

3439 Robert W. Kindero
Star Route
Union, Or.

3439

STATUS OF APPLICATION

Change in additional joint of diversion
Date filed 7-22-76
Date of hearing 4-5-77
Place of hearing La Grande
Date of order 4-20-77 Vol. 28, page 474
Date for application of water 10-1-78
Proof mailed _____

Proof received DEC 19 1977 Vol. 37, page 45109
Certificate issued DEC 19 1977 Vol. 37, page 45110
DEC 19 1977 Vol. 37, page 45111
OCT 28 1980 Vol. 43, page 49739
OCT 28 1980 Vol. 43, page 49740
Jan. 18, 1982 Vol. 44, page 50538

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Catherine Creek
Trib. of _____ County of Union
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch Red Mill
Date of priority 1867 & 1883 for Cert # 40632
1867 for Cert # 40856 & May 21, 1968 for Cert # 40960
In name of R.A. Creighton
Grande Ronde R. Adjudication, Vol. 8, page 48
App. No. 44957 Per. No. 34068 Cert. No. 40960
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>7-22-76</u>	<u>18.25 P.M.</u>	<u>55022</u>
<u>3-30-76</u>	<u>61.75</u>	<u>52204</u>
<u>4-13-77</u>	<u>9.50</u>	<u>59692</u>
TOTAL . . .		
<u>1/9/77</u>	<u>\$6 Cert. Fee</u>	<u>Trans. from 52204</u>
Eastern Oregon Review	<u>48.50</u>	

FEES REFUNDED

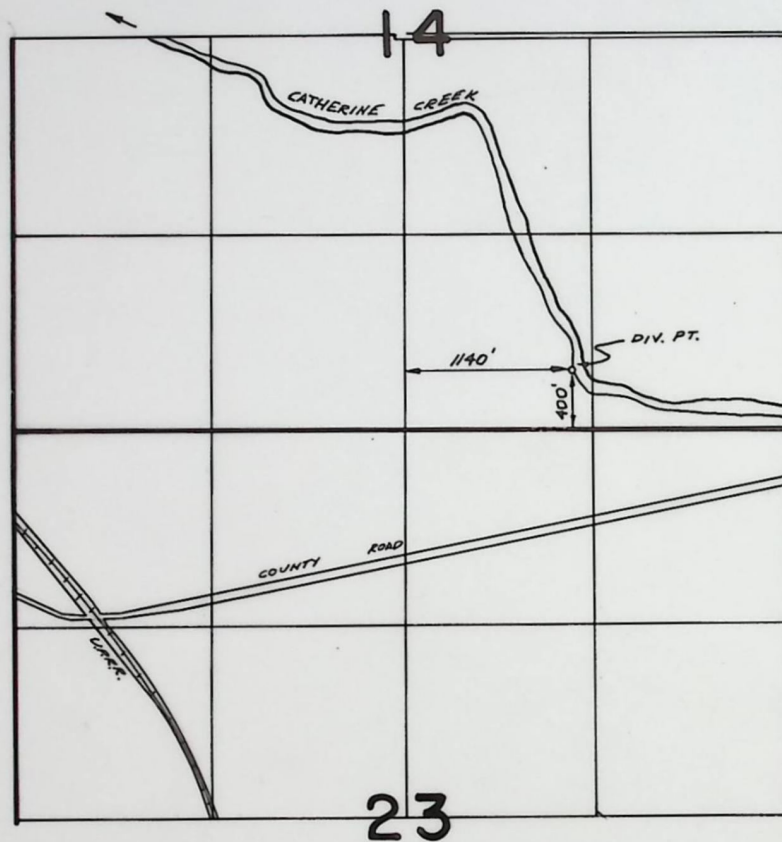
Date	Amount	Check No.
------	--------	-----------

