

3333 *Earl W. Wattenburger,
Co. Yellow Witherrita
Echo, Oregon 97026*

3333

STATUS OF APPLICATION

Change in add point of diversion
Date filed 12-15-75
Date of hearing Dec 12 1978 Feb 14 1979
Place of hearing Heppner
Date of order 9-17-79 Vol. 32, page 381
Date for application of water 10-1-80 ^{Ext} 10-1-81
Proof mailed MAY 12 1989
Proof received _____
Certificate issued JUL 21 1989 Vol. _____, page 61998

DESCRIPTION OF WATER RIGHT

Name of stream Butter Creek
Trib. of _____ County of Morrow
Use irrigation
Quantity of water _____ No. of acres 122²
Name of ditch _____
Date of priority _____
In name of W. J. Wattenburger
Butter Creek Adjudication, Vol. 1, page 273
App. No. _____ Per. No. _____ Cert. No. 2705
Certificate cancelled _____
Notation made on record by JWB

FEE PAID

Date	Amount	Receipt No.
<u>12-15-75</u>	<u>35.00</u>	<u>50681</u>
<u>12-15-76</u>	<u>45.00 p.o.n.</u>	<u>50682</u>
<u>3-5-79</u>	<u>31.05</u>	<u>9464</u>
TOTAL . . .		
	<u>Cert. Fee</u>	

Gazette Times \$43.05 pd 8/10/79 ac #3572

FEE REFUNDED

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

T-3333 { exam 20⁰⁰
POD 15⁰⁰
POU 33⁰⁰ (122 ac)
68⁰⁰
PON 43²⁵
111⁰⁵
have 80⁰⁰
need 31⁰⁵

Surveyed 11/5/85

REMARKS

Transfer 2944 involved part of same right
copy of claim in Transfer 2944
See priority-location agreement in this file.

— finish —

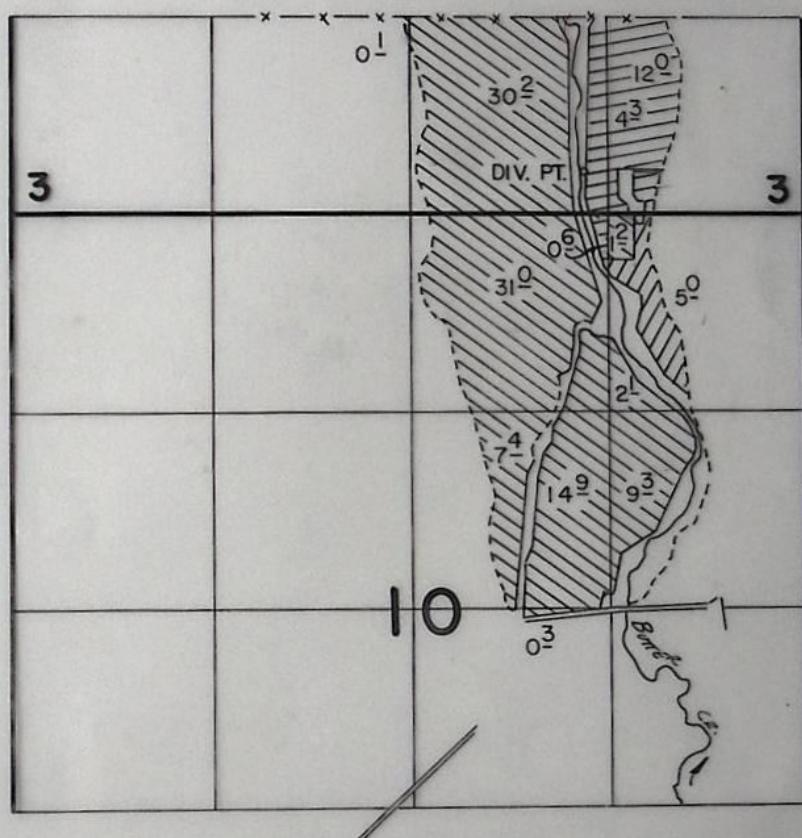
TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Checked
	Entered		
<input checked="" type="checkbox"/> Name	<u>leg</u>	<u>leg</u>	
<input checked="" type="checkbox"/> Stream	<u>leg</u>	<u>leg</u>	
<input checked="" type="checkbox"/> Pt. of Div.	<u>leg</u>	<u>leg</u>	
<input checked="" type="checkbox"/> Calendar	<u>leg</u>	<u>leg</u>	
CHECKED TO RECORDS:			
<input checked="" type="checkbox"/> Twp. & Rge.	<u>leg</u>	<u>leg</u>	
<input checked="" type="checkbox"/> Decree-vault	<u>leg</u>	<u>leg</u>	
<input checked="" type="checkbox"/> Decree-safe	<u>leg</u>	<u>leg</u>	
<input checked="" type="checkbox"/> Cert. of W/R	<u>leg</u>	<u>leg</u>	
<input checked="" type="checkbox"/> Per. Folder	<u>leg</u>	<u>leg</u>	
<input checked="" type="checkbox"/> Chainindex	<u>leg</u>	<u>leg</u>	
<input checked="" type="checkbox"/> Cross Ref.	<u>leg</u>	<u>leg</u>	
<input checked="" type="checkbox"/> Power Claim	<u>leg</u>	<u>leg</u>	
<input checked="" type="checkbox"/> Abstracts	<u>leg</u>	<u>leg</u>	

Ph. 9/13/76

Burl Wattenburger, Jr
Star Route
Echo, Or 97826

wants copy of notice

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



SCALE: 1" = 1320'

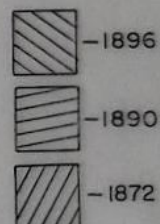
DIV. PT. LOCATED 280'N. & 1150'E. FROM 1/4 COR. SEC. 3

FINAL PROOF SURVEY
UNDER

TRANSFER 3333
IN NAME OF

EARL WATTENBURGER

Surveyed 10-23-1985, by V.L. CHURCH



RECEIVED

JAN 15 1986

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WATER RESOURCES DEPT
SALEM, OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION OF)
EARL W. & IRMA DORENE WATTENBURGER)
FOR APPROVAL OF CHANGES IN PLACE OF)
USE & POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3333

On December 15, 1975, an application was filed in the office of the Water Resources Director by Earl W. and Irma Dorene Wattenburger for approval of changes in place of use and point of diversion of water from Butter Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2705, Volume 3, State Record of Water Right Certificates, in the name of W. J. Wattenburger, describes a right which includes the use of not to exceed 0.10 cubic foot per second with a priority date of 1872, 0.34 cubic foot per second with a priority date of 1890, and 1.98 cubic feet per second with a priority date of 1896, all from Butter Creek, for stock and for irrigation of a certain 122 acres, being 39.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, 12.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 34.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 22.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.0 in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 1 North, Range 27 East, W.M.

Water for the said right is diverted at two points: (a) 1650 feet South and 1250 feet West from the Northeast Corner of Section 15, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 1 North, Range 27 East, W.M.; and (b) 10 feet North and 2000 feet West from the East Quarter Corner of Section 10, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 1 North, Range 27 East, W.M.

The applicants herein, owners of the lands above described, propose changes in place of use and point of diversion, without loss of priority, to hereafter irrigate a certain 5.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 10 with a priority date of 1872; a certain 1.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 13.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 3 and 2.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 10 with a priority date of 1890; and a certain 33.9 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 3, 3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 32.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 11.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 10 with a priority date of 1896, from the points of diversion (a) and (b), described above, and two additional points of diversion (c) 1450 feet South and 720 feet West from the Northeast Corner of Section 10, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 1 North, Range 27 East, W.M.; and (f) 375 feet North and 1420 feet West from the Northeast

of said Section 10, being within the SW¹/₄ SE¹/₄ of Section 3, Township 1 North, Range 27 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Heppner Gazette-Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of October 19 and 26, and November 2, 1978.

Mr. William I. Porfily, 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 Butter Creek, 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, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the old points 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 the construction work shall be completed and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1980. EXTENDED TO 10-1-81 per letter of 4/25/80

It is FURTHER ORDERED that the certificate recorded at page 2705, Volume 3, 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

EXHIBIT "A"

T.182N., R.27E., W.M.

