

Name Allen Hughes

By _____

Address Rt 2Heppner, OR 97836Change in Added PODDate filed Jan. 17, 1978Date of hearing March 28, 1978Place of hearing HeppnerDate of order 4-19-78 Vol. 30, page 523Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued May 2, 1980 Vol. 43, page 49207

FEB 9 1989

FEB 9 1989

60011

60012

to survey 12/79

REMARKS

3865

DESCRIPTION OF WATER RIGHT

Name of stream Little Butter CreekTrib. of _____ County of MorrowUse Irr.

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1872In name of Ada J. WoodardButter Creek Adjudication, Vol. 1, page 274App. No. _____ Per. No. _____ Cert. No. 2707

Certificate cancelled _____

Notation made on record by unDB

OK cert

FEES PAID

Date	Amount	Receipt No.
1-17-78	\$ 80-	693
4-18-78	2.50	2259
TOTAL . . .		
4-13-78	\$ 2 ⁰⁰ Cert. Fee	Transfer from 693
GAZETTE-TIMES \$45.50 rd 4-13-78		check #2125

FEES REFUNDED

Date	Amount	Check No.
Exam	20-	
POD	15-	
Cert	2-	
PON	45.50	
	82.50	

W.R.I.S.

Assembled 62885 by SPB

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:

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

TO BE ENTERED WHERE CHECKED

RR-7
SRA

Confirm
AE

STATE OF OREGON
WATER DIVISION NO. 2 COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That W. A. WILCOX
of Heppner State of Oregon has a right to the use of
the waters of Little Butter Creek, a tributary of the Umatilla River,

for the purpose of the irrigation of ⁹²~~20.5~~ acres of land, domestic and stock use,

20.3 acres

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}~~Records of the State of Oregon~~ of the State of Oregon, in Volume ³~~1~~, at page 250; that the priority of the right hereby confirmed dates from 1898,

0.41 cfs if avail, NWNE, Sec 12, 28E

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 purpose, and shall not exceed ^{0.18}~~0.59~~ 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: 9 acres in the Northwest quarter of Northwest quarter; 14 acres in the Southwest quarter of Northwest quarter; 3 acres in the Southeast quarter of Northwest quarter and 3.5 acres in the Northeast quarter of Southwest quarter of Section Twelve, Township Two South, Range Twenty-eight East of Willamette Meridian, in Morrow County, Oregon.

WILCOX, W. A., Heppner, Ore. 7-3865 A Pod (original)	1898	.59 29.5	Irrigation stock	Little Butter Creek	9.0 acres in NWNE 2.14 acres in SWNE 3 acres in SENE 3.5 acres in NENE Section 12, Tp. 2 S. R. 28 E., W. L., all in Morrow County, Oregon.	273	7-3865 138 30 35 203
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This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 2707, Volume 3, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on 4-19, 1978, approving transfer application No. 3865.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

1 clause add POD
4-19-78

RR-49207

(SEAL OF STATE WATER BOARD)

affixed this 29th day
of December, 1919..

STATE WATER BOARD

By Percy A. Cupper,
State Engineer, President

Attest:

R. W. Potter,
Secretary

Recorded in State Record of Water Right Certificates, Volume 3, page 2707 60011

T-3865A

Cert 49207

T-3865

0.2 NWNE, Sec 12, T28N, R28E, NW 1/4, 2620 ft S of 3170 ft E from the NW corner of SW 1/4 of Sec 12, T28N, R28E, 360.5 x 1450.1 E

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT
(For Rights which have been perfected by the Courts)

THIS IS TO CERTIFY, That ~~ADA J. WOODWARD~~ of Heppner, State of Oregon has a right to the use of the waters of Little Butter Creek, a tributary of the ~~Umatilla~~ ^{Butter Cr} River for the purpose of the irrigation ^{20.0} of ~~19.5~~ 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 3, at page 250; that the priority of the right hereby confirmed dates from 1872; 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 0.32 cubic feet per second, and shall be subject to ~~all other conditions and limitations contained in said decree.~~ ^{if avail} ^{1.00 ft}

Same POD's as T-3865A

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
2710 Woodward, Ada J. Heppner, Ore. T-3865 APOD	1872	.32	19.5	Irrigation stock		Little Butter Creek	9.5 acres in NE 1/4 NW 1/4 Section 13; 3.5 acres in NE 1/4 SW 1/4 Section 12, 7 acres in SE 1/4 SW 1/4 Section 12, Tp. 2 S. R. 28 E., W. 11., All in Morrow County, Oregon

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274

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, 1919.