Fees Exam 20-
POD 15
3 Cert. 6
41-

INDEX CARDS:	Entered	Checked
<u>WH</u> Name	<u>✓</u>	<u> </u>
<u>WH</u> Stream	<u>✓</u>	<u> </u>
<u>WH</u> Pt. of Div.	<u> </u>	<u> </u>
<u>WH</u> Calendar	<u>✓</u>	<u> </u>
CHECKED TO RECORDS:		
<u>0</u> Twp. & Rge.	<u> </u>	<u> </u>
<u>✓</u> Decree-vault	<u> </u>	<u> </u>
<u>✓</u> Decree-safe	<u> </u>	<u> </u>
<u>✓</u> Cert. of W/R	<u> </u>	<u> </u>
<u>✓</u> Per. Folder	<u> </u>	<u> </u>
<u> </u> Chainindex	<u> </u>	<u> </u>
<u> </u> Cross Ref.	<u> </u>	<u> </u>
<u> </u> Index/Claim	<u> </u>	<u> </u>
<u>✓</u> Abstracts	<u> </u>	<u> </u>

CCB

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



FINAL PROOF SURVEY
UNDER

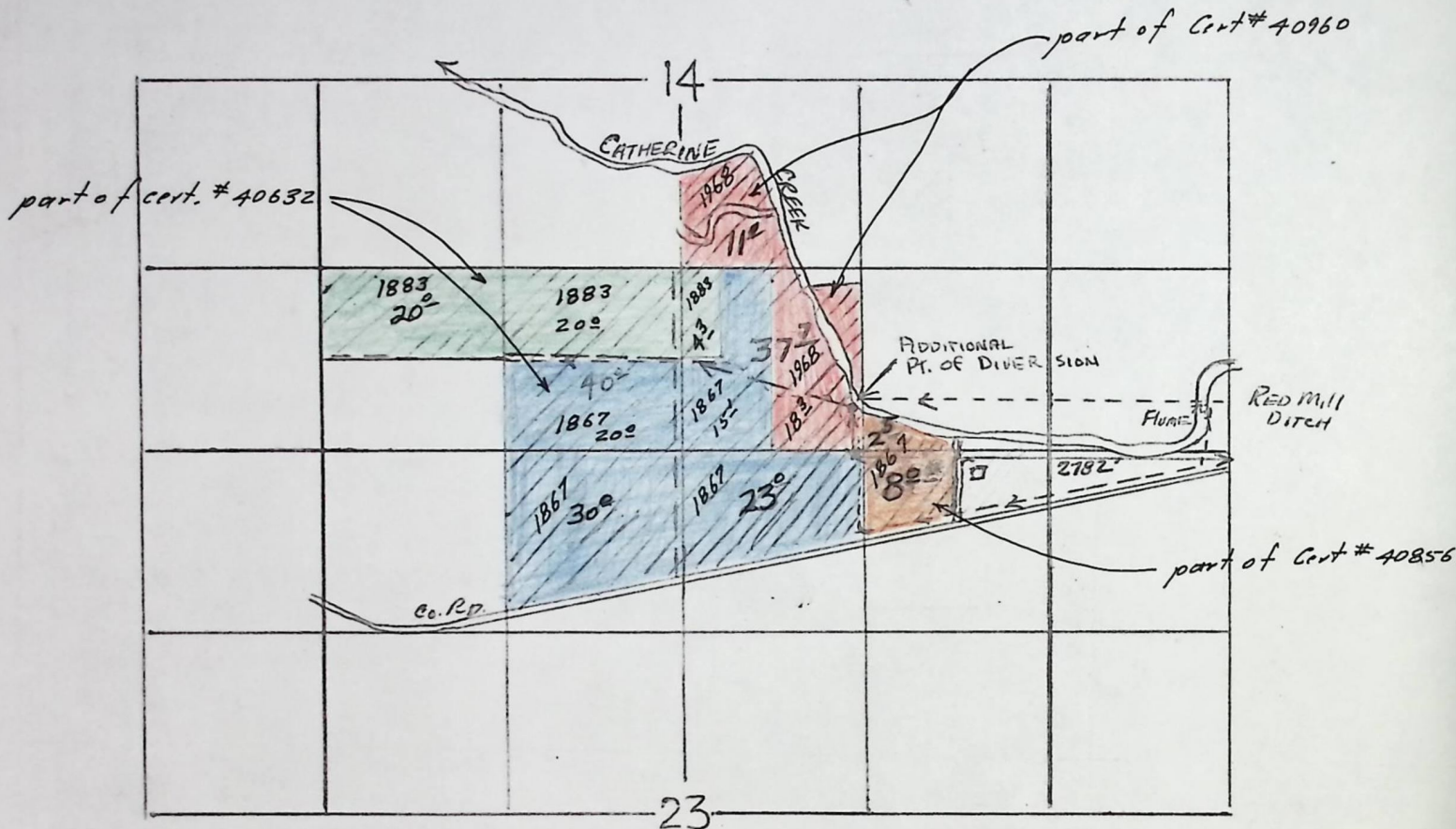
TRANSFER 3439

Application No. Permit No.
IN NAME OF

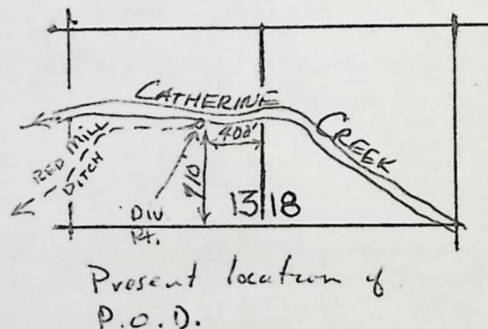
..... **ROBERT W. KIMBRO**

Surveyed 10-20 1977, by R. BARWIN

T4S R.39 EWM
Union County
Additional point of diversion



-- Present ditch
-- Buried pipe



4 in. = 1 mile

RECEIVED
OCT 14 1976
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
OCT 14 1976
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF

UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ROBERT W. KIMBRO

of Star Route, Union
a right to the use of the waters of Catherine Creek

, State of Oregon 97883 , has

a tributary of Grande Ronde River
irrigation of 10.5 acres

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Union County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 8 , at page 1 ; that the priority of the right thereby confirmed dates from 1867;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed three acre-feet per acre in any irrigation season, diverted at a rate of not to exceed one-fortieth of a cubic foot per second per acre, if available at the original point of diversion; NW 1/4 NW 1/4, Section 19, T4S, R40E, WM, Goodley Ditch Number 1.

The point of diversion is located in the SE 1/4 SE 1/4, Section 13, SW 1/4 SE 1/4, Section 14, T4S, R39E, WM; 710 feet North and 400 feet West from SE Corner, Section 13; 400 feet North and 1,140 feet East from S 1/4 Corner, Section 14.