RECEIVED

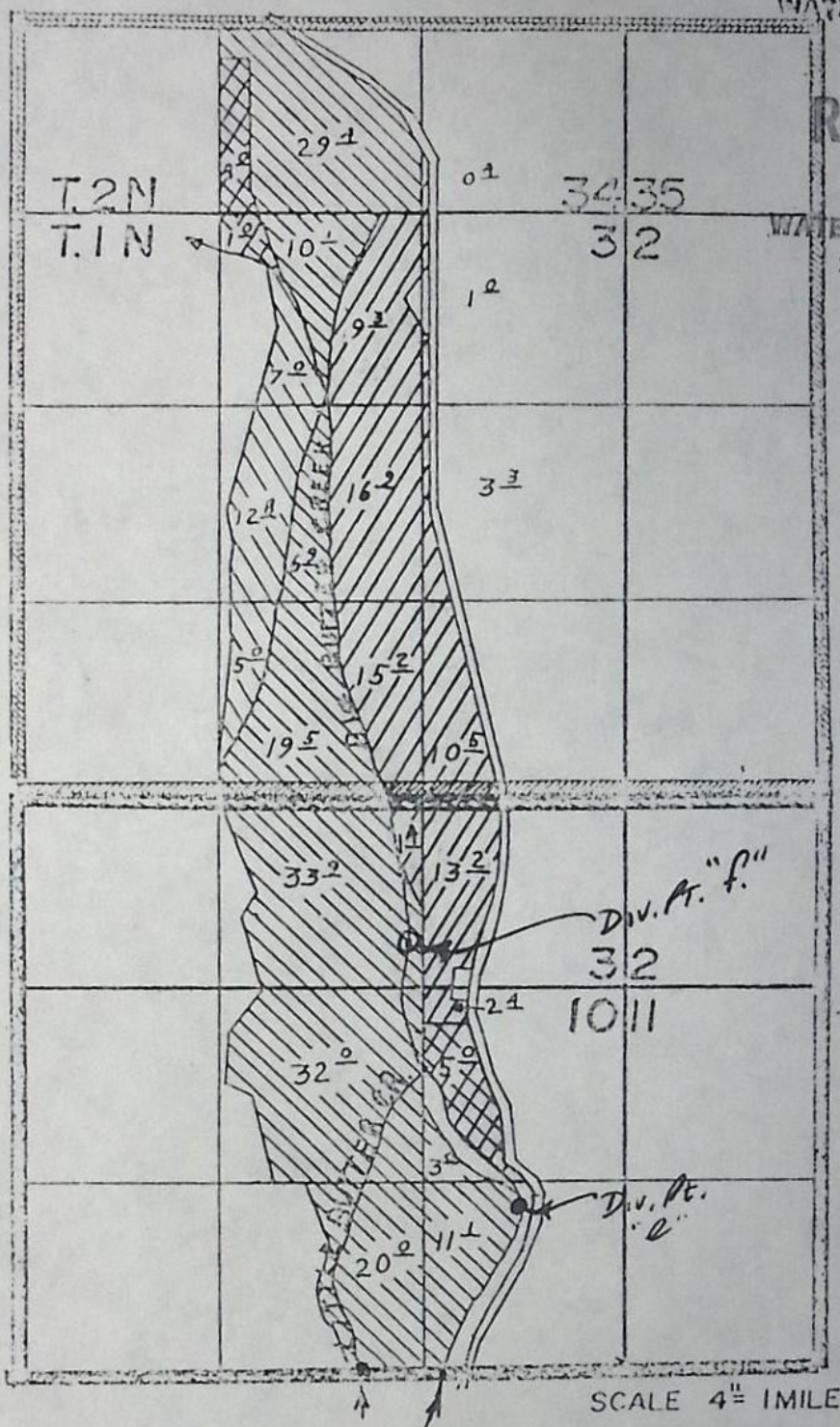
JUN 27 1978

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JAN 15 1986

WATER RESOURCES DEPT.
SALEM, OREGON



STATE OF OREGON
COUNTIES OF MORROW AND UMATILLA
PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

EARL & IRMA DORENE WATTENBERGER
P.O. BOX 2361
PASCO, WASHINGTON 99301

confirms the right to use the waters of BUTTER CREEK, a tributary of UMATILLA RIVER, for the purpose of IRRIGATING 118.4 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at page 250. The date of priority is 1872 FOR TRACT 1, 1890 FOR TRACT 2, AND 1896 FOR TRACT 3.

The right is limited to not more than 2.53 CUBIC FEET PER SECOND, IF AVAILABLE AT THE ORIGINAL POINTS OF DIVERSION, IDENTIFIED AS POINTS A AND B HEREIN, BEING; 0.10 CFS TRACT 1, 0.34 CFS TRACT 2, AND 1.91 CFS TRACT 3.

The points of diversion are located as follows:

A - SE 1/4 NE 1/4, SECTION 15, B - SW 1/4 NE 1/4, SECTION 10, E - SW 1/4 SE 1/4, SECTION 3, T 1 N, R 27 E, W.M.; A - 1650 FEET SOUTH & 1250 FEET WEST FROM NE CORNER OF SECTION 15, B - 10 FEET NORTH & 2000 FEET WEST FROM E 1/4 CORNER OF SECTION 10, E - 280 FEET NORTH & 1130 FEET EAST FROM S 1/4 CORNER SECTION 3.

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 a diversion of not to exceed 4.0 acre-feet per acre for each acre 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:

SEE NEXT PAGE

	TRACT 1	TRACT 2	TRACT 3
SE 1/4 SW 1/4			0.1 ACRE
SW 1/4 SE 1/4		4.3 ACRES	30.2 ACRES
SE 1/4 SE 1/4		12.0 ACRES	
SECTION 3			
NE 1/4 NE 1/4	5.0 ACRES		3.3 ACRES
NW 1/4 NE 1/4		0.6 ACRE	31.0 ACRES
SW 1/4 NE 1/4			22.3 ACRES
SE 1/4 NE 1/4			9.3 ACRES
NW 1/4 SE 1/4			0.3 ACRE
SECTION 10	5.0	16.9	96.5
T 1 N, R 27 E, WM			

This certificate is issued to confirm an ADDITIONAL POINT OF DIVERSION AND A CHANGE IN PLACE OF USE approved by an order of the Water Resources Director entered SEPTEMBER 17, 1979, and together with certificate (T-2944), supersedes certificate 2705, 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.

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN:

P-cat

RECEIVED

JAN 15 1986

POD

POU

USE

Add'l POD

WATER RESOURCES DEPT
SALEM, OREGON

Transfer NO. 3333

County Morrow

Old Certificate NO. 2705

1. Name Carl Wattenburger & Irma Dorene Wattenburger
Address P.O. Box 2361, Pasco, WA 99301

2. Source of Supply Butter Cr., Trib of _____

3. Use irrigation

4. Amount of Water 1.0 cfs 2) 0.34 3) 1.98 cfs Priority Date 1872 2) 1890 3. 1896

5. Proposed Point of Diversion see attached copy of order.

6. Completion Date 10-1-80

7. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
<u>1N</u>	<u>27E</u>	<u>3</u>		<u>dc 01 1896</u>
				<u>cd 30 1896</u>
				<u>43 1890</u>
				<u>dd 12 1896</u>
				<u>Sec 3</u>
				<u>T1N R27E W4</u>
				<u>aa 50 1872</u>
				<u>33 1896</u>
				<u>ba 31 1896</u>
				<u>06 1890</u>
				<u>ca 22 1896</u>
				<u>da 9 1896</u>
				<u>bd 03 1896</u>
				<u>Sec 10</u>
				<u>T1N R27E W4</u>

IN THE MATTER OF THE APPLICATION OF)
 EARL W. & IRMA DORENE WATTENBURGER)
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 USE & POINT OF DIVERSION OF WATER)
 - - - - -

RECEIVED

JAN 15 1986

ORDER APPROVING
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 SALEM, OREGON

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 - - - - - and having general circulation in Morrow

EXHIBIT "A"

T.182N., R.27E., W.M.

