

3633

Philip S. Douglas & Wilson

STATUS OF APPLICATION

Change in POD
 Date filed 4-18-77
 Date of hearing July 7, 1977
 Place of hearing Fossil
 Date of order 8-12-77 Vol. 29, page 203
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued NOV 28 1977 Vol. 37, page 45016
12/01/2006 82775

to survey 1/79
redo Jan 82
surveyed 5/13/87 - Wilson

(See also T#3632)

3633
DESCRIPTION OF WATER RIGHT

Name of stream Butte Creek
 Trib. of _____ County of Wheeler
 Use irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority 1880
 In name of _____
John Day Riv. Adjudication, Vol. 15, page 604
 App. No. _____ Per. No. _____ Cert. No. 25833
 Certificate cancelled _____
 Notation made on record by _____

FPD

REMARKS

FEES PAID

Date	Amount	Receipt No.
<u>4-28-77</u>	<u>85.00</u>	<u>PG 59151</u>
TOTAL . . .		
<u>6-10-77</u>	<u>\$2.00</u> Cert. Fee	
<u>Ph. Times Journal \$40.95 Part of ch. # 1367</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>6-10-77</u>	<u>\$7.05</u>	<u>Part 4 1368</u>

Exam 20
 POD 15
 Cert 2
37.00
 PON 40.95
77.95

INDEX CARDS: Entered Checked

TO BE ENTERED WHERE CHECKED	Entered	Checked
☒ Name	<u>lgj</u>	___
☒ Stream	<u>lgj</u>	___
☒ Pt. of Div.	<u>lgj</u>	___
☒ Calendar	<u>lgj</u>	___
CHECKED TO RECORDS:		
☐ Twp. & Rge.	___	___
☒ Decree-vault	<u>JWC</u>	___
☒ Decree-safe	<u>lgj</u>	___
☒ Cert. of W/R	<u>JWC</u>	___
☐ Per. Folder	___	___
☐ Chd-index	___	___
☐ Cross-Ref.	___	___
☐ Power Claim	___	___
☒ Abstracts	<u>lgj</u>	___

W.R.I.S.

Assembled 6/26/84 by ctn

Entered _____ by _____

Verified _____ by _____

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or 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.

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

PHILIP S. AND DOUGLAS E. WILSON
PO BOX 274
FOSSIL, OREGON 97830

confirms the right to use the waters of BUTTE CREEK, a tributary of the JOHN DAY RIVER, for IRRIGATION OF 19.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for WHEELER COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at Page 461. The date of priority is 1880.

The amount of water to which this right is entitled is limited to an amount actually beneficially used 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 source.

The points of diversion are located as follows:

MCCONNELL DITCH: SW 1/4 NE 1/4, SECTION 25, T 6 S, R 20 E, W.M.;
2400 FEET SOUTH AND 1300 FEET EAST FROM N 1/4 CORNER, SECTION 25.

ADDITIONAL POD: SE 1/4 NE 1/4, SECTION 25, T 6 S, R 20 E, W.M.;
2400 FEET SOUTH AND 750 FEET WEST FROM NE CORNER, SECTION 25.

ADDITIONAL POD: SE 1/4 NW 1/4, SECTION 25, T 6 S, R 20 E, W.M.;
2270 FEET SOUTH AND 2330 FEET EAST FROM NW CORNER, SECTION 25.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre prior to June 1, and thereafter not to exceed ONE-EIGHTIETH of one cubic foot per second per acre during the remainder of the irrigation season, or its equivalent for each acre irrigated and shall be further limited to 1.0 acre-foot per acre during any calendar month prior to June 1, and not to exceed, during the irrigation season, 4.0 acre-feet per acre during season April 1 to September 30, measured at the point of diversion.

A description of the place of use to which this right is appurtenant is as follows:

SW 1/4 NE 1/4	2.3 ACRES
NE 1/4 NW 1/4	10.0 ACRES
NW 1/4 NW 1/4	3.2 ACRES
NW 1/4 SE 1/4	3.5 ACRES

SECTION 25

TOWNSHIP 6 SOUTH, RANGE 20 EAST, W.M.

The quantity of water diverted at the new points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water at the old point of diversion under the subject right.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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

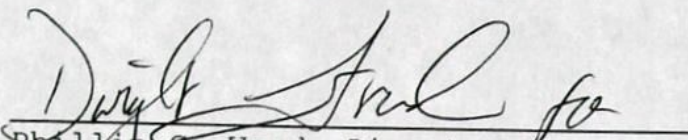
the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm ADDITIONAL POINTS OF DIVERSION approved by an order of the Water Resources Director entered on AUGUST 12, 1977, approving Transfer Application 3633, and together with Certificate 45016, supersedes Certificate 25833, State Record of Water Right Certificates.

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 is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed

DEC 01 2006.


Phillip C. Ward, Director
Oregon Water Resources Department



Recorded in State Record of Water Right Certificates Number 82775.