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

2.5 acres SE 1/4 SE 1/4

Section 14

8.0 acres NE 1/4 NE 1/4

Section 23

Township 4 South, Range 39 East, WM

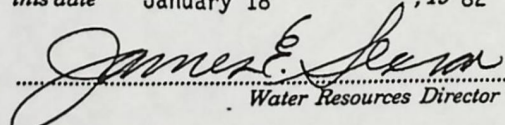
This certificate is issued to confirm an additional point of diversion approved by an order of the Water Resources Director entered April 20, 1977 and together with certificate of water right recorded at page 45110, Volume 37, State Record of Water Right Certificates, supersedes certificate of water right recorded at page 40856, Volume 32, 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 January 18 , 19 82 .


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 44 , page 50538

STATE OF OREGON

COUNTY OF

UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ROBERT W. KIMBRO

of Star Route, Union, State of Oregon 97883, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Catherine Creek

a tributary of Grande Ronde River
irrigation of 29.4 acres

for the purpose of

under Permit No. 34068 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 May 21, 1968
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 0.48 cubic foot 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 $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, T. 4 S., R. 39 E., W.M.; 710 feet North and 400 feet West from SE Corner, Section 13, 400 feet North and 1140 feet East from S $\frac{1}{4}$ Corner, Section 14

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 3 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:

11.1 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
18.3 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 14
T. 4 S., R. 39 E., W.M.

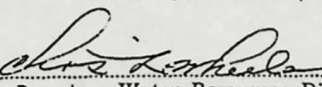
This certificate is issued to confirm an additional point of diversion approved by an order of the Water Resources Director entered on April 20, 1977 and together with certificate of water right recorded at page 45111, Volume 37, State Record of Water Right Certificates, supersedes certificate of water right recorded at page 40960, Volume 33, 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.