RECEIVED

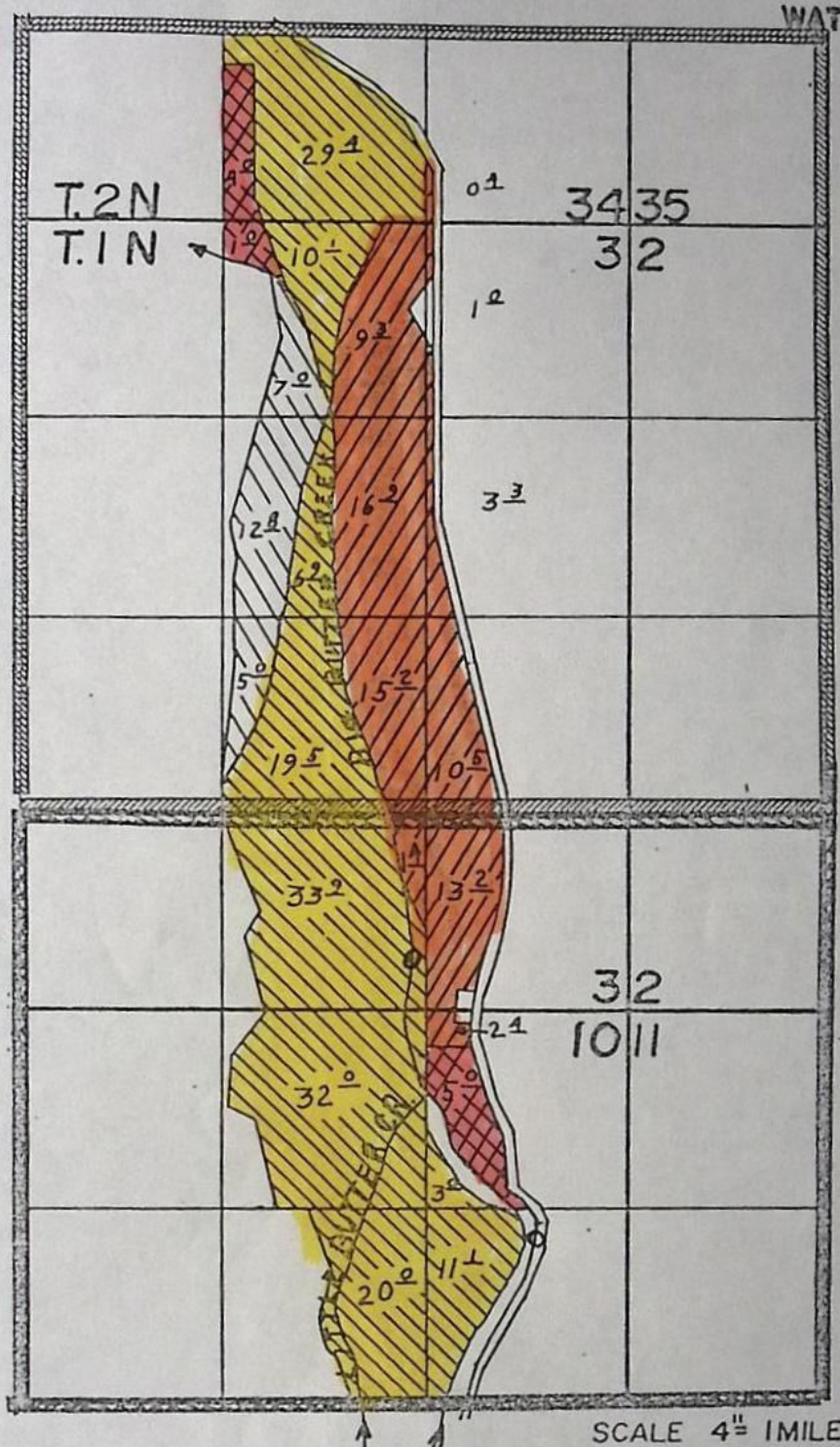
JAN 15 1986

WATER RESOURCES DEPT.

SALEM, OREGON

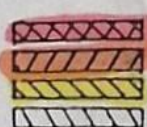
JUN 27 1978

WATER RESOURCES DEPT.
SALEM, OREGON



EARL WATTENBURGER

BURL WATTENBURGER

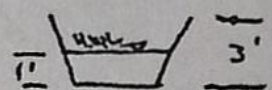


1872 PRIORITY
1890
1896

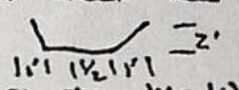
	5Ac. Earl	5Ac. Burl	10.0
17Ac. " (+)	566Ac		= 73.6
1000Ac. "	65.9Ac.		165.9
	122.0	127.5	249.5

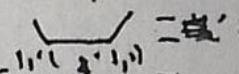
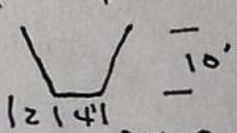
Earl	Burl	Total
0.70	0.12	0.82
0.74	1.12	1.86
1.98	1.31	3.29

Earl Wattenburger

Owners ~~Earl Wattenburger~~ Talked to Dwight Bailey lease. We are going to talk about div. pts. first. We are going to go from south to north or from upstream to downstream. The div. pt. that irrigates some land on the west side of Little Butter Creek is located on Leo Ashbeck place. We are only going to talk about the one going to the left. The ditch is located approx. 15' upstream from the dam. There is no headgate, weir or any other device to stop the water from going down the ditch. This ditch goes approx 3200' before dumping into Little Butter Creek by way of 18" culvert. This ditch is  This ditch is dirt base.

The dam is constructed of concrete 24' across The dam can go to 8' high with boards in place. The dam is divided in 3-8' spaces for the boards.

Once the water dumps into Little Butter Creek the water goes approx. 1700' before we are at the next div. pt. The left div. pt. on Little Butter Creek has ~~no~~ headgate 4' wide. The ditch is dirt base. Look at the ditch approx 1500'  This ditch runs down the west side of the irrigated property. It runs on to Mr Wattenburger place. The dam for the above div pt and the following two div pts is 1100' downstream from the above div. pt. The dam is made a concrete approx 8' across. We drop board in the channel iron to rise the water. You could rise it approx 6'. Now, the next div pt on the right 100' downstream from the left. This div pt has 3' board drops into concrete.

This ditch is only a couple hundred feet. The ditch dirt base  This ditch irrigates the land between Little Butter Creek and Butter Creek. The next div pt on Little Butter Creek is on the left again. This div. is approx 950 downstream from the one on the right. Again this ditch is dirt base we have a 3' board drop weir. This ditch put up land on both side of the ditch. It irrigates up to the land that is sprinkled and Butter Creek. Now the above div pt only handled land west of Butter Creek. Back to Butter Creek approx 3/4 mile downstream from the Ashbeck dam is this one. This dam is made of concrete approx 32' across The dam can only be built approx 5' high and only cast 16' with boards the west 16' is concrete 5' high. The div pt from this dam is approx 10' upstream. It irrigates the east side of Butter except what must be pumped. This ditch goes up into Mr. Wattenburger place. The ditch is dirt base and look like  They have 4' screwgate. There is no water used out of this until they are approx 1500' down the ditch. There is a pump on Butter Creek approx 3/4 mile downstream from the above div pt. At the pump site we have Century 40HP @ 3520 RPM Berkeley 540 gpm @ 230' CDD 5" x 4" Serial 7674725 They have direct suction out of Butter Creek. 2000' = 6"-5"-4" Alum mainline. 4"-2640' wheel line, 3"-2" hand line They have a max 110's leads 94 heads we have 2030's 3/16" x 0" 3/16" x 3/32" 1/64" x 0" mostly 3/16" x 0" In the pump station they irrigate wheat, pasture & lawn. TIE: 32R They only have one pump station. Vanna & Chuck Water Rights Examiner 10/23/85

the use of not to exceed 0.10 cubic foot per second with a priority date of 1872, 0.34 cubic foot per second with a priority date of 1890, and 1.98 cubic feet per second with a priority date of 1896, all from Butter Creek, for stock and for irrigation of a certain 122 acres, being 39.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, 12.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 34.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 22.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.0 in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 1 North, Range 27 East, W.M.

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NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of

EXHIBIT "A"

T.182N., R.27E., W.M.

