

3051 Ronald Haney
Route 2, Box 276
Milton, Nebraska 68402

3051

STATUS OF APPLICATION

Change in point of diversion
Date filed 5-28-74
Date of hearing 3-25-76 8-4-76
Place of hearing Pendleton
Date of order 12-16-76 Vol. 28, page 197
Date for application of water 10-1-78
Proof mailed _____
Proof received _____
Certificate issued **JUL 10 1985** Vol. 48, page 53265

Survey 9/77
Recheck 3/80

DESCRIPTION OF WATER RIGHT

Name of stream East Branch Mud Creek
Trib. of _____ County of Lincoln
Use irrigation
Quantity of water _____ No. of acres 0.25
Name of ditch Winter + Merriman
Date of priority 1881
In name of Louis Winter
East Branch Mud Creek Adjudication, Vol. 1, page 116
App. No. _____ Per. No. _____ Cert. No. 34532
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-28-74</u>	<u>25.00</u>	<u>40337</u>
<u>8-9-74</u>	<u>5.00</u>	<u>42421</u>
<u>8-9-74</u>	<u>40.00 P.D.N.</u>	<u>42422</u>
<u>6-26-76</u>	<u>(2.00)</u>	<u>42422</u>
TOTAL		
<u>6-25-76</u>	<u>2.00</u>	<u>42422</u>
Valley Herald	<u>26.00</u>	

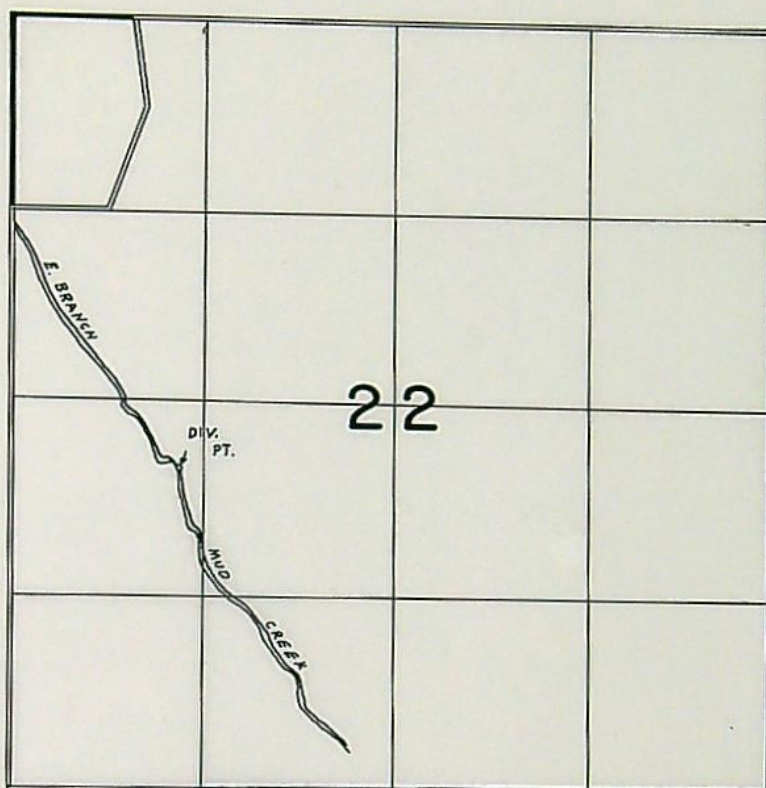
FEES REFUNDED

Date	Amount	Check No.
<u>6-25-76</u>	<u>\$11.33</u>	<u>667</u>

REMARKS

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

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



DIV. PT. LOC. 470'S & 1470'W FROM CENTER COR SEC 22

FINAL PROOF SURVEY
UNDER

TRANSFER 3051

Application No. Permit No.
IN NAME OF

.....RONALD HANEY.....

Surveyed 9-25..... 1978, by R. BARWILL.....

STATE OF OREGON

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

~~BETTY ANNE GRIMMS~~

RICHARD MOSS

of ~~c/o Galbreath & Pope, P. O. Box 166, Milton-~~ ^{Freewater}, State of ~~Oregon 97862~~, has a right to the use of the waters of ~~East Branch of Mud Creek~~

a tributary of ~~Walla Walla River~~ for the purpose of irrigation of 25 acres and domestic use; (Irrigation season: from May 1st to September 15th of each year) and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for ~~Umatilla~~ County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 1, at page 113; that the priority of the right thereby confirmed dates from 1881

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; SW¹/₄SW¹/₄ Sec 22, T. 6N., R. 35E., W.M.; 540' N. & 1480' W. from the SW¹/₄ cor. Sec 22 (Walter - Merriman Ditch).

