, being within the NE 1/4 SW 1/4, Section 27, all Township 1 North, Range 32 East, W.M.



Notice of the application, pursuant to ORS 540.520(2), 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 July 9, 16 and 23, 1980.

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

No objections having been filed and it appearing that the proposed changes 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 changes in point of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

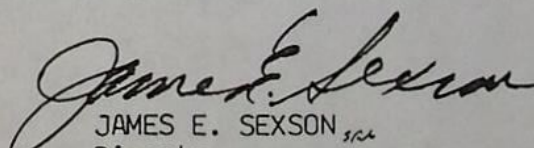
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the changes in point of diversion are completed.

It is FURTHER ORDERED that the certificates recorded at page 2579, Volume 3, and pages 2931 and 3478, Volume 4, State Record of Water Right Certificates, are canceled; and in lieu thereof a new certificate be issued covering the balance of the right under certificate 2579 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 8th day of September, 1980.

  
JAMES E. SEXSON, JR.  
Director



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF BEN A. WEINKE FOR APPROVAL OF )  
CHANGE IN POINTS OF DIVERSION OF )  
WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 3160

On January 27, 1975, an application was filed in the office of the Water Resources Director by Ben A. Weinke for approval of a change in point of diversion and two additional points of diversion of water from Birch Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2579, Volume 3, State Record of Water Right Certificates, in the name of Louis Male, describes a right which includes the use of not to exceed 0.125 cubic foot per second from Birch Creek for irrigation of a certain 5.0 acres in NE 1/4 SW 1/4 and 5.0 acres in SW 1/4 SE 1/4, Section 27, Township 1 North, Range 32 East, W.M., with a date of priority of 1908.

The certificate recorded at page 2931, Volume 4 of said record, in the name of August Weinke, describes a right for the use of not to exceed 0.31 cubic foot per second from Birch Creek for irrigation of a certain 11.5 acres in NE 1/4 SW 1/4 and 13.5 acres in SE 1/4 SW 1/4 of said Section 27, with a date of priority of 1895.

The certificate recorded at page 3478 of said Volume 4, in the name of August Weinke, describes a right for the use of not to exceed 0.13 cubic foot per second from Birch Creek for irrigation of a certain 10.0 acres in SE 1/4 SW 1/4 of said Section 27, with a date of priority of March 21<sup>st</sup>, 1921.

Water for the said rights is diverted, through the Weinke Ditch, from a point located 520 feet South and 120 feet East from the North Quarter Corner of Section 34, being within the NW 1/4 NE 1/4, Section 34, Township 1 North, Range 32 East, W.M.

The applicant herein, owner of the lands above described, proposes, without loss of priority, to change to three points of diversion located 1) 1150 feet North and 110 feet West from the Center of Section 34, being within the SE 1/4 NW 1/4, Section 34; 2) 450 feet North and 2350 feet West from Southeast Corner of Section 27, being within the SW 1/4 SE 1/4, Section 27; and 3) 750 feet South and 2720 feet West from the East Quarter Corner of Section 27, being within the NE 1/4 SW 1/4, Section 27, all Township 1 North, Range 32 East, W.M.



Notice of the application, pursuant to ORS 540.520(2), 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 July 9, 16 and 23, 1980.

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

No objections having been filed and it appearing that the proposed changes 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 changes in point of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

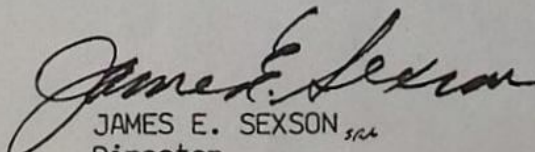
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the changes in point of diversion are completed.

It is FURTHER ORDERED that the certificates recorded at page 2579, Volume 3, and pages 2931 and 3478, Volume 4, State Record of Water Right Certificates, are canceled; and in lieu thereof a new certificate be issued covering the balance of the right under certificate 2579 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 8th day of September, 1980.