RECEIVED

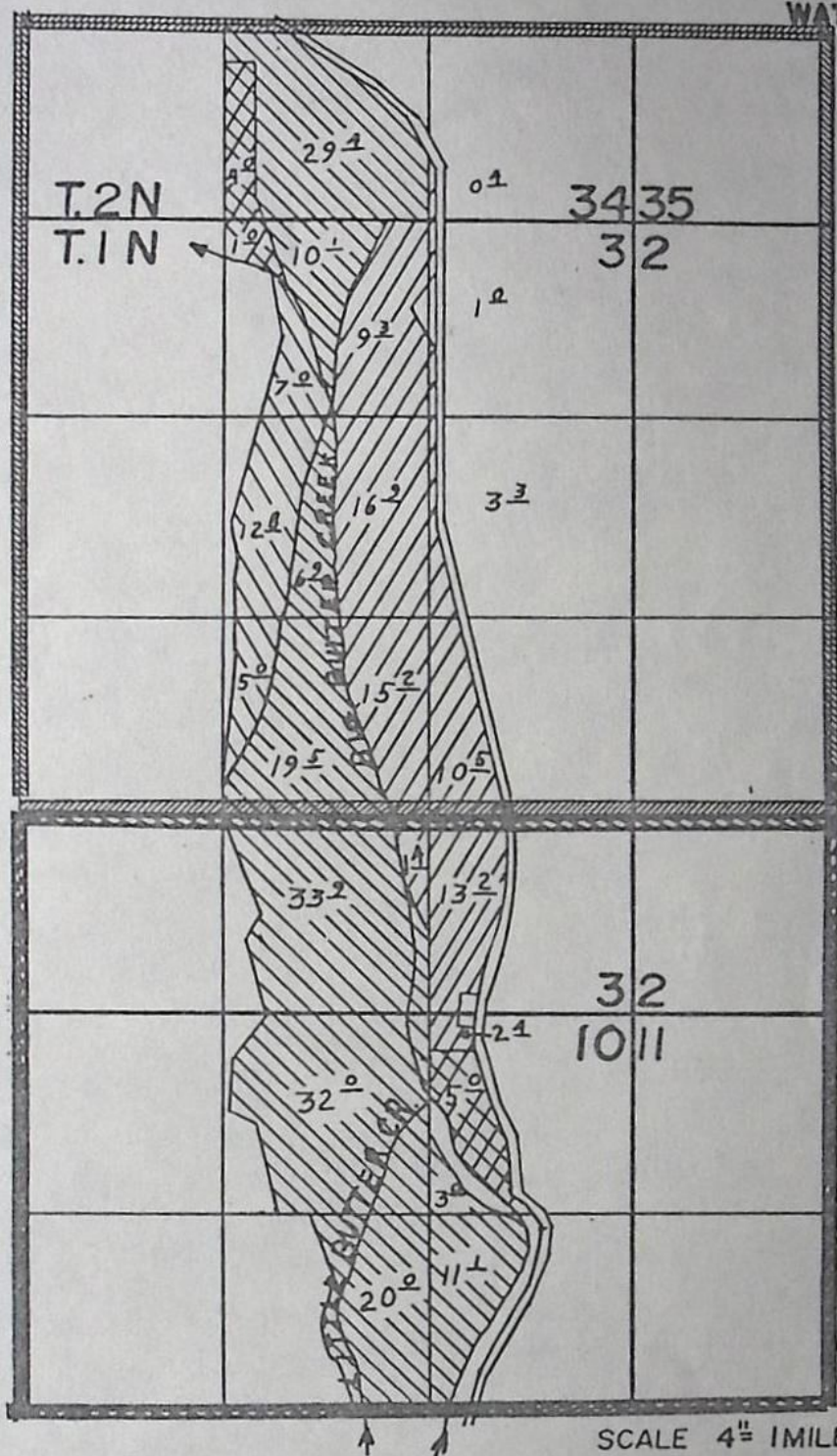
JUN 27 1978

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVE

JAN 15 1986

WATER RESOURCES D
SALEM, OREGON



EARL WATTENBURGER

BURL WATTENBURGER

1872	PRIORITY	5Ac. Earl	5Ac. Burl
1890	"	17Ac. "	566Ac. "
1896	"	1000Ac. "	65.9Ac. "

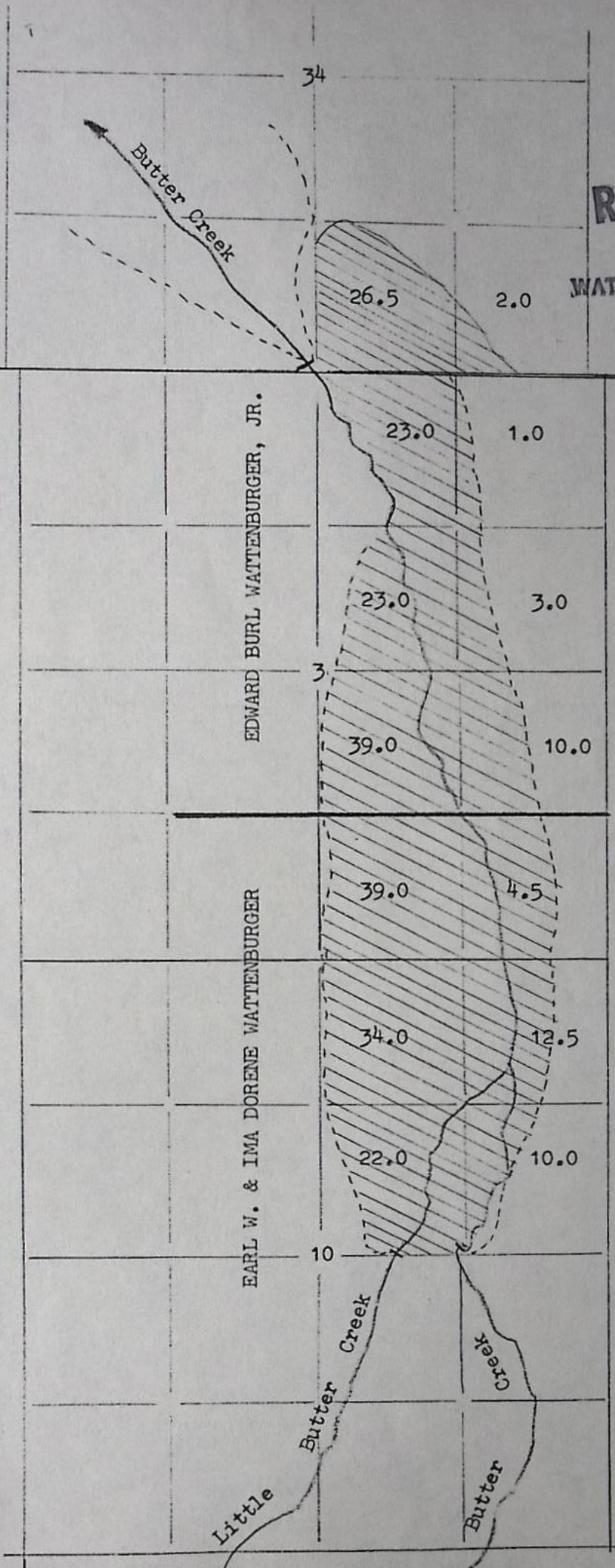
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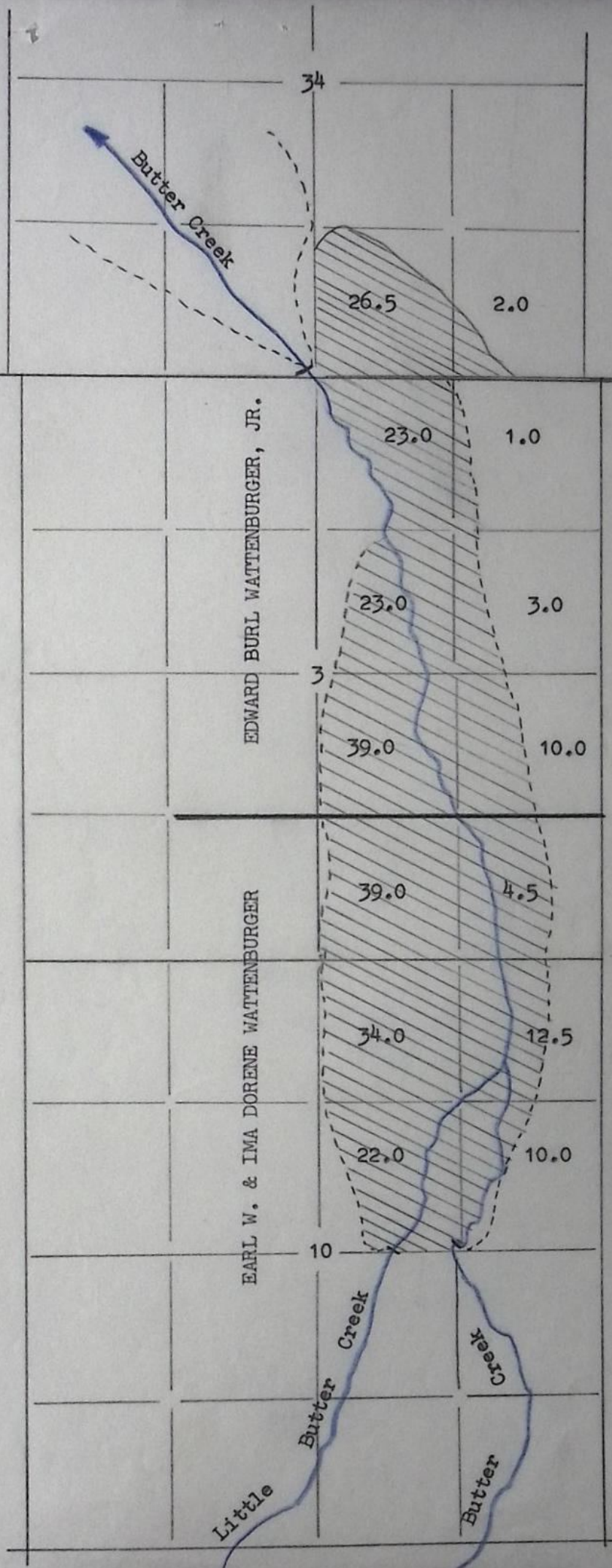
T. 2 N., R. 27 E.

T. 1 N., R. 27 E.



T. 2 N., R. 27 E.

T. 1 N., R. 27 E.



Application No.

Application for Extension of Time
for Transfer of Water Right

RECEIVED

SEP 25 1980

To the WATER RESOURCES DIRECTOR OF OREGON:

WATER RESOURCES DEPT
SALEM, OREGON

I, Weldon Witherrite
(Name of applicant)
of Star Route
(Mailing address), Echo
(City),
State of Oregon, 97826, 376-8327
(Zip Code) (Phone number)

do hereby make application for an extension of time within which to complete
a change in: ☒ point of diversion
() place of use
() use heretofore made of water

under the terms of an order of the Water Resources Director entered on
Sept 17th, 1979, approving transfer application No. 3333,
in the name of Earl W & Irma Dorene Wattenburger *.