The point of diversion is located in the NW¹/₄SW¹/₄ Sec 22, T. 6N., R. 35E., W.M.; 470' S. & 1470' W. from the Center ¹/₄ Cor Sec 22

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

10.0 acres SW¹/₄ NW¹/₄
15.0 acres NW¹/₄ SW¹/₄
Section 22
T. 6 N., R. 35 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 34532, Volume 26, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on 12-16-76, 1976, approving transfer application No. 3051, and confirms a change in RPD. approved by the same order, and supersedes Certificate 34532. 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

of use herein described.

WITNESS the signature of the State Engineer, affixed
this date January 30, 1968.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 26, page 34532

53265

T# 3051

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF RONALD HANEY FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM EAST BRANCH OF MUD)
CREEK)

ORDER APPROVING
TRANSFER NO. 3051

On May 28, 1974, Ronald Haney filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from East Branch Mud Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 34532, Volume 26, State Record of Water Right Certificates, in the name of Betty Anne Crimins, describes an existing right of record for the use of 0.31 cubic foot per second from East Branch Mud Creek for the irrigation of 10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 15.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 6 North, Range 35 East, W.M., with a date of priority of 1881. Water for this use is diverted from a point located 540 feet North and 1480 feet West from the South quarter-corner of Section 22, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the land above described, proposes to change, without loss of priority, the point of diversion to a point located 580 feet South and 1009 feet East from the West quarter-corner of Section 22, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 6 North, Range 35 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Milton-Freewater Valley Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of June 10, 17 and 24, 1976.

Mr. William I. Porfily, Watermaster of District No. 5, 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 change in point of diversion from East Branch Mud Creek as described herein, without loss of priority, is 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, and shall not exceed 0.31 cubic foot per second.

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

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

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the 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 certificate of water right heretofore issued to Betty Anne Crimins and recorded at Page 34532, Volume 26, State Record of Water Right Certificates, is canceled, 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 Ronald Haney.

Dated at Salem, Oregon, this 16th day of December, 1976.

/s/ JAMES E. SEXSON
Director

Form 4. Proof of Publication. ORS 111.215(3).

(Title of Court and Cause)

No. _____

PROOF OF PUBLICATION OF
NOTICE

State of Oregon)
County of Umatilla) ss.

I, Dianne Zimmerman, being first duly sworn,
on oath say that I am the Principal Clerk
of TheValley Herald, a newspaper of general circulation, as defined
by ORS 193.010 and 193.020, printed and published at Milton-Free-
water, Oregon, and that the notice, a copy of which is annexed, was
published in the entire issue of said newspaper in the following _____
issues:

June 10 June 17 June 24

Subscribed and sworn to before me this June 10 day of

June, 19 76.

Dianne Zimmerman
Notary public for Oregon

My commission expires: July 5, 1977

RECEIVED

JUN 10 1976

WATER RESOURCES DEPT
SALEM, OREGON

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

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

Certificate of water right
issued to Betty Anne Crimins
and recorded at page 34532.
Volume 26, State Record of
Water Right Certificates,
confirms a right to the use of
0.31 cubic foot per second
from East Branch Mud Creek
for the irrigation of 10.0 acres
in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 15.0 acres
in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T.
6N., R. 35 E., W.M., with a
date of priority of 1881. Water
for this use is diverted from a
point located 540 ft. N. and
1480 ft. W. from the S. $\frac{1}{4}$
corner of Sec. 22, being within
the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T.
6N., R. 35 E., W.M.

The applicant herein, owner
of the land above described,
proposes to irrigate these
lands from a point of diversion
to be located 580 ft. S. and
1009 Ft. E from the W. $\frac{1}{4}$
corner of Sec. 22, being within
the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T.
6N., R. 35 E., W.M.

All persons interested are
notified hereby that a hearing
will be held at the county
courthouse at Pendleton,
Oregon, on August 4, 1976, at
9:30 a.m. All objections to the
proposed change, if any there
are, will be heard at said time
and place. Any and all
objections shall be prepared
in writing, one copy to be
served on Ronald Haney,
Rout 2, Box 276, Milton-Free-
water, Oregon 97862, and one
copy filed with the Water
Resources Director, Salem,
Oregon, together with a \$10
filing fee, at least 10 days
prior to the date set for
hearing. Administrative rules
pertaining to the filing of a
protest will be furnished by
the Water Resources Director
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 20th day of January,
1976.

JAMES E. SEXSON
Director

24-26-c