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 28, 1980


Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43, page 49740

225679-J2
DVA Notification

STATE OF OREGON

COUNTY OF

UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

R. A. CREIGHTON

of P. O. Box 419, Union, State of Oregon, 97883, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Catherine Creek

a tributary of Grande Ronde River for the purpose of irrigation of 10.0 acres

under Permit No. 34068 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 May 21, 1968 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 0.16 cubic foot 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 $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, T. 4 S., R. 39 E., W. M., 710 feet North and 400 feet West from the SE Corner, Section 13

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 3 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:

10.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 14
T. 4 S., R. 39 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 40960, Volume 33, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on April 20, 1977, approving transfer application No. 3439. 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. December 19, 1977

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 37, page 45111

DVA Notification

925679-32

Superseded: 50538

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

R. A. CREIGHTON

of P. O. Box 419, Union, State of Oregon, 97883, has
a right to the use of the waters of Catherine Creek

a tributary of Grande Ronde River for the purpose of
irrigation of 26.7 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Union County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 8, at page 1; that the priority of the
right thereby confirmed dates from 1867 for Tract No. 2 and 1876 for Tract No. 3

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

The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, T. 4 S., R. 39 E., W. M.,
710 feet North and 400 feet West from the SE Corner, Section 13

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

<p>Tract No. 2 7.5 acres NE$\frac{1}{4}$ NE$\frac{1}{4}$ Section 23 3.4 acres NW$\frac{1}{4}$ NW$\frac{1}{4}$ Section 24 T. 4 S., R. 39 E., W. M.</p>	<p>Tract No. 3 8.3 acres SW$\frac{1}{4}$ SW$\frac{1}{4}$ Section 13 7.5 acres SE$\frac{1}{4}$ SE$\frac{1}{4}$ Section 14 T. 4 S., R. 39 E., W. M.</p>
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This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 40856, Volume 32, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on April 20, 1977, approving transfer application No. 3439.

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 December 19, 1977.

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 37, page 45110

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Union County

IN THE MATTER OF THE APPLICATION }
OF ROBERT W. KIMBRO FOR APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM CATHERINE CREEK }

ORDER APPROVING
TRANSFER NO. 3439

On July 22, 1976, Robert W. Kimbro filed an application in the office of the Water Resources Director for approval of an additional point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

Certificates recorded at Pages 40632, 40856 and 40960, Volumes 32 and 33, State Record of Water Right Certificates, in the name of R. A. Creighton, describe existing rights of record to the waters of Catherine Creek as follows:

Certificate 40632 - Irrigation of, among other lands, 20.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 15.1 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14; 23.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 30.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 4 South, Range 39 East, W.M., with a priority date of 1867; and irrigation of 20.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 20.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 4 South, Range 39 East, W.M., with a priority date of 1883.

Certificate 40856 - Irrigation of, among other lands, 2.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, and 8.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 4 South, Range 39 East, W.M., with a priority date of 1867.

Certificate 40960 - Irrigation of, among other lands, 11.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 18.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 4 South, Range 39 East, W.M., with a priority date of May 21, 1968.

Water for the said rights is diverted through the Red Mill Ditch from a point located 710 feet North and 400 feet West from the Southeast corner of Section 13, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 4 South, Range 39 East, W.M.

NOT TOC JAA

The applicant herein, owner of the lands above described, proposes to establish, without loss of priority, an additional point of diversion for irrigation of the said lands from Catherine Creek, at a point located 136 feet North and 2782 feet West from the Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 4 South, Range 39 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Eastern Oregon Review, a newspaper printed and having general circulation in Union County, Oregon, for a period of three weeks in the issues of February 11, 18 and 25, 1977.

Mr. H. Boyd Hadden, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested additional point of diversion from Catherine Creek described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject rights.

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the certificates of water right heretofore issued to R. A. Creighton and recorded at Pages 40632, 40856 and 40960, Volumes 32 and 33, State Record of Water Right Certificates, are canceled, and in lieu thereof new certificates be issued covering the balance of the rights 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 20th day of April, 1977.

