

3687
SHAW

3687

STATUS OF APPLICATION

Change in POU & POD
 Date filed 5-27-77
 Date of hearing 11-22-77
 Place of hearing La Grande
 Date of order 11-23-77 Vol. 30, page 81
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued 7761 6T 330 Vol. 37, page 45112
Sept 27, 1980 54 57728
JUL 19 2013 88591

DESCRIPTION OF WATER RIGHT

Name of stream Grande Ronde Riv.
 Trib. of _____ County of Union
 Use irrigation
 Quantity of water _____ No. of acres 40^e
 Name of ditch Union
 Date of priority _____
 In name of _____
Grande Ronde Adjudication, Vol. 8, page 68
 App. No. _____ Per. No. _____ Cert. No. 29163
 Certificate cancelled _____
 Notation made on record by _____

20/79 50
FEES PAID

Date	Amount	Receipt No.
5-27-77	\$99.50	60843
TOTAL . . .		
11-10-77	2 Cert. Fee	Transferred from 60843
The Eastern Oregon Review R 42.00 CK#1769 11-10-77		

FEES REFUNDED

Date	Amount	Check No.
11-10-77	\$8.00	1770
Exam	20	
POU	12.50	
POD	15	
Cert	2-	
PON	42	
	91.50	

REMARKS

CARD FOR C DEC 26 1979

INDEX CARDS:	Entered	Checked
Name	lgj	
Stream	lgj	
Pt. of Div.		
Calendar	lgj	
Twp. & Rge.	lgj	lgj
Decree-vault	lgj	
Decree-safe	lgj	
Cert. of W/R	lgj	
Per. Folder		
Chainindex		
Cross Ref.		
Power Claim		
Abstracts	lgj	

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CRESTON J SHAW
ALICEL ROUTE, BOX 206
COVE OR 97824

confirms the right to use the waters of GRANDE RONDE RIVER, tributary to SNAKE RIVER for IRRIGATION of 40.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Union County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 8, at Page 1. The date of priority is 1871.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.0 CUBIC FOOT PER SECOND.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
2 S	39 E	WM	15	NW NW			1300 FEET SOUTH & 230 FEET EAST FROM NW CORNER, SECTION 15

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, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
2 S	39 E	WM	8	NE SE			40.0

The right to the use of the water for the above purpose is restricted to beneficial use on place of use described, and is subject to all other conditions and limitations contained in said decree.


NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This certificate is issued to correctly describe the location of the point of diversion and supersedes certificate 57728.

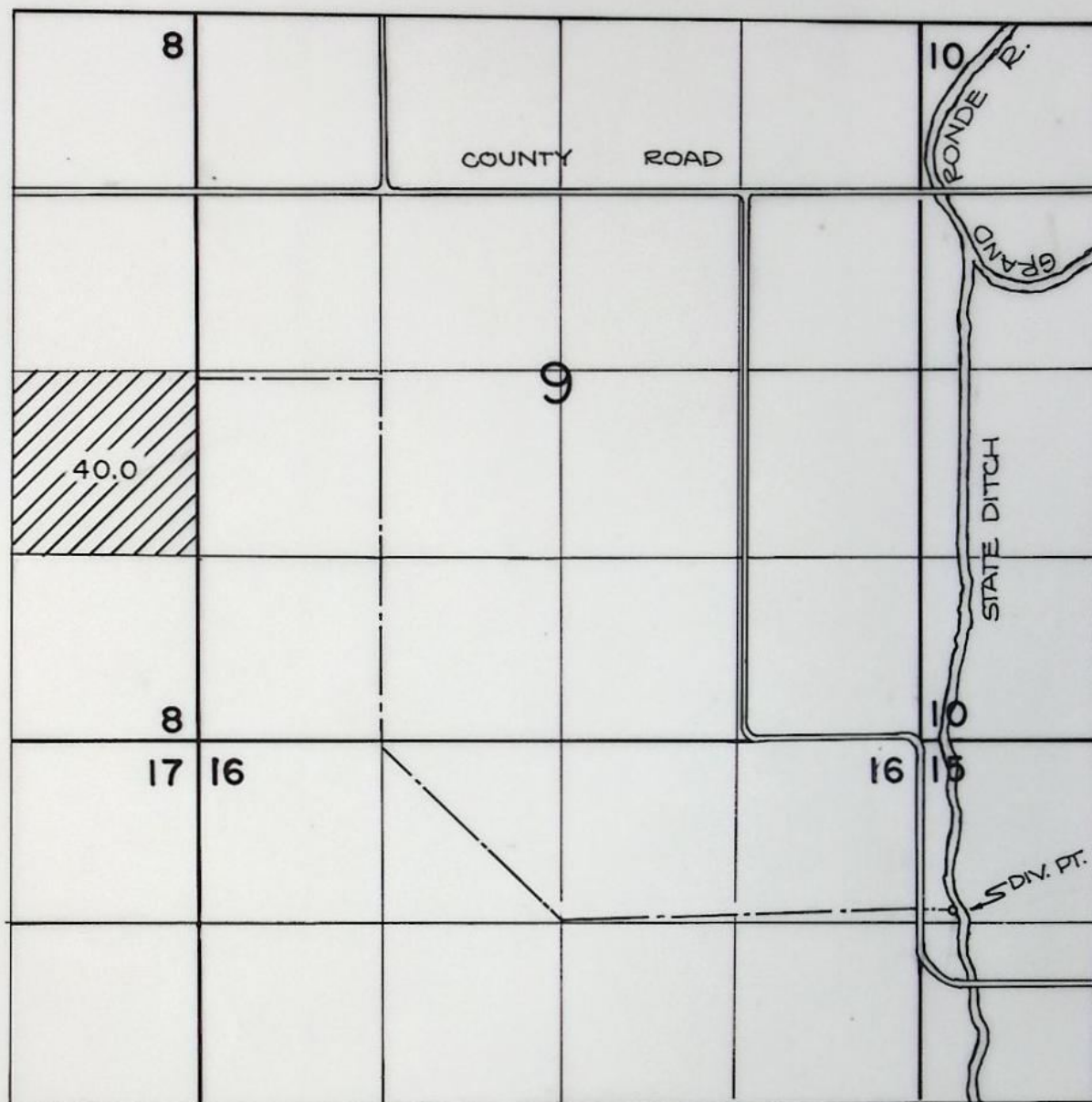
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