The following has been accomplished toward completion of the
change within the time allowed, which expired on 10-1, 1980:
x Diversion point "f" has been installed and
used this season, etc to irrigate 14
acres of alfalfa.

(If for irrigation, how many acres, total, are now irrigated)

*If you are not the applicant named above, please explain your interest in
this matter. my interest is that I am now
leasing this farm and one main irrigation
well has failed.

Ext to 10-1-81
SRA

9/25/80
\$10.00
#20646

To fully complete the change, it will be necessary to accomplish the following: Install power & pumping plant for main Diversion point "c" to accomplish the full purpose of this diversion.

I am unable to complete the change under the terms of the order, within the time allowed, because I needed more time

and request that the time for completion be extended to 10-1-1981.

AFFIDAVIT OF APPLICANT

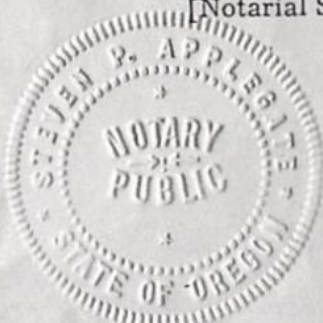
I, Weldon R. Withers, being first duly sworn, depose and say that I have read the above and foregoing application for extension of time; that I know the contents thereof, and the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 23 day of SEPTEMBER

1980

Subscribed and sworn to before me this 23rd day of SEPTEMBER, 1980

[Notarial Seal]



Weldon R Withers

Steven P Applewhite

Notary Public for Oregon

My commission expires 11-08-83

MAIL COMPLETED APPLICATION AND FEE IN THE AMOUNT OF \$ 10.00

TO:

Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E.
SALEM, OREGON 97310

RECEIVED

OCT 18 1979

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGES IN

place of use a point of diversion from Butler Cr.

PURSUANT TO TRANSFER APPLICATION NO. 3333

I, Carl Wattenburger, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by Oct 1, 1979.

Oct 17 - 1979
Date

Carl Wattenburger
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

ok
lcy

Application for Transfer of Water Right

RECEIVED

JUN 27 1978

**WATER RESOURCES DEPT.
SALEM, OREGON**

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Earl W. Wattenberger, Ima Dorene Wattenberger and Eldon Witherrite

(Name of applicant)

of _____, Echo

(Mailing address)

(City)

State of Oregon, 97826, 376-8327, do hereby make application for change
(Zip Code) (Phone number)
in place of use and additional point of diversion.

(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No W. J. Wattenberger
(If not, give name)
2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings
(Yes or No) Butter Creek September 9, 1916 number of certificate 2705
3. Was your water right acquired by Water Right Permit? No If so, give number
(Yes or No) of permit _____ Number of certificate _____

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is Butter Creek
5. What is the date of priority of your water right? 1872, 1890, 1896
1650 ft. S. 1250 ft. W. NE
10 ft. N. and 2000 ft. W. from the E $\frac{1}{4}$
Sec. 15 SE $\frac{1}{4}$ NE $\frac{1}{4}$ (N. or S.) 15 1N (E. or W.) 27E
corner of Sec. 10 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10. Tp. 1N R. 27E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Morrow The name of the ditch used is _____

NOTE: Answer question if the application is for change in point of diversion.

- additional
7. The proposed point of diversion is located (e) 1450 ft S 720 ft W
(f) 375 ft N and 1420 ft W from the NE
SE $\frac{1}{4}$ NE $\frac{1}{4}$ (N. or S.) 10 (E. or W.)
corner of Sec. 10 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3. Tp. 1N R. 27E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Morrow The name of the ditch to be used is _____

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
1N	27E	3	SW $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
1N	27E	3	SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.5
1N	27E	10	NE $\frac{1}{4}$ NE $\frac{1}{4}$	12.5
1N	27E	10	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34.0
1N	27E	10	SW $\frac{1}{4}$ SE $\frac{1}{4}$ (dared certificate SW $\frac{1}{4}$ NE $\frac{1}{4}$)	22.0
1N	27E	10	SE $\frac{1}{4}$ NE $\frac{1}{4}$	10.0

(If more space required, attach separate sheet)

122.0

9. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
1N	27E	3	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 1872 1890 1896 1.4	35.3
1N	27E	3	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 13.2	13.2
1N	27E	10	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 5.0 2.4 3.0	10.4
1N	27E	10	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 32.0	32.0
1N	27E	10	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0	20.0
1N	27E	10	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 11.1	11.1

(If more space required, attach separate sheet)

122.0

14. Reasons for the proposed changes are See Remarks For more effecient use
of water during low flows.

15. Construction work will be completed on or before October 1, 1978

16. The water will be completely applied to the proposed use on or before October 1, 1978

Remarks See attached agreements and maps. This application supercedes one already in Salem.

Most of the land will be irrigated by the old diversion. The new points of diversion will have electric pumps with portable main lines. We would like this Final Proof Survey done at the same time as the transfer of Edward B. Wattenburger Jr. Both parties wish to be notified at the time of the survey. In the two transfers, we do not want to lose any of the acres granted to W. J. Wattenburger in the Butter Creek Decree.

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, _____, 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 _____ day of _____, 19____.

Edward W. Wattenburger
(Name of applicant)
Irma Laraine Wattenburger

Subscribed and sworn to before me this 9th day of February, 1978.

[Notarial Seal]

William J. Parfely
NOTARY PUBLIC FOR OREGON

My commission expires JAN 7, 1980



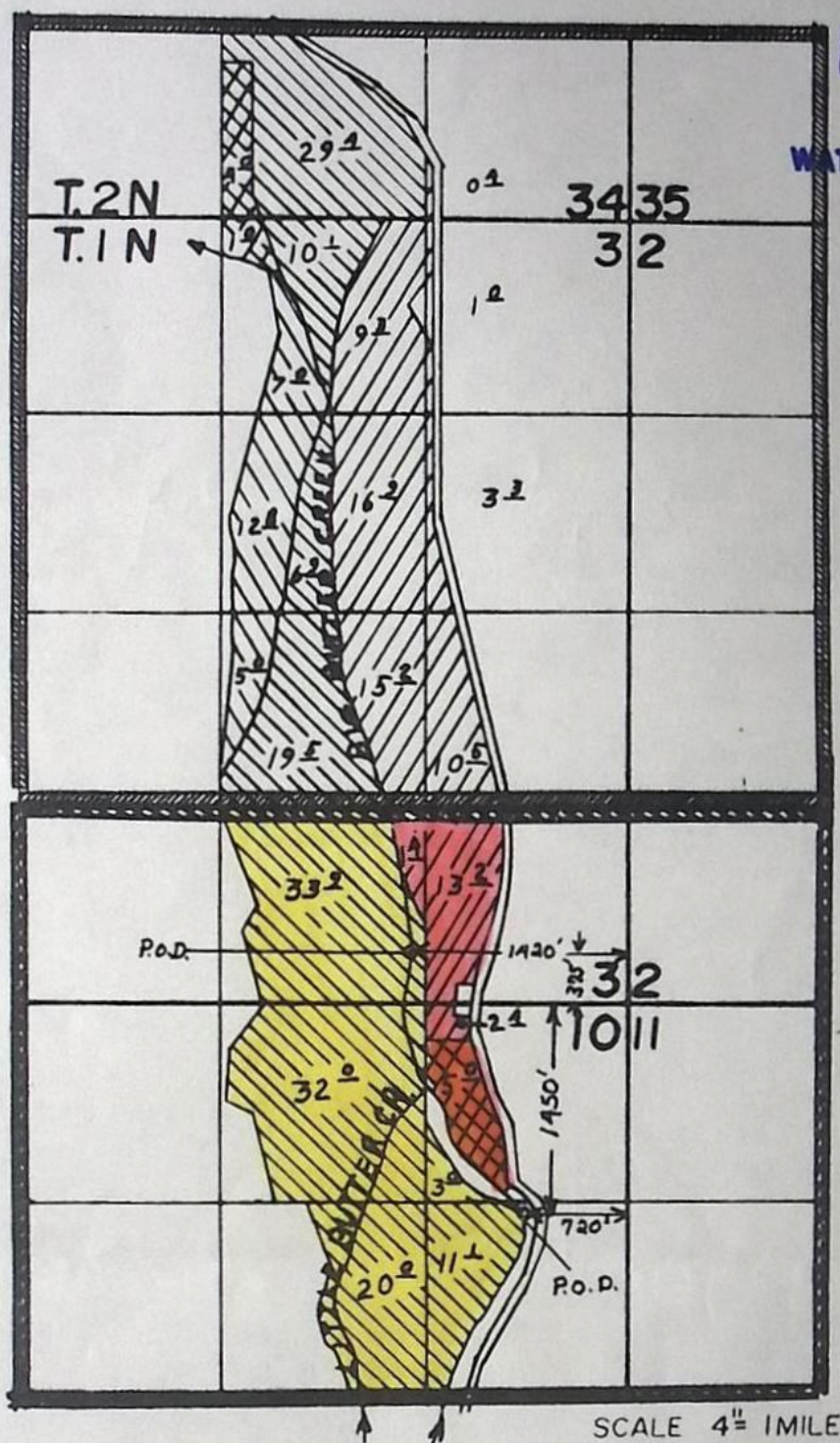
EXHIBIT "A"

T.182N., R.27E., W.M.