/s/ JAMES E. SEXSON
Director

Transfer No. 3439

NOTICE OF COMPLETION OF CONSTRUCTION

I, Robert W. Kimbro hereby certify
that the construction work has been completed and the change in point of
diversion of water made as set forth in the order of the Water Resources
Director dated 4/28/77, approving an application
for a change in point of diversion of water from Catherine
Creek.

4/28/77
Date

Robert W. Kimbro
Name

RECEIVED

MAY - 2 1977

WATER RESOURCES DEPT
SALEM, OREGON

74692

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. A. CREIGHTON

of P. O. Box 419, Union, State of Oregon, 97883, has
 a right to the use of the waters of Catherine Creek

a tributary of Grande Ronde River for the purpose of
 irrigation of 10.0 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Union County, and the said decree entered of record at Salem, in the Order Record of
 the WATER RESOURCES DIRECTOR, in Volume 8, at page 1; that the priority of the
 right thereby confirmed dates from 1867

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed three acre feet per
 acre in any irrigation season, diverted at a rate of not to exceed one-fortieth
 of a cubic foot per second

The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, T. 4 S., R. 39 E., W. M.,
 710 feet North and 400 feet West from the SE Corner, Section 13

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

10.0 acres S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 14
 T. 4 S., R. 39 E., W. M.

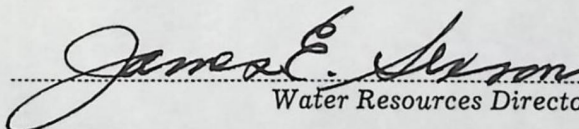
This certificate describes that portion of the water right confirmed by the prior
 certificate 40632, Volume 32, State Record of Water Right Certificates, NOT
 modified by the provisions of an order of the Water Resources Director entered
 on April 20, 1977, approving transfer application No. 3439.

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 December 19, 1977.


 Water Resources Director

CERTIFICATE OF WATER RIGHT

STATE OF OREGON

to

74692

STATE OF OREGON,

County of

Union

ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume

of Record of Water Right Certificates, at

Page, on the 2 day

of February, 1978.

Marilyn M. Smith
County Clerk.

74693

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

R. A. CREIGHTON

of P. O. Box 419, Union, State of Oregon, 97883, has
a right to the use of the waters of Catherine Creek

a tributary of Grande Ronde River for the purpose of
irrigation of 26.7 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Union County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 8, at page 1; that the priority of the
right thereby confirmed dates from 1867 for Tract No. 2 and 1876 for Tract No. 3

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

The point of diversion is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, T. 4 S., R. 39 E., W. M.,
710 feet North and 400 feet West from the SE Corner, Section 13

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

Tract No. 2
7.5 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 23
3.4 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 24
T. 4 S., R. 39 E., W. M.

Tract No. 3
8.3 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 13
7.5 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 14
T. 4 S., R. 39 E., W. M.


This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 40856, Volume 32, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on April 20, 1977, approving transfer application No. 3439.

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 December 19, 1977.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 37, page 45110

CERTIFICATE OF WATER RIGHT

STATE OF OREGON

to

74693

STATE OF OREGON,

County of Union

} ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume —

of Record of Water Right Certificates, at

Page —, on the 2 day

of February, 1978.

Marilyn Miller
County Clerk.

74694

STATE OF OREGON

COUNTY OF

UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. A. CREIGHTON

of P. O. Box 419, Union, State of Oregon, 97883, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Catherine Creek

a tributary of Grande Ronde River for the purpose of irrigation of 10.0 acres

under Permit No. 34068 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 May 21, 1968

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 0.16 cubic foot 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 $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, T. 4 S., R. 39 E., W. M., 710 feet North and 400 feet West from the SE Corner, Section 13

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 3 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:

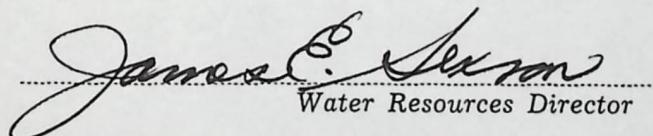
10.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 14
T. 4 S., R. 39 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 40960, Volume 33, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on April 20, 1977, approving transfer application No. 3439. 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. December 19, 1977


Water Resources Director

CERTIFICATE OF
WATER RIGHT

STATE OF OREGON

to

74694

STATE OF OREGON,

County of Union

} ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume —
of Record of Water Right Certificates, at
page — on the 2 day
of February, 1978.