Issued JUL 19 2013.



Dwight W. French
Administrator, Water Right Services, for
Phillip C Ward, Director

T.2S. R.39E. W.M.



DIVERSION POINT IS LOCATED 1300' S. AND 230' E. FROM THE N.W. CORNER OF SECTION 8, T.2S., R.39E., W.M.

FINAL PROOF SURVEY UNDER

TRANSFER NO. 3687

IN NAME OF

.....CRESTON J. SHAW.....

Surveyed NOV. 17, 1981, by V. CHURCH.....

STATE OF OREGON
COUNTY OF UNION
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that CRESTON J. SHAW,
of ALICEL ROUTE, BOX 206, COVE, OREGON 97824, has a right to the use
of waters of GRANDE RONDE RIVER, a tributary of SNAKE RIVER, for the
purpose of IRRIGATION OF 40.0 ACRES.

The right has been confirmed by decree of the Circuit Court of the
State of Oregon for UNION County. The decree is of record at Salem,
in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 8, at
page 1. The date of priority is 1871.

The right is limited to not more than 1.0 CUBIC FOOT PER SECOND.

The point of diversion is located as follows:

NW 1/4 NW 1/4, SECTION 15, T 2 S, R 35 E, W.M.; 1300 FEET
SOUTH AND 230 FEET EAST FROM NW CORNER SECTION 15.

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 3.0 acre-feet per acre for each irrigated
during the irrigation season of each year.

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

NE 1/4 SE 1/4 40.0 ACRES
SECTION 8
TOWNSHIP 2 SOUTH, RANGE 39 EAST, W.M.

This certificate is issued to confirm a change in PLACE OF USE AND
POINT OF DIVERSION approved by an order of the Water Resources
Director entered NOVEMBER 23, 1977, and together with certificate
45112, supersedes certificate 29163, 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 above purpose is restricted
to beneficial use on the lands or place of use described and shall be
subject to all other conditions and limitations contained in said
decree.

WITNESS the signature of the Water Resources Director,
affixed this date SEPTEMBER 27, 1988.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57728

T-3687

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UNION COUNTY

IN THE MATTER OF THE APPLICATION)
OF CRESTON J. SHAW FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3687

On May 27, 1977, an application was filed in the office of the Water Resources Director by Creston J. Shaw for approval of changes in place of use and point of diversion from Grande Ronde River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 29163, Volume 21, State Record of Water Right Certificates, in the name of McAlister Ditch Company, describes a right which includes the use of water from Grande Ronde River for irrigation of a certain 32.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 3 South, Range 38 East, W.M., with a date of priority of 1871.