RECEIVED

JUN 27 1978

WATER RESOURCES DEPT.
SALEM, OREGON



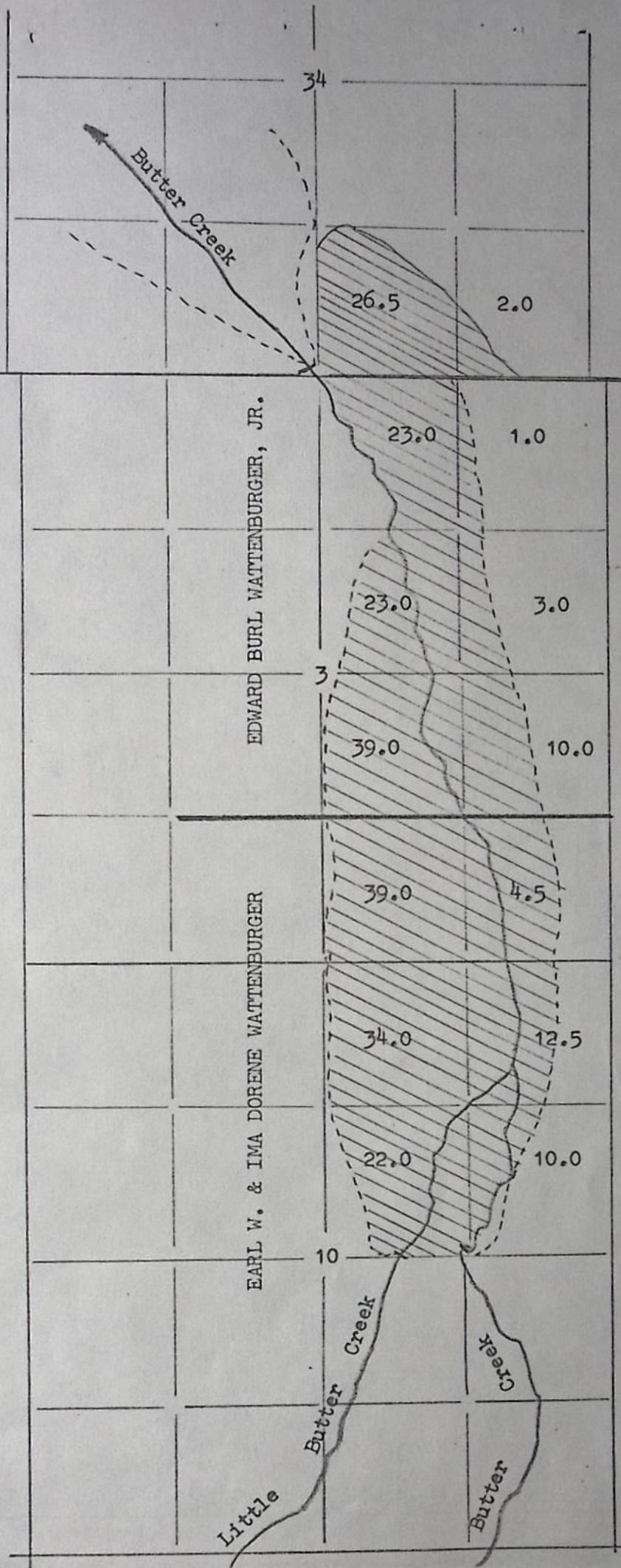
EARL WATTENBURGER

BURL WATTENBURGER

	1872	PRIORITY	5Ac. Earl	5Ac. Burl
	1890	"	17Ac "	56.6Ac "
	1896	"	100.0Ac "	65.9Ac "

T. 2 N., R. 27 E.

T. 1 N., R. 27 E.



Spec. Cr. Vol. 324

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF UMATILLA AND MORROW

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That W. J. WATTENBURGER,
of Galloway State of Oregon, has a right to the use of
the waters of Butter Creek, a tributary of the Umatilla River,

for the purpose of the irrigation of 249.5 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 2, at page 250; that the priority of the right hereby confirmed dates from 1872 for 0.20 cubic feet per second, 1890 for 1.46 cubic feet per second, and 1896 for 3.29 cubic feet per second,

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 4.95 cubic feet per second and shall be subject to 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: 26.5 acres in the Southwest quarter of Southeast quarter and 2 acres in the Southeast quarter of Southeast quarter of Section Thirty-four, Township Two North, Range Twenty-seven East of Willamette Meridian, in Umatilla County, Oregon. 1 acre in the Northwest quarter of Northeast quarter; 33 acres in the Northwest quarter of Northeast quarter; 8 acres in the Southwest quarter of Northeast quarter; 10 acres in the Northeast quarter of Southeast quarter; 39 acres in the Northwest quarter of Southeast quarter; 39 acres in the Southwest quarter of Southeast quarter; 4.5 acres in the Southeast quarter of Southeast quarter of Section Three; 12.5 acres in the Northeast quarter of Northeast quarter; 34 acres in the Northwest quarter of Northeast quarter; 22 acres in the Southwest quarter of Southeast quarter; 10 acres in the Southeast quarter of Northeast quarter of Section Ten, Township One North, Range Twenty-seven East of Willamette Meridian, in Morrow 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, 1918.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By Percy A. Copper,
State Engineer, President

Attest:

R. W. Potter,
Secretary

Recorded in State Record of Water Right Certificates, Volume 2, page 2705

T#2944 T#3333

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Section	Description of Land or Place of Use
2705 Wattenberger, W. J. Galloway, Ore.	1872 1890 1896	.20 1.46 3.29 4.95	249.5 10.0 73.6 165.9	Irrigation stock		Butter Creek ✓	26.5 acres in SE 1/4 SW 1/4; 2 acres in SE 1/4 SW 1/4; Section 34, Tp. 2 N. R. 27 E., W. M., in Umatilla County, Oregon. 1 acre in NE 1/4 NE 1/4; 23 acres in NE 1/4 NE 1/4; 23 acres in SE 1/4 NE 1/4; 3 acres in SE 1/4 SE 1/4; 10 acres in NE 1/4 SE 1/4; 39 acres in NE 1/4 SE 1/4; 39 acres in SW 1/4 SE 1/4; 4.5 acres in SE 1/4 SE 1/4; Section 3; 12.5 acres in NE 1/4 NE 1/4; 34 acres in NE 1/4 NE 1/4; 22 acres in SW 1/4 SE 1/4; 10 acres in SE 1/4 NE 1/4; Section 10, Tp. 1 N. R. 27 E., W. M., all in Morrow County, Ore.
2706 Wattenberger, Mrs. Mary, Galloway, Ore.	1893	1.66 .166	8 1/3	Irrigation domestic	Butter Creek ✓		8 1/3 acres in SW 1/4 SW 1/4; Section 34, Tp. 2 N. R. 27 E., W. M., all in Umatilla County, Oregon.
2707 Wilcox, W. A., Heppner, Ore. T-3345 & P.O. (additional)	1898	.59	29.5	Irrigation stock	Little Butter Creek ✓		9 acres in NE 1/4 NW 1/4; 14 acres in SE 1/4 NW 1/4; 3 acres in SE 1/4 NW 1/4; 3.5 acres in NE 1/4 SW 1/4; Section 12, Tp. 2 S. R. 28 E., W. M., all in Morrow County, Oregon.
2708 Wigglesworth, R.F. & W.E. Galloway, Ore.	1880	2.07	103.5	Irrigation stock	Little Butter Creek ✓		10 acres in SE 1/4 SW 1/4; 4 acres in SW 1/4 SE 1/4; Section 6; 4 acres in NE 1/4 NE 1/4; 5.5 acres in SW 1/4 NE 1/4; 4.5 acres in NE 1/4 NW 1/4; 7 acres in SE 1/4 NW 1/4; 6 acres in NE 1/4 SW 1/4; 5 acres in SE 1/4 SW 1/4; 11 acres in NE 1/4 SE 1/4; 9 acres in SW 1/4 SE 1/4; Section 7; 18 acres in NE 1/4 NE 1/4; 6 acres in SW 1/4 NE 1/4; 13.5 acres in SE 1/4 NE 1/4; Section 18, Tp. 1 S., R. 28 E., W.M., all in Morrow County, Oregon
2709 Wigglesworth, R. F., Galloway, Ore.	1880	1.31	79	Irrigation stock	Little Butter Creek ✓		1.5 acres in SE 1/4 NW 1/4; 13.5 acres in NE 1/4 SW 1/4; 2 acres in NE 1/4 SW 1/4; 10.5 acres in NE 1/4 SE 1/4; 20 acres in NW 1/4 SE 1/4; Section 26; 3 acres in NE 1/4 SW 1/4; 9 acres in SW 1/4 SW 1/4; Section 25; 3.5 acres in NE 1/4 NW 1/4; .5 acres in NW 1/4 NW 1/4; Section 36, Tp. 1 N. R. 27 E., W.M.; 7.5 acres in SW 1/4 NE 1/4; 8 acres in NW 1/4 SE 1/4; Section 6, Tp. 1 S.R. 28 E., W.M., all in Morrow County, Oregon.