T-3633.JWG

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WHEELER COUNTY

IN THE MATTER OF THE APPLICATION OF)
PHILLIP S. AND DOUGLAS E. WILSON FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM BUTTE CREEK)

ORDER APPROVING
TRANSFER NO. 3633

On April 28, 1977, an application was filed in the office of the Water Resources Director by Phillip S. and Douglas E. Wilson for approval of three additional points of diversion from Butte Creek under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 25833, Volume 17, State Record of Water Right Certificates, in the name of Frank Sankey, describes a right which includes the use of water from Butte Creek for irrigation of 2.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 10.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 3.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 6 South, Range 20 East, W.M., with a date of priority of 1880.

Water for the said right is diverted, through the McConnell Ditch, from a point located 2400 feet South and 1300 feet East from the North quarter corner of Section 25, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25.

The applicants herein, contract purchasers of the lands above described, propose to establish, without loss of priority, three additional points of diversion located (1) 420 feet South and 1120 feet East, (2) 640 feet South and 1380 feet East, and (3) 1280 feet South and 2100 feet East from the Northwest corner of Section 25, being within the (1) NW $\frac{1}{4}$ NW $\frac{1}{4}$ and (2 and 3) NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 6 South, Range 20 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Times-Journal, a newspaper printed and having general circulation in Wheeler County, Oregon for a period of three weeks in the issues of May 12, 19 and 26, 1977.

Mr. Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

179
P203-204

No objections having been heard 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 three additional points of diversion of water from Butte 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 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 on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Frank Sankey and recorded at page 25833, Volume 17, 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 12th day of August, 1977.

/s/ James E. Sexson
Director

204

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

FRANK SANKEY, SUCCESSOR TO LOLA BARNARD

of Fossil, State of Oregon, 97830, has
a right to the use of the waters of Springs in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 25, T. 6 S.,
R. 20 E., W. M., Burnt Stump Creek

a tributary of Butte Creek
the irrigation of 13.5 acres

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Grant County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 15, at page 461; that the priority of the
right thereby confirmed dates from 1880

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per
second per acre irrigated to June 1 and 1/80 cubic foot per second per acre there-
after; further limited to one acre foot per calendar month to June 1 and four
acre feet per acre during season April 1 to September 30, measured at point of
diversion

The point of diversion is located in the

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

5.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
1.0 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$
7.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 25
T. 6 S., R. 20 E., W. M.

This certificate describes that portion of the water right confirmed by prior
certificate 25833, NOT modified by the provisions of an order entered on August
12, 1977, approving transfer application No. 3633.

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 November 28, 1977.

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 37, page 45016

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRANK SANKEY, SUCCESSOR TO LOLA BARNARD

of Fossil, State of Oregon, has a right to the use of

the waters of Springs in SE $\frac{1}{4}$ and E $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25, T. 6 S., R. 20 E., W. M.,

for the purpose of the Irrigation of 13.5 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1880

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 $\frac{1}{40}$ cubic foot per second per acre irrigated to June 1 and $\frac{1}{80}$ cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30, measured at point of diversion.

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:

T# 3633

2.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$	-	23
10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$	-	100
3.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$	-	32
5.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$		
1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$		
70 10.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$	-	35
Section 25, T. 6 S., R. 20 E., W. M.		
13.5		190

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 25833, Volume 17, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Aug 12, 1977, approving transfer application No. 3633.

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 State Engineer, affixed

this 1st day of May, 19 59.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25833

T# 3633

RECEIVED

MAY 31 1977

WATER RESOURCES DEPT
SALEM, OREGON

Legal Notice

STATE OF OREGON
NOTICE OF
WATER RIGHT TRANSFER
APPLICATION NO. 3633
I, ..
being first published

application has been filed in the office of the Water Resources Director by Phillip S. and Douglas E. Wilson for approval of three additional points of diversion from Butte Creek.

The certificate recorded at Page 25833, Vol. 17, State Record of Water Right Certificates, in the name of Frank Sankey, describes

a right which includes the use of water from Butte Creek for irrigation of 2.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 10.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 3.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 25, T. 6 S., R. 20 E., W.M., with a date of priority of 1880.

Water for the said right is diverted through the McConnell Ditch from a point located 2400 ft. S. and 1300 ft. E. from the N. $\frac{1}{4}$ corner of Sec. 25, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 25.

The applicants herein, contract purchasers of the lands above described, propose to establish without loss of priority 3 additional points of diversion located (1) 420 ft. S. and 1120 ft. E. (2) 640 ft. S. and 1380 ft. E. and (3) 1280 ft. S. and 2100 ft. E. from the NW corner of Sec. 25, being within the (1) NW $\frac{1}{4}$ NW $\frac{1}{4}$ and (2 and 3) NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 25, T. 6 S., R. 20 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Fossil, Or., on July 7, 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 Phillip S. and Douglas E. Wilson, Box 425, Condon, Or., 97823, 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 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 25th day of April, 1977.

JAMES E. SEXSON
Director

Published May 12, 19 and 26,
1977 TJ/119

..... of the
GILLIAM-WHEELER TIMES-JOURNAL, a newspaper of general circulation as defined by Sections 1-509, 1-510, Oregon Code; printed and published at Condon in the aforesaid county and state; that the Notice of...
...Water Right Transfer....., 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:

May 12, 19 and 26, 1977

McLaren Thompson

Subscribed and sworn to before me this 27th

day of May, 1977

Jeffrey W. Lane
Notary Public for Oregon

(My commission expires 1-2-81...)

