

3638

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in pink of division
Date filed 4-25-77
Date of hearing 7-26-77
Place of hearing Pendleton
Date of order 9-22-77 Vol. 29, page 367
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued NOV 28 1977 Vol. 37, page 45002

Name of stream Little Walla Walla R
Trib. of _____ County of Umatilla
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority _____
In name of _____
Adjudication, Vol. 12, page 1249
App. No. _____ Per. No. _____ Cert. No. 13108

Date	Amount	Receipt No.
<u>4-25-77</u>	<u>35.00</u>	<u>59928</u>
<u>5-13-77</u>	<u>50.00</u>	<u>60481</u>
TOTAL . . .		
	\$ 2 Cert. Fee	

Paid Valley Herald \$28.70 ok. # 1432
8/29/78

FEES REFUNDED

Date	Amount	Check No.
<u>8-29-77</u>	<u>\$19.30</u>	<u>1433</u>

Rec'd 85.00
Exam 20
POD 15
Cert 2
PON 28.70

- 65.70
Refund 19.30

REMARKS

ORIGINAL OF F.P. MAP IN G-6502

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> Stream	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> Pt. of Div.	<u> </u>	<u> </u>
<input checked="" type="checkbox"/> Calendar	<u>lg</u>	<u> </u>
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Twp. & Rge.	<u> </u>	<u> </u>
<input checked="" type="checkbox"/> Decree-vault	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> Decree-safe	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> Cert. of W/R	<u>4</u>	<u> </u>
<input type="checkbox"/> Per. Folder	<u> </u>	<u> </u>
<input type="checkbox"/> Chronoex	<u> </u>	<u> </u>
<input type="checkbox"/> Cross Ref.	<u> </u>	<u> </u>
<input checked="" type="checkbox"/> Power Claim	<u>lg</u>	<u> </u>
<input checked="" type="checkbox"/> Abstracts	<u> </u>	<u> </u>

CLW says go ahead with PON
No probable injury

-lost is a check

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That F. E. WILCOX

of Freewater, State of Oregon, has a right to the use of
the waters of Crockett Branch of Little Walla Walla 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
Umatilla County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 12, at page 19107; that the priority
of the right thereby confirmed dates from 1895 for 4 acres, and 1908 for 5.8 acres;

See 6202350

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 and one-half
miner's inches per acre measured at the 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:

9.8 acres in SE $\frac{1}{4}$ ofNW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 26,

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

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 irrigation purposes is restricted to the lands or place of use
herein described.

WITNESS the signature of the State Engineer,

affixed this 5th day

of April, 1940.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 13294

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF)
DON LEFORE FOR APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER FROM)
LITTLE WALLA WALLA RIVER)

ORDER APPROVING
TRANSFER NO. 3638

On April 25, 1977, an application was filed in the office of the Water Resources Director by Don LeFore for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 13108, Volume 11, State Record of Water Right Certificates, in the name of E. W. Orr, describes a right which includes the use of water from West Branch of Crockett Branch (of Little Walla Walla River) for irrigation of 4.85 acres in E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 6 North, Range 35 East, W.M., with dates of priority of 1878, 1895 and 1908.

Water for the said right is diverted from a point located 1300 feet North and 750 feet East from the South quarter corner of Section 26, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 6 North, Range 35 East, W.M.

The certificate recorded at page 13294, Volume 11, State Record of Water Right Certificates, in the name of F. E. Wilcox, describes a right for the use of water from Crockett Branch of Little Walla Walla River for irrigation of 9.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 6 North, Range 35 East, W.M., with dates of priority of 1895 for 4.0 acres and 1908 for 5.8 acres.

Water for the said rights is diverted from a point on the East Branch of the West Branch of Crockett Creek located 700 feet North and 1350 feet East from the South quarter corner of Section 26, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26.

The applicant herein, owner of the lands above described, proposes to change the points of diversion, without loss of priority, from the points above described to one point on the West Branch of the West Branch of Crockett Creek,

U22
267-370

located 1200 feet North and 770 feet East from the South quarter corner of Section 26, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26.

Notice of the application, pursuant to ORS 540.510, was published in the Valley Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of July 7, 14 and 21, 1977.