Marilyn Miller
County Clerk

W. Kimbro
Star Rte.
Union, Oregon 97883

RECEIVED

AUG 18 1976

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

OCT 14 1976

WATER RESOURCES DEPT
SALEM, OREGONWATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Robert W. Kimbro
(Name of applicant)of Star Route, Union 97883, County of Union
(Postoffice)State of Oregon, do hereby make application for ~~change~~ additional point
of diversion
(In point of diversion; place of use; use heretofore made of the water)1. The source of present water right is Catherine Creek
(Name of stream)2. The use to which the water is applied is irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)3. The name of the ditch, canal or pipe line is Red Mill Ditch4. The point of diversion is located 710 ft. N and 400 ft. W from the SE
(N. or S.) (E. or W.)corner of Section 13 being within the SE 1/4 SE 1/4
(Section or subdivision)of Section 13 Tp. 4S R. 39E W. M., in the County of Union
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
4S	39E	14	Land under Cert. # 40632 Priority 1867				"	"	"	1883			20 [±]			15 [±]		
		23		23			30	Land under Cert. # 40632 Priority 1867					20	20			4 [±]	
4S	39E	23	8 [±]															
4S	39E	14	Land under Cert. 40856 - priority 1867															
4S	39E	14	Land under Cert. 40856 - priority 1867															
4S	39E	14	Land under Cert. 40960 Priority May 21, 1968													11 [±]	18 [±]	2 [±]

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes8. What is the date of priority of your water right? 1867 & 1883 for Cert. # 40632
1867 for Cert. # 40856
May 21, 1968 for Cert. # 409609. Was your water right acquired by State Engineer's Permit? yes If so, give number
(Yes or No)of permit 34068
Appl. No. 44547
957

10. Do you hold a water right certificate? yes If so, give number of certificate 40632
(Yes or No) 40956
40460

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

yes If so, give title of proceedings Grande Ronde River adjudication
(Yes or No)

12. Is the water right recorded in your name? R.A. Creighton
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed ^{additional} point of diversion is located 136 ft. N and 2782 ft. W from the NE
(N. or S.) (E. or W.)
corner of SW 1/4 NW 1/4 of Sec. 24 being within the SW 1/4 SE 1/4 of Section 14 Tp. 45 R. 39 E W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Union The name of the ditch to be used is pumping station

15. Are you the owner of the land on which the proposed point of diversion is to be located? yes

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

.....
.....
.....

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are more beneficial use of water -
going to sprinklers rather than flooding

.....
.....
.....

AFFIDAVIT OF APPLICANT

STATE OF OREGON,
County of Union } ss.

I, Robert W. Kimbro, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 21 day of July, 1976.

Robert W. Kimbro
(Name of applicant)

Subscribed and sworn to before me this 21 day of July, 1976.

[Notarial Seal]