  
JAMES E. SEXSON *sca*  
Director



RECEIVED

JUL 28 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, }

County of Umatilla } ss

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-681 Water right Transfer application  
No. 3160

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

July 9, 16, & 23rd, 1980

Beverly Krosting

Subscribed and sworn to before me this 24th day of

July, 1980

Patricia J. Carpenter

Notary Public of Oregon

EO-681  
NOTICE OF WATER  
RIGHT TRANSFER  
APPLICATION  
NO. 3160

On January 27, 1975, an application was filed in the office of the Water Resources Director by Ben A. Weinke for approval of a change in point diversion and two additional points of diversion from Birch Creek, under certain water rights.

The certificate recorded at page 2579, Volume 3, State Record of Water Right Certificates, in the name of Louis Male, describes a right which includes the use of not to exceed 0.125 cubic foot per second from Birch Cr for irrigation of a certain 5.0 ac in NE 1/4 SW 1/4 & 5.0 ac in SW 1/4 SE 1/4, Sec 27, T1N, R32E, WM, with a date of priority of 1908.

The certificate recorded at page 2931, Volume 4 of said record, in the name of August Weinke, describes a right for the use of not to exceed 0.31 c.f.s. from Birch Cr for irrigation of a certain 11.5 ac in NE 1/4 SW 1/4 & 13.5 ac in SE 1/4 SW 1/4 of said Sec 27, with a date of priority of 1895.

The certificate recorded at page 3478 of said Volume 4, in the name of August Weinke, describes a right for the use of not to exceed 0.13 c.f.s. from Birch Cr for irrigation of a certain 10.0 ac in SE 1/4 SW 1/4 of said Sec 27, with a date of priority of March 21, 1921.

Water for the said rights is diverted, through the Weinke Ditch, from a point located 520 ft. S & 120 ft. E from the N 1/4 Corner of Sec 34, being within the NW 1/4 NE 1/4, Sec 34, T1N, R32E, WM.

The applicant herein, owner of the lands above described, proposes, without loss of priority, to change to 3 points of diversion located 1) 1150 ft N & 110 ft W from the Center of Sec 34, being within the SE 1/4 NW 1/4, Sec 34; 2) 450 ft N & 2350 ft W from SE corner of Sec 27, being within the SW 1/4 SE 1/4, Sec 27; and 3) 750 ft S & 2720 ft W from the E 1/4 corner of Sec 27, being within the NE 1/4 SW 1/4, Sec 27, all T1N R32E, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30am on Thursday, September 4, 1980, at the Umatilla County Courthouse, Pendleton, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the application at Rt. 2 Box 96, 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 2nd day of July, 1980.  
James E. Sexson, Director  
July 9, 16, 23, 1980

MY COMMISSION EXPIRES  
SEPT. 2, 1980



## STATE OF OREGON

COUNTY OF

UMATILLA

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That EDWIN HOEFT

of Rt. 2, Box 108, Pendleton, State of Oregon, 97801, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Birch Creek

a tributary of Umatilla River for the purpose of irrigation of 99.9 acres

under Permit No. 24830 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 29, 1957 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 1.92 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 27, NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, T. 1 N., R. 32 E., W. M., No. 1-1630 feet South and 260 feet West from the N $\frac{1}{4}$  Corner, Section 27, No. 2-560 feet South and 150 feet East, No. 3-1150 feet South and 180 feet East, Hoeft Ditch-3580 feet South and 1260 feet West, all from the N $\frac{1}{4}$  Corner, Section 34

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

15.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$ 20.0 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$ 1.8 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$ 2.4 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$ 1.7 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$ 30.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$ 29.0 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$ 

Section 27

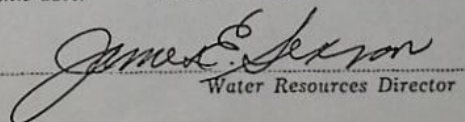
T. 1 N., R. 32 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 30426, Volume 22, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on October 5, 1978, approving transfer application No. 3882. The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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. November 2, 1978