BUTTER CREEK - Page 17

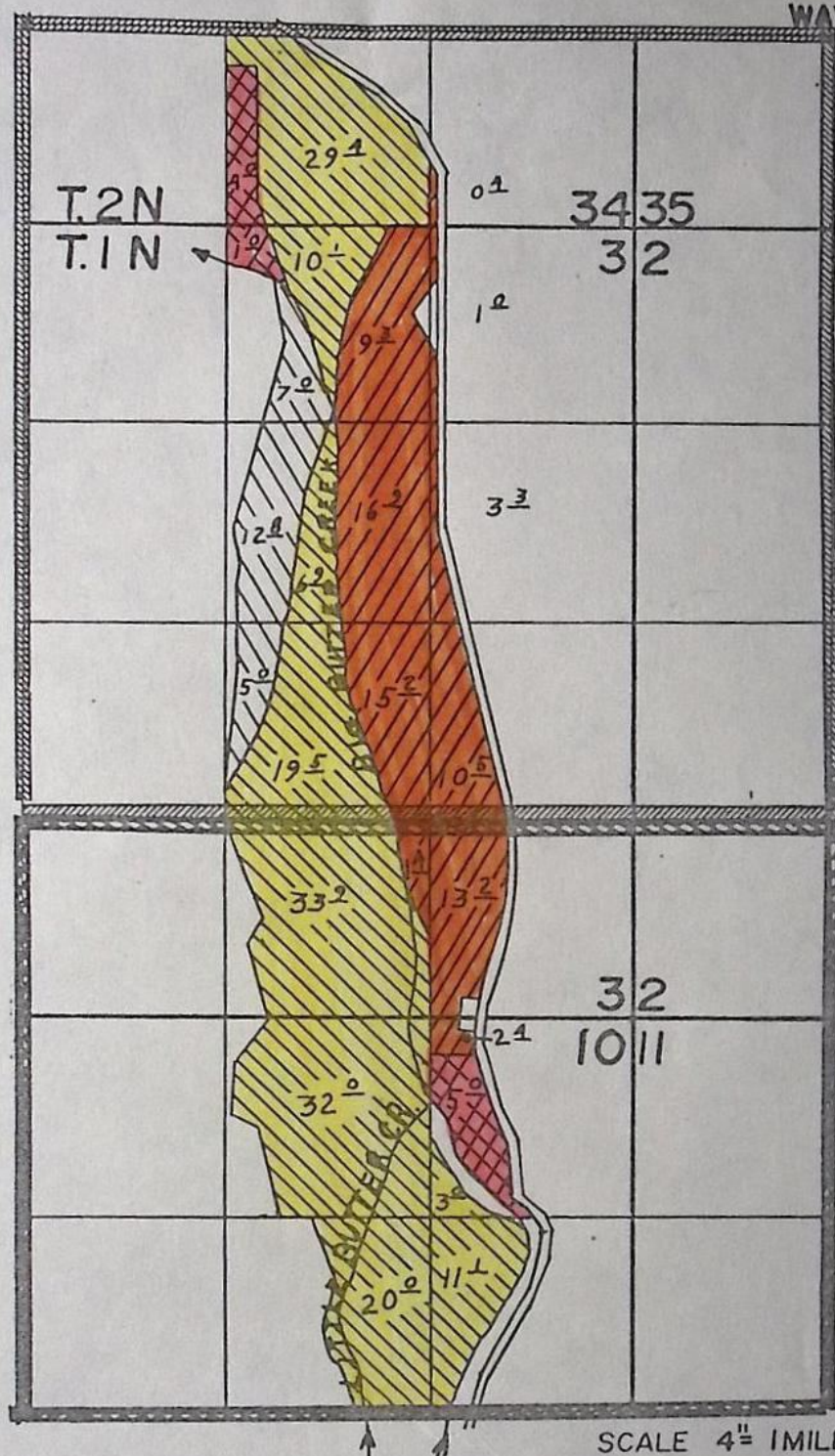
EXHIBIT "A"

T.1&2N., R.27E., W.M.

RECEIVED

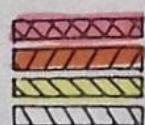
JUN 27 1978

WATER RESOURCES DEPT.
SALEM, OREGON



EARL WATTENBURGER

BURL WATTENBURGER



1872 PRIORITY
1890 "
1896 "

5Ac. Earl 5Ac. Burl 10.0
17Ac. " 56.6Ac. " = 73.6
100.0Ac. "(+) 65.9Ac. " 165.9
122.0 127.5 249.5

Earl	Burl	Total
0.10	0.10	0.20
0.24	1.12	1.46
1.98	1.31	3.29

AGREEMENT OF PRIORITY

STATE OF OREGON,

County of Morrow

RECEIVED

JUN 27 1978

**WATER RESOURCES DEPT.
SALEM, OREGON**

We, Earl W. and Ima Dorene Wattenberger and Edward Burl Wattenberger, Jr., being first duly sworn depose and say; that we are the owners of the real property to which the certain water right allowed by decree of the Circuit Court of the State of Oregon for Umatilla County, dated September 9, 1916, in the matter of the Determination of the Relative Rights to the Waters of Butter Creek, and its Tributaries, a Tributary of the Umatilla River, in Umatilla and Morrow Counties, Oregon, tabulated in the name of W. J. Wattenberger, for appropriation of the waters of Butter Creek with dates of relative priority of 1872 for 0.20 cubic feet per second, 1890 for 1.46 cubic feet per second and 1896 for 3.29 cubic feet per second, for irrigation of a certain 249.5 acres in Section 34, Township 2N, Range 27E, W.M., and Sections 3 and 10, Township 1N, Range 27E, W.M., as described by the certificate recorded at page 2705, Volume 3, State Records of Water Right Certifications, is appurtenant;

that the lands to which each of the three dates of relative priority apply are as shown by Exhibit "A" attached.

This Agreement of Priority is rerecorded to correct Exhibit "A" which was recorded with the Agreement of Priority recorded by Earl W. and Ima Dorene Wattenberger and Edward Burl Wattenberger on February 25, 1977, Microfilm Number 10805.

This Agreement shall be binding upon the undersigns, and heirs and assigns.

In Witness Whereof, we have hereunto set our hands this 9th day of Feb, 1978

Edward Burl Wattenberger Jr.
Earl W. Wattenberger
Ima Dorene Wattenberger

Subscribed and sworn to before me this 9th day of Feb., 1978.

William J. Porfily
NOTARY PUBLIC FOR OREGON

My commission expires: JAN. 7th 1980

AGREEMENT OF PRIORITY

STATE OF OREGON,

County of Umatilla

We, Earl W. and Ima Dorene Wattenberger and Edward Burl Wattenberger Jr.

_____, being first duly sworn depose and say;
that we are the owners of the real property to which the certain water right
allowed by decree of the Circuit Court of the State of Oregon for Umatilla County,
dated September 9, 1916, in the matter of the Determination of the Relative Rights
to the Waters of Butter Creek, and its Tributaries, a Tributary of the Umatilla
River, in Umatilla and Morrow Counties, Oregon, tabulated in the name of W. J.
Wattenberger, for appropriation of the waters of Butter Creek with dates of
relative priority of 1872 for 0.20 cubic feet per second, 1890 for 1.46 cubic
feet per second and 1896 for 3.29 cubic feet per second, for irrigation of a
certain 249.5 acres in Section 34, Township 2N, Range 27E., W. M., and Sections
3 and 10, Township 1N, Range 27E., W. M., as described by the certificate recorded
at page 2705, volume 3, state record of water right certifications, is appurtenant;
that the lands to which each of the three dates of relative priority apply
are as shown by Exhibit "A" attached.

This agreement shall be binding upon the undersigns, and heirs and assigns.

In Witness Whereof, we have hereunto set our hands this 1 day of Feb.

_____, 1977.

Earl W. Wattenberger
Ima Dorene Wattenberger
Edward Burl Wattenberger Jr.
v _____

Subscribed and sworn to before me this 1 day of February, 1977.