STATE WATER BOARD

By PERCY A. CUPPER

(SEAL OF STATE WATER BOARD)

State Engineer, President.

Attest:

R. W. POTTER,
Secretary

NO RR

Recorded in State Record of Water Right Certificates, Volume 3, Page 2710.

60012

T-3865B

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION)
OF ALLEN HUGHES FOR APPROVAL OF)
AN ADDITIONAL POINT OF DIVERSION)
OF WATER FROM LITTLE BUTTER CREEK)

ORDER APPROVING
TRANSFER NO. 3865

On January 17, 1978, an application was filed in the office of the Water Resources Director by Allen Hughes for approval of an additional point of diversion from Little Butter Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2707, Volume 3, State Record of Water Right Certificates, in the name of W. A. Wilcox, describes a right which includes the use of not to exceed 0.41 cubic foot per second from Little Butter Creek for irrigation of a certain 13.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 3.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 3.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 2 South, Range 28 East, W.M., with a date of priority of 1898.

The certificate recorded at page 2710, Volume 3, State Record of Water Right Certificates, in the name of Ada J. Woodward, describes a right for the use of not to exceed 0.32 cubic foot per second from Little Butter Creek for irrigation of a certain 3.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12; and 9.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Township 2 South, Range 28 East, W.M., with a date of priority of 1872.

Water for the said rights is diverted from a point located 2620 feet South and 3170 feet East from the Northwest Corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 2 South, Range 28 East, W.M.

The applicant herein, an owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 370 feet South and 1540 feet East from the Northwest Corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 2 South, Range 28 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Gazette-Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of February 2, 9 and 16, 1978.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect

that the proposed additional point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed additional 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 additional point of diversion, 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, 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 rights.

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:

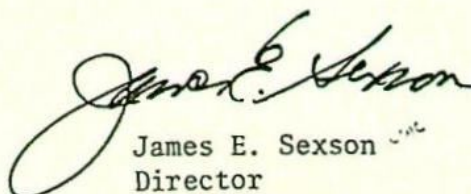
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 additional 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 W. A. Wilcox and recorded at page 2707, Volume 3, 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 the certificate of water right heretofore issued to Ada J. Woodward and recorded at page 2710, 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 19th day of April, 1978.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

W. A. WILCOX

of Heppner, State of Oregon 97836, has
a right to the use of the waters of Little Butter Creek

a tributary of Umatilla River for the purpose of
irrigation of 9.2 acres 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 WATER RESOURCES DIRECTOR, in Volume 3, at page 250; that the priority of the
right thereby confirmed dates from 1898

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 0.18 cubic foot per
second

The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, T. 2 S., R. 28 E., W.M.;
2620 feet South and 3170 feet East from NW Corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12

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

9.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
0.2 acre SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 12
T. 2 S., R. 28 E., W.M.

This certificate describes that portion of the water right confirmed by the
prior certificate recorded at Page 2707, Volume 3, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on April 19, 1978, approving transfer application No. 3865.

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 May 2, 1980.


Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43, page 49207

Notice of Water Right
Transfer Application
No. 3865

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Allen Hughes for approval of a change in point of diversion from Little Butter Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2707, Volume 3, State Record of Water Right Certificates, in the name of W.A. Wilcox, describes a right which includes the use of not to exceed 0.41 cubic foot per second from Little Butter Creek for irrigation of a certain 13.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 3.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 3.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12, T 2 S, R 28 E, WM, with a date of priority of 1898.

The certificate recorded at page 2710, Volume 3, State Record of Water Right Certificates, in the name of Ada J. Woodward, describes a right for the use of not to exceed 0.32 cubic foot per second from Little Butter Creek for irrigation of a certain 3.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12; and 9.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 13, T 2 S, R 28 E, WM, with a date of priority of 1872.

Water for the said rights is diverted from a point located 2620 ft S and 3170 ft E from the NW Corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF Sec 12, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 13, T 2 S, R 28 E, WM.

The applicant herein, an owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 370 ft S and 1540 ft E from the NW Corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12, T 2 S, R 28 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Heppner, Oregon, on March 28, 1978, 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 Allen Hughes, Route 2, Heppner, OR 97836, 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. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon,
this 25th day of January, 1978.

James E. Sexson
Director

Published Feb. 2, 9, 16, 1978.

RECEIVED

APR 12 1978

WATER RESOURCES DEPT.
SALEM, OREGON 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 General Manager 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 of Water Right Transfer Application

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: Feb. 2, 9, 16, 1978.

Subscribed and sworn before me this 31 day of March, 19 78.

Milton Ray Boyce

Notary Public for Oregon

My Commission Expires: 3-22-79
(SEAL)