Notary Public Signature
NOTARY PUBLIC FOR OREGON

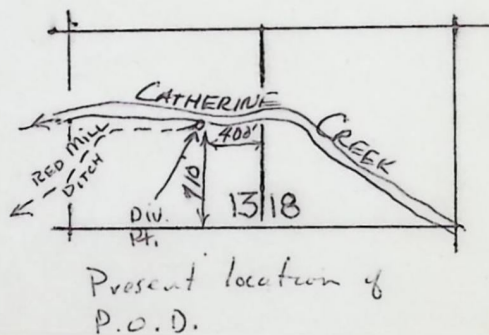
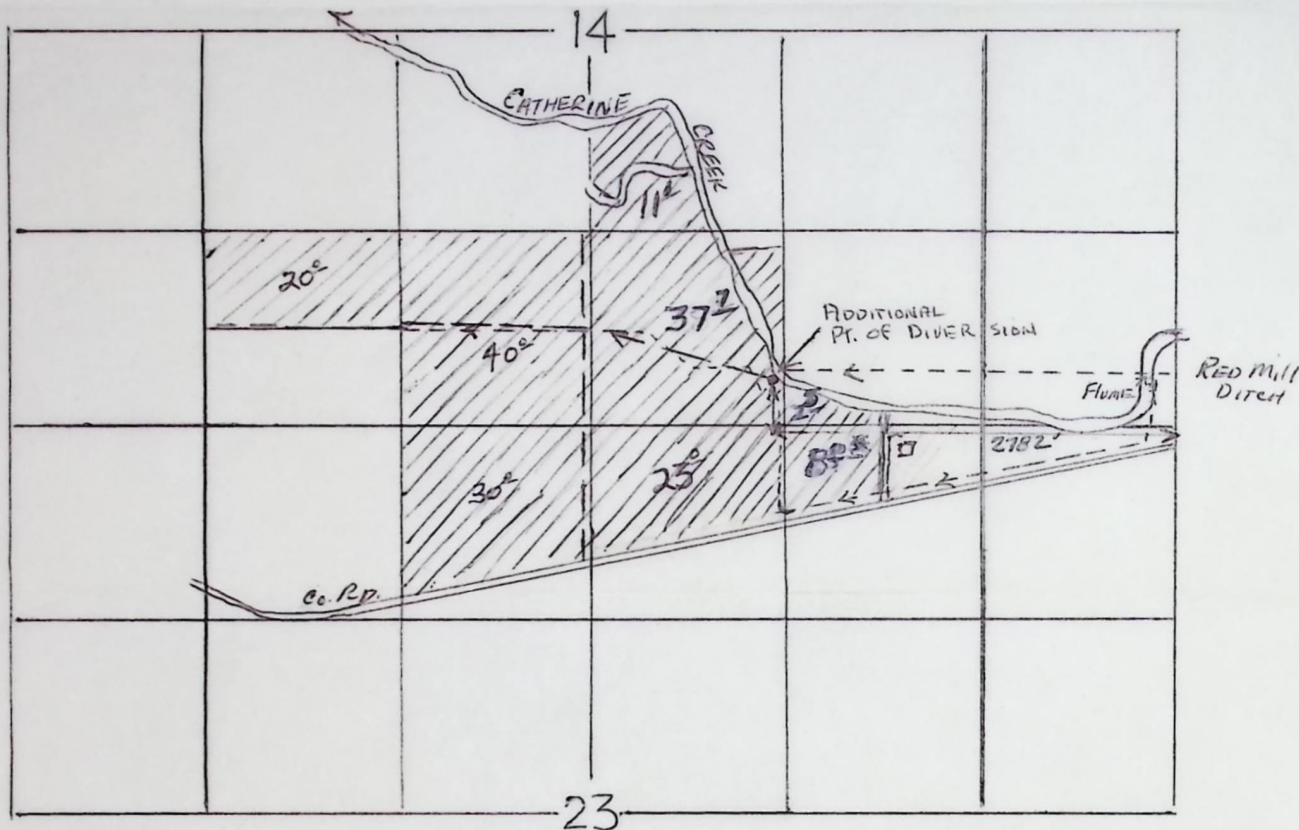
My commission expires Nov. 21, 1979.

Remarks

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

T4S R.39 EWM
 Union County
 Additional point of diversion

RECEIVED
 OCT 14 1976
 WATER RESOURCES DEPT
 SALEM, OREGON



-- Present ditch
 -- Buried pipe

4 in. = 1 mile

RECEIVED
 OCT 14 1976
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED
 MAY 10 1976
 WATER RESOURCES DEPT.
 SALEM, OREGON

T-3439



WATER RESOURCES DEPARTMENT

378-3066

1178 CHEMEKETA STREET N.E. • SALEM, OREGON • 97310 • Phone

T-3439

ROBERT W. STRAUB
GOVERNOR

January 28, 1977

Eastern Oregon Review
P.O. Box 8
La Grande, Oregon 97850

Gentlemen:

Enclosed is a notice for publication in the February 10, 17
and 24, 1977, issues of your newspaper.