William J. Pafily
NOTARY PUBLIC FOR OREGON

My commission expires JAN. 7, 1980

Notice is given hereby that applications have been filed in the office of the Water Resources Director by Edward Burl Wattenburger, Jr., and by Earl W. and Irma Dorene Wattenburger for approval of changes in place of use and point of diversion from Butter Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2705, Volume 3, State Record of Water Right Certificates, in the name of W.J. Wattenburger, describes a right for the use of not to exceed 4.95 cubic foot per second from Butter Cr. for domestic use and stock use and irrigation of a certain 249.5 ac within the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec 34, T 2N, R 27E; the E $\frac{1}{2}$ of Sec 3 and the NE $\frac{1}{4}$ of Sec 10, T 1N, R 27E, WM, with priority dates of 1872, 1890 and 1896.

Water for the said right is diverted at two points: (a) 1650 ft S and 1250 ft W from the NE corner of Sec 15, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 15, T 1N, R 27E, WM, and (b) 10 ft N and 2000 ft W from the E $\frac{1}{4}$ Corner of Sec 10, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 10, T 1N, R 27E, WM.

That portion of the said right appurtenant to the Edward Burl Wattenburger, Jr., lands is for use of not to exceed 0.10 c.f.s. with a priority date of 1872 for irrigation of a certain 5.0 ac; 1.12 c.f.s. with a priority date of 1890 for irrigation of a certain 56.6 ac; and 1.31 c.f.s. with a priority date of 1896 for irrigation of a certain 65.9, ac all within the S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Sec 34, the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of said Sec. 3.

By application No. 2944, Edward Burl Wattenburger, Jr., proposes changes in place of use and point of diversion, without loss of priority, to thereafter irrigate a certain 4.0 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 34 and 1.0 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec 3 with a priority date of 1872; a certain 0.4 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 34, 1.0 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 9.3 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 16.9 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 3.3 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 10.5 ac in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 15.2 ac in

20.0 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 11.1 ac in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec 10 with a priority date of 1896, from the points of diversion:

(e) 1450 ft S and 720 ft W from the NE Corner of Sec 10, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 10, T 1N, R 27E, WM; and (f) 375 ft N and 1420 ft W from the NE Corner of said Sec 10, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 3, T 1N, R 27E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Heppner, Oregon, on December 12, 1978, at 9:30 a.m. All objections to the proposed changes, if any there are, will be heard at said time and place. Any and all objections against either or both said applications shall be in writing: one copy to be served on the applicant 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.

The address for Edward Burl Wattenburger, Jr., is Rural Route, Echo, OR 97826. The address for Earl W. and Irma Dorene Wattenburger is c-o Eldon Witherrite, Echo, OR 97826.

IF NO OBJECTIONS ARE FILED, THE APPLICATIONS 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 Director without a hearing.

Dated at Salem, Oregon this 9th day of October, 1978.

James E. Sexson
Director

Published October 19, 26
November 2, 1978

AFFIDAVIT OF PUBLICATION

STATE OF OREGON }
County of Morrow } ss:

I, Terry M. Hager

being first duly sworn, depose and say that I am the Managing Editor of the HEPPNER GAZETTE-TIMES, a newspaper of general circulation, as defined by O.R.S. 193.010 and 193.020; printed and published at Heppner, Oregon: that the Notice That Applications Have Been Filed in The Office Of Water Resources

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues: Oct. 19, 26, Nov. 2, 1978

Subscribed and sworn before me this 6th day of December, 1978.

Notary Public for Oregon

My Commission Expires: May 25, 1982
(SEAL)

RECEIVED

DEC 12 1978

WATER RESOURCES DEPT.
SALEM, OREGON

NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 3 with a priority date of 1890; and 29.4 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 34, 10.1 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.9 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 19.5 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 3 with a priority date of 1896, from the points of diversion (a) and (b), described above, and two additional points of diversion: (c) 320 ft S and 2400 ft W from the NE Corner of Sec 3, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 3, T 1N, R 27E, WM; and (d) 1500 ft S and 2180 ft W from the NE Corner of Sec 3, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec 3.

That portion of the said right appurtenant to the Earl W. and Irma Dorene Wattenburger lands is for use of not to exceed 0.10 c.f.s. with a priority date of 1872 for irrigation of a certain 5.0 ac; 0.34 c.f.s. with a priority date of 1890 for irrigation of a certain 17.0 ac; and 1.98 c.f.s. with a priority date of 1896 for irrigation of a certain 100.0 ac, all within the S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Sec 3 and the NE $\frac{1}{4}$ of said Sec 10.

By application No. 3333, Earl W. and Irma Dorene Wattenburger propose changes in place of use and point of diversion, without loss of priority, to thereafter irrigate a certain 5.0 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec 10 with a priority date of 1872; a certain 1.4 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 13.2 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 3 and 2.4 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec 10 with a priority date of 1890; and a certain 33.9 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 3, 3.0 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 32.0 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$,



STATE OF OREGON

INTEROFFICE MEMO

TO: Transfer Files T-2944 and T-3333

DATE: November 30, 1976

FROM: Larry W. Jebousek, Administrator
Water Rights Division

SUBJECT: This matter was discussed in detail with Bill Porfily, Watermaster District No. 5 and Chris L. Wheeler, Deputy Director on November 24, 1976.

Certificate 2705 describes a right for irrigation, stock and domestic from Butter Creek with dates of priority of 1872, 1890 and 1896. Neither the certificate, Butter Creek Decree, or the Statement and Proof of Claim identify the specific lands under each priority date. Burl Wattenburger Jr. submitted transfer application number 2944 for change in point of diversion. No agreement could be reached with the other owner of the right in question, being Earl W. Wattenburger. Consequently, transfer number 2944 was approved for change in point of diversion of the latest priority date, being 1896.

Recently, Earl W. Wattenburger submitted transfer application number 3333 for an additional point of diversion for a part of the lands described in certificate 2705. It still appears unlikely that Earl Wattenburger can now obtain an agreement with Burl Wattenburger Jr. as to the location of the lands covered under each priority date. This will mean that transfer number 3333 could be approved only for the 1896 priority date.

It appears possible that all of the right in question lying west of Big Butter Creek has been irrigated from Little Butter Creek for a considerable period of time with the possibility of the decree being in error by not designating this as a source of water. There has also been some changes in creek channel and field boundaries through the years.

Bill Porfily was instructed to contact both landowners to briefly explain the situation, make arrangements for a new instrument survey of the land in question as it is now being irrigated, and to arrange for a meeting with the landowners and either myself or Jim Carver. Further action is being withheld pending reply from Mr. Porfily.

LW:cjw



WATER RESOURCES DEPARTMENT

RECEIVED

SEP 16 1976

WATER RESOURCES DEPT
SALEM, OREGON

UMATILLA COUNTY COURTHOUSE

P.O. BOX 1427 • PENDLETON, OR • 97801 • Phone 276-7111

ROBERT W. STRAUB
GOVERNOR

September 15, 1976

JAMES E. SEXSON
Director

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Larry Jebousek
Water Resources Department
1178 Chemeketa St. NE
Salem, Oregon 97310

Dear Larry:

This is concerning Certificate No. 2705, W.J. Wattenberger of the Butter Creek decree, and T-3333 in the name of Earl W. Wattenberger, c/o Weldon Witherite. The problem has arisen before and now has surfaced again as to the location of land under each priority date of this right.

I have looked at the proof of claim which W.J. Wattenberger submitted (copy enclosed). He states that each priority was when each of the three ditches was started. He built Ditch No. 1 in 1872 and irrigated 10 acres, started Ditch No. 2 in 1890 and irrigated 73 acres, and Ditch No. 3 was started in 1896 and irrigated the remaining 166.5 acres.

Nowhere are we able to tell where exactly the 10 acres of 1872, the 73 acres of 1890, and the 166.5 acres of 1896 are without knowing in what order the ditches were built.

Mr. Earl Wattenberger, the nephew of W.J. Wattenberger, is trying to apply for an additional pt. of diversion on Butter Creek. Earl only owns a portion of what W.J. owned. Your people have asked Earl to designate the priority of his land under Certificate No. 2705 or get an agreement with the owner of the remaining land under Certificate No. 2705. The other owner will not sign such an agreement.

Mr. Weldon Witherite, acting in behalf of Earl W. Wattenberger, went and talked to a Hawkins, now living in Pilot Rock. Mr. Hawkins is 92 years old, his father purchased the land now in question and moved there when 92-year-old Hawkins was about one year old. He helped his father dig the No. 2 ditch and the No. 3 ditch and he has explained where Ditch No. 1 served. Mr. Hawkins' sister was born on the land and is still alive. How can we use their knowledge in straightening out this problem of what is where?

Larry Jebousek
September 15, 1976
Page 2

According to Mr. Hawkins, No. 3 ditch was from Little Butter Creek. I understand what the process is on getting Little Butter Creek on the decree for part of the land listed on Certificate No. 2705.

Give me a call on this the first of next week (Sept. 20-24) and I'll discuss it with you.

Enclosed also is T-3333 Application.

Sincerely,

William I. Porfily

William I. Porfily
Watermaster, Dist. 5

WIP/lg

Enc.