On August 18, 1977, a letter of objection, in the names of:

Mr. and Mrs. Carl S. Jones
Mr. and Mrs. Raymond Jones
Mr. and Mrs. Phil Davis
Maebelle Duncan
Mr. and Mrs. Marvin K. Davis
Keith Davis
Mr. and Mrs. Charles E. Rhoads
Despina P. Pantages
Ronald S. Bray
Bennie A. Tollefson
Marjorie Baird
Mr. and Mrs. Otto Blumhagen

against approval of the said application, was filed in the office of the Water Resources Director.

Pursuant to the published notice, the matter was brought to hearing on August 31, 1977, at the Umatilla County Courthouse in Pendleton, Oregon. The hearing was held before Mr. James W. Carver, Jr., Water Resources Department, Salem, Oregon.

The applicant, Mr. Don LeFore, was present and represented himself in the hearing.

Objectors, Mr. and Mrs. Marvin K. Davis, Emily R. Jones, Carl S. Jones and Doris Rhoads, were present and represented by their appointed spokesperson, Beulah (Mrs. Marvin K.) Davis.

The testimony of the objectors was in agreement that they would have no objection to approval of the proposed changes in point of diversion as described by transfer application No. 3638 if the applicant were required to install and maintain

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proper measuring devices at the new point of diversion and if the watermaster would make proper distribution of the water among the several appropriators in accord with their respective entitlements to water.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed changes in point of diversion may be made without injury to existing rights.

No other objections having been filed and it appearing that the proposed changes 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 changes in point of diversion 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 points of diversion under the subject rights.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervisions 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 F. E. Wilcox and recorded at page 13294, Volume 11; and the certificate heretofore issued to E. W. Orr and recorded at page 13108, Volume 11, State Record

of Water Right Certificates, are canceled, and in lieu thereof a new certificate be issued covering the balance of the right now described by the said certificate 13108, NOT involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 22nd day of September, 1977.

James E. Sexson ^{U.S.C.}
Director

NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order. Judicial review is pursuant to the provisions of ORS Chapter 183.

RECEIVED

JUL - 11 1977

WATER RESOURCES
SALEM, OREGON

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 2 June 9

Subscribed and sworn to before me this 9 day of
June, 1977.

Di Helton
Notary public for Oregon

My commission expires: July 5, 1977

Copy OK
Times Publ. ?



NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO.3638

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Don LeFore, which includes a request for approval of a change in point of diversion from West Crockett Creek.

The certificate recorded at Page 13294, Vol. 11, State Record of Water Right Certificates, in the name of F.E. Wilcox, describes a right for the use of water from Crockett Branch of Little Walla Walla River for irrigation of 9.8 acres in SE 1/4 of NW 1/4 SE 1/4 of Sec. 26, T.6 N., R.35 E., W.M., with dates of priority of 1895 for 4.0 acres and 1908 for 5.8 acres.

Water for the said right is diverted from a point on the East Branch of the West Branch of Crockett Creek located 700 ft. N. and 1350 ft. E. from the S. 1/4 corner of Sec. 26, being within the SE 1/4 SE 1/4 of said Sec. 26.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point on the West Branch of the West Branch of Crockett Creek, located 1200 ft. N. and 770 ft. E. from the S. 1/4 corner of Sec. 26, being within the SW 1/4 SE 1/4 of said Sec. 26.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on July 26, 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 Don LeFore, Rt. 4, Box 200, Milton-Freewater, Oregon 97862, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED—THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 19th day of May, 1977.

JAMES E. SEXSON
Director

22-23c

July 6, 1977

Above notice published only two times.

Carver phoned newspaper, July 1, 1977

Notice be ing changed to read "August 31" for hearing date, and will appear in the issues of July 7, 14 & 21, 1977

Carver also phoned watermaster to advise of delay (Mike Ladd)

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That E. W. ORR, of the County of Umatilla, State of Oregon, has a right to the use of

of the waters of West Branch of Crockett Branch, for the purpose of Irrigation

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 12 at page 1913; that the priority of the right thereby confirmed dates from 1878 for 1.5 acres, 1895 for 4.6 acres, and 1908 for 8.0 acres;

See 62 OR 350

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 and one-half miner's inches per acre measured at the 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:

4.4 acres in the W $\frac{1}{2}$ ofNW $\frac{1}{4}$ of NW $\frac{1}{4}$ SE $\frac{1}{4}$ 9.7 acres in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 26, Township 6 N., Range 35 E., W. M.

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

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 irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer,

affixed this 5th day

of April, 1940.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 11, page 13108.