  
Water Resources Director



STATE OF OREGON  
COUNTY OF UMATILLA

CERTIFICATE NO. 46829

# CERTIFICATE OF WATER RIGHT

This Is to Certify, That EDWIN HOEFT

of Route 2, Box 108, Pendleton, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Birch Creek

a tributary of Umatilla River for the purpose of irrigation of 121.9 acres

under Permit No. 24830 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 29, 1957,

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 2.34 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the No. 1 - SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 27, T. 1 N., R. 32 E.; No. 2 - NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 34, T. 1 N., R. 32 E.; No. 3 - NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 34, T. 1 N., R. 32 E., W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed  $4\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

T-3882

15.0 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	- 22.0 ac (0.42 cfs)
20.0 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	
1.8 23.8 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	
2.4 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	
1.7 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	
30.0 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	
29.0 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	

Section 27  
T. 1 N., R. 32 E., W.M.

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. DECEMBER 3 1962

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 22, page 30426

T-3882



STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Court)

**This is to Certify.** That LOUIS MALE (For Geo. Male)  
of Pilot Rock State of Oregon has a right to the use of  
the waters of BIRCH Creek, a tributary of the Umatilla River,

for the purpose of the irrigation of 115 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 7 at page 127; that the priority of the right hereby confirmed dates from 1867 for 6 acres and 1906 for 109 acres

that the amount of water to which such right is entitled and hereby confirmed for the purpose aforesaid, is limited to an amount actually beneficially used for said purpose, and shall not exceed 1.44 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: 5 acres in the Southeast quarter of Southwest quarter and 25 acres in the Southwest quarter of Southeast quarter of Section Twenty-two; 20 acres in the Northwest quarter of Northeast quarter; 20 acres in the Southwest quarter of Northeast quarter; 20 acres in the Northeast quarter of Northwest quarter; 5 acres in the Southeast quarter of Northwest quarter; 5 acres in the Northeast quarter of Southwest quarter; 10 acres in the Northwest quarter of Southeast quarter and 5 acres in the Southwest quarter of Southeast quarter of Section Twenty-seven, Township One North, Range Thirty-two East of Willamette Meridian, 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 State  
Water Board  
                    , affixed this 29th day

of December, 1919.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By: Percy A. Cupper  
State Engineer, President

Attest:

W. W. Potter

Secretary

Recorded in State Record of Water Right Certificates, Volume 27, page 2579

7-3948 73870

T 3160



STATE OF OREGON  
COUNTY OF UMATILLA

CERTIFICATE NO. 46829

# CERTIFICATE OF WATER RIGHT

This Is to Certify, That EDWIN HOEFT

of Route 2, Box 108, Pendleton, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Birch Creek

a tributary of Umatilla River for the purpose of irrigation of 121.9 acres

under Permit No. 24830 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 29, 1957,

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 2.34 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the No. 1 - SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 27, T. 1 N., R. 32 E.; No. 2 - NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 34, T. 1 N., R. 32 E.; No. 3 - NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 34, T. 1 N., R. 32 E., W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed  $4\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

15.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
20.0 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$  T-3882  
23.8 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$  - 22.0 Ac (0.42 cfs)  
2.4 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
1.7 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
30.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
29.0 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 27  
T. 1 N., R. 32 E., W.M.

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. DECEMBER 3 1962

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 22, page 30426



## STATE OF OREGON

COUNTY OF

UMATILLA

## CERTIFICATE OF WATER RIGHT

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20.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$	30.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
1.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$	29.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
2.4 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 27

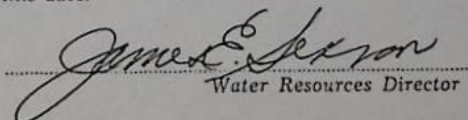
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WITNESS the signature of the Water Resources Director, affixed

this date. November 2, 1978

  
Water Resources Director