If, for any reason, you cannot publish this notice on the
dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication
and statement for this service to this office.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:whh
Enclosures
cc: Robert W. Kimbro
cc: H. Boyd Hadden, Watermaster, Dist. No. 6

Need Watermaster's report, please.

Feb. 1, 1977

*The proposed additional joint of diversion can be
made without injury to existing rights. The order
should include provision I.*

C O P Y

*Boyd Hadden
Watermaster
Dist. 6*

RECEIVED
FEB 2 1977
WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3439 FOR CHANGE IN
POINT OF DIVERSION

Notice is given hereby that Robert W. Kimbro has filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from Catherine Creek.

Certificates recorded at Pages 40632, 40856 and 40960, State Record of Water Right Certificates, in the name of R. A. Creighton, describe existing rights of record to the waters of Catherine Creek as follows:

Certificate 40632 - Irrigation of, among other lands, 20.0 acres in SE 1/4 SW 1/4 and 15.1 acres in W 1/2 SW 1/4 SE 1/4 of Sec. 14; 23.0 acres in NW 1/4 NE 1/4 and 30.0 acres in NE 1/4 NW 1/4 of Sec. 23, T. 4 S., R. 39 E., W.M., with a priority date of 1867; and irrigation of 20.0 acres in SW 1/4 SW 1/4, 20.0 acres in SE 1/4 SW 1/4 and 4.3 acres in SW 1/4 SE 1/4 of Sec. 14, T. 4 S., R. 39 E., W.M., with a priority date of 1883.

Certificate 40856 - Irrigation of, among other lands, 2.5 acres in SE 1/4 SE 1/4 of Sec. 14 and 8.0 acres in NE 1/4 NE 1/4 of Sec. 23, T. 4 S., R. 39 E., W.M., with a priority date of 1867.

Certificate 40960 - Irrigation of, among other lands, 11.1 acres in NW 1/4 SE 1/4 and 18.3 acres in SW 1/4 SE 1/4 of Sec. 14, T. 4 S., R. 39 E., W.M., with a priority date of May 21, 1968.

Water for the said rights is diverted through the Red Mill Ditch from a point located 710 Ft. N. and 400 Ft. W. from the SE corner of Sec. 13, being within the SE 1/4 SE 1/4 of Sec. 13, T. 4 S., R. 39 E., W.M.

The applicant herein, owner of the lands above described, proposes to establish, without loss of priority, an additional point of diversion for irrigation of the said lands from Catherine Creek, at a point located 136 ft. N. and 2782 ft. W. from the NE corner of the NW 1/4 NW 1/4 of Sec. 24, being within the SW 1/4 SE 1/4 of Sec. 14, T. 4 S., R. 39 E., W.M.

All persons interested are notified hereby that a hearing will be held at La Grande, Oregon, on April 5, 1977, 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 Robert W. Kimbro, Star Route, Union, Or., 97883, 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 OBJECTION IS 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 28th day of January, 1977.
JAMES E. SEXSON
Director

RECEIVED
MAR - 9 1977
WATER RESOURCES DEPT
SALEM, OREGON

Publisher's Affidavit

County of Union }
State of Oregon } ss.

I, Charlene Storos, being first duly sworn, depose

and say that I am the Office Manager of the Eastern Oregon Review, a weekly newspaper of general circulation, made up of four or more pages of five columns each; and said newspaper has more than 200 bona fide subscribers living in Union County, Oregon, and that said newspaper has been published uninterruptedly in Union County, Oregon, at least once a week during a period of more than one year immediately

preceding the first publication of the Water Right Trans. Appli. a printed copy of which is hereto attached, was published in the entire

issue of said newspaper for three (3) successive and consecutive weeks in the following issues:

Issue of Feb. 11, 1977 Issue of _____, 19__

Issue of Feb. 18, 1977 Issue of _____, 19__

Issue of Feb. 25, 1977 Issue of _____, 19__

Signed Charlene Storos

Subscribed and sworn to before me this 7th day of March, 1977

Notary Public for Oregon

My Commission expires 1/13/81