Water for the said right is diverted, through the McAlister Ditch, from a point located 490 feet North and 640 feet East from the South Quarter Corner of Section 32, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 2 South, Range 38 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate, in lieu thereof, 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 2 South, Range 39 East, W.M. from a point of diversion located 1310 feet South and 250 feet East from the Northwest Corner of Section 15, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, Township 2 South, Range 39 East, W.M. (State Ditch).

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 September 29, October 6 and 13, 1977.

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

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

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

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 under the subject right.

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:

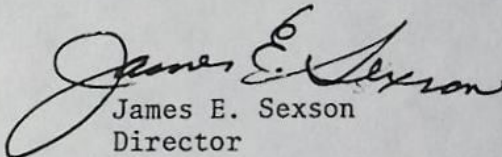
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to McAlister Ditch Company and recorded at page 29163, Volume 21, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right 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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 23rd day of November, 1977.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

MCALISTER DITCH COMPANY

of La Grande, State of Oregon, 97850, has
a right to the use of the waters of Grande Ronde River

a tributary of Snake River for the purpose of
irrigation of 165.0 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 1871

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 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

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

22.5 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
22.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
10.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
35.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
5.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
10.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 12

10.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
20.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 13
T. 3 S., R. 38 E., W. M.
30.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 7
T. 3 S., R. 39 E., W. M.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 29163, Volume 21, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on November 23, 1977, approving transfer application No. 3687.

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 45112

STATE OF OREGON

COUNTY OF UNION

SUPERSEDED
CERTIFICATE NO. 45112
57728

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **McALISTER DITCH COMPANY**

of **La Grande**, State of **Oregon**, has a right to the use of
the waters of **Grande Ronde River**
for the purpose of **irrigation**

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 **STATE ENGINEER**, in Volume **8**, at page **1**; that the priority of the right thereby
confirmed dates from **1871**

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;

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

22.5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
22.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
32.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
7.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
10.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
35.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
5.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
10.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 12
T. 3 S., R. 38 E., W. M.

10 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 13
T. 3 S., R. 38 E., W. M.
30 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 7
T. 3 S., R. 39 E., W. M.

Note: This certificate is issued to correct and supersede that certain water right
certificate issued on April 12, 1945, and recorded in State Record of Water
Right Certificates, Volume 12, page 14763, so as to correctly show the lands
in Section 12 as being in T. 3 S., R. 38 E.

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 State Engineer, affixed

this **13th** day of **November**, **1961**.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume **21**, page **29163**

RECEIVED

NOV 4 1977

WATER RESOURCES DEPT

SALEM, OREGON

NOTICE OF WATER RIGHT TRANSFER APPLICATION
NO. 3687

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Creston J. Shaw for approval of changes in place of use and point of diversion from Grande Ronde River.

The certificate recorded at page 29163, Volume 21, State Record of Water Right Certificates, in the name of McAlister Ditch Company, describes a right which includes the use of water from Grande Ronde River for irrigation of a certain 32.5 acres in NE 1/4 SW 1/4 and 7.5 acres in NW 1/4 SW 1/4 of Section 12, Township 3 South, Range 38 East, WM, with a date or priority of 1871.

Water for the said right is diverted, through the McAlister Ditch, from a point located 490 ft. N and 640 ft. E from the S 1/4 corner of Sec. 32, being within the SW 1/4 SE 1/4, Sec. 32, T 2 S, R 38 E, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate, in lieu thereof, 40.0 acres in NE 1/4 SE 1/4 of Sec. 8, T 2 S, R 39 E, WM from a point of diversion located 1310 ft. S and 250 ft. E from the NW corner of Sec. 15, being within the NW 1/4 NW 1/4 of Sec. 15, T 2 S, R 39 E, WM. (State Ditch).

All persons interested are notified hereby that a hearing will be held at the county courthouse at La Grande, Oregon, on November 22, 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 Creston J. Shaw, Alicel Route Box 206, Cove, OR 97824 and one copy filed with the Water Resources Department, Salem, Or 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.

Dates at Salem, Oregon, this 23rd day of September, 1977.

James E. Sexson
Director
9-29, 10-6, 10-13

Publisher's Affidavit

County of Union }
State of Oregon } ss.

I, Gary Eisler, being first duly sworn, depose

and say that I am the Publisher 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 Creston J. Shaw Water Rights Transfer 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 <u>Sept. 29</u> , 1977	Issue of _____, 19...
Issue of <u>Oct. 6</u> , 1977	Issue of _____, 19...
Issue of <u>Oct. 13</u> , 1977	Issue of _____, 19...

Signed

Subscribed and sworn to before me this _____ day of _____,

19.....

Notary Public for Oregon

My Commission expires

1-3-79