

341 J.C. F. ...
Route #2, Box 102
Pendleton 97801

3495

STATUS OF APPLICATION

Change in add'l point of diversion
Date filed 11-26-76
Date of hearing 2-8-77
Place of hearing Pendleton
Date of order 2-18-77 Vol. 28, page 325
Date for application of water 10-1-78
Proof mailed _____
Proof received _____
Certificate issued May 2, 1980 Vol. 43, page 49213
Summary 3/77

DESCRIPTION OF WATER RIGHT

Name of stream Birch Creek
Trib. of _____ County of Umatilla
Use irrigation
Quantity of water _____ No. of acres 50⁰
Name of ditch Giebert and Hemphill
Date of priority _____
In name of _____
_____ Adjudication, Vol. 3, page 203
App. No. _____ Per. No. _____ Cert. No. 2530
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>11-26-76</u>	<u>35.00</u>	<u>56984</u>
<u>12-2-76</u>	<u>50.00 POU</u>	<u>57053</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
<u>1-6-77</u>	<u>\$12.00</u>	<u>1057</u>

1-6-77
Paid Newspaper (East Oregonian)
ch. # 1056 \$38.00

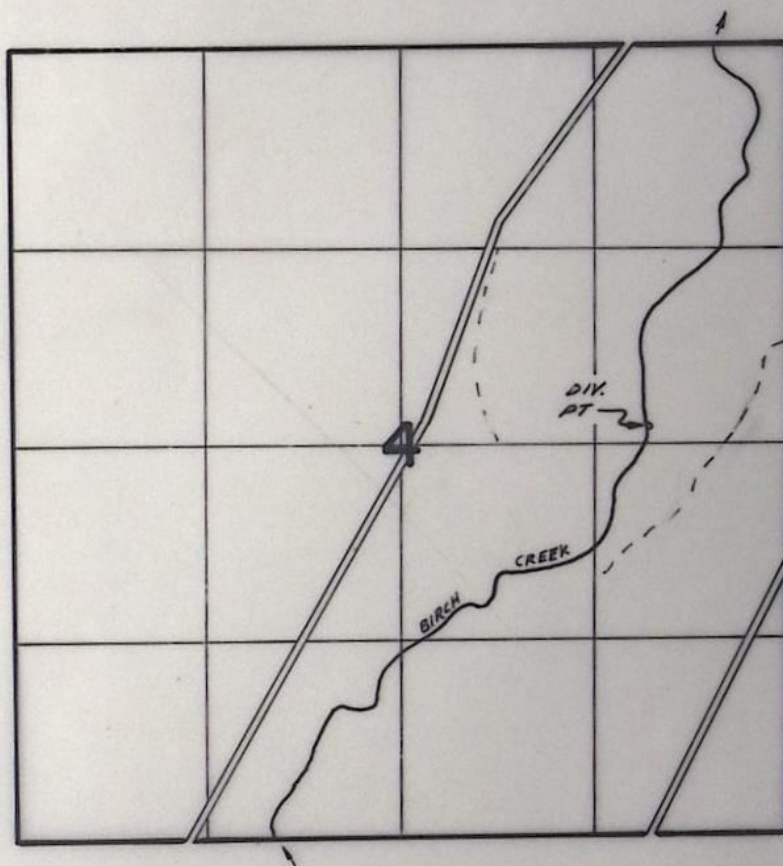
REMARKS

Partial Cancellation?
Part of right evidenced by Certificate 2530 canceled - Sp. Or. Vol. 29, P. 232

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		TO BE ENTERED WHERE CHECKED
	Entered	Checked	
<u>WH</u> Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<u>WH</u> Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<u>WH</u> Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<u>WH</u> Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
_____ Temp. & Rge.	<u>GLS</u>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Degree-vault	<u>lg.</u>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Degree-shelf	<u>lg.</u>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
_____ Per. Folder	<input type="checkbox"/>	<input type="checkbox"/>	
_____ Chaindex	<input type="checkbox"/>	<input type="checkbox"/>	
_____ Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>	
_____ Prop. Chain	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Abstracts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

254

T. 1S. R. 32E. W.M



DIV. PT. LOCATED 100' N. & 940' W. FROM E 1/4 COR. SEC. 4

FINAL PROOF SURVEY
UNDER

TRANSFER 3495

Application No. Permit No.
IN NAME OF

..... C. F. & LYDIA H. CONDRA

Surveyed 10-5..... 1977.. by R. BARWIN.....

OK
(MT)

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That C.F. AND LYDIA H. CONDRA
Route 2, Box 102 H. H. GILBERT (Transferred to G.W. Rush)
of Pilot Rock Penoleton State of Oregon 97801 has a right to the use of
the waters of Birch Creek, a tributary of the Umatilla River,

for the purpose of the irrigation of ^{61.0}~~28~~ 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 7, at
page 127; that the priority of the right hereby confirmed dates from 1870 for
12 acres and 1905 for ⁴⁹~~56~~ acres

that the amount of water to which such right is entitled and hereby confirmed for the
purpose ⁸ aforesaid, is limited to an amount actually beneficially used for said pur-
pose ⁸, and shall not exceed ^{0.76}~~0.85~~ cubic feet per second, subject to the provisions
of paragraph 33 of said decree and all other conditions and limitations contained
in said decree. if available at the original points of diversion, SE 1/4 SW 1/4,
NW 1/4 SE 1/4, SECTION 4, T. 15, R. 32 E, W.M. 650 feet North and 450 feet West, 1400 feet
North and 420 feet EAST, both from the SW Corner Section 4

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: 20 acres in the Southwest quarter of Northeast
quarter; 37 acres in the Southeast quarter of Northeast quarter and 11 acres in the
Northeast quarter of Southeast quarter of Section Four, Township One North, Range
Thirty-two East of Willamette Meridian, in Umatilla County, Oregon. South

Corrected by Court Order Feb. 23, 1977
Recorded Vol. 15 page 452

RECEIVED
MAR 16 1977
WATER RESOURCES DEPT
SALEM, OREGON

Acres	Tr. 3495	Cancel
20.0 SW 1/4 NE 1/4	16.0	4.0
37.0 SE 1/4 NE 1/4	34.0	3.0
11.0 NE SE	11.0	

16.0 acres ~~SW 1/4 NE 1/4~~
34.0 acres SE 1/4 NE 1/4
11.0 acres NE 1/4 SE 1/4
Section 4
T. 15, R. 32 E, W.M.

This certificate is issued to confirm ^{additional} ~~change~~ in point of diversion approved
by an order of the WRD entered FEB 18, 1977 and supersedes certificate of water right
recorded on Page 2530, Volume 3, SRWRC.
* (together with an order of the WRD entered August 16, 1977.)

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

Water Board
[Signature], affixed this 29th day

of December, 19 19.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By Percy A. Cupper
State Engineer, President

Attest: R.W. Potter,

Secretary

Recorded in State Record of Water Right Certificates, Volume 7, page 2530

Cert 49213

T# 3495

P.O.D. - SE 1/4 NE 1/4, SE 1/4 SW 1/4, NW 1/4 SE 1/4, Section 4, T. 15, R. 32 E, W.M. 100 feet North and 940 feet West from the SW Corner, Section 4, 1400 feet North and 420 feet East, both from the SW Corner, Section 4

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION }
OF C. F. AND LYDIA H. CONDRA FOR }
THE APPROVAL OF A CHANGE IN POINT }
OF DIVERSION OF WATER FROM BIRCH }
CREEK }

ORDER APPROVING
TRANSFER NO. 3495

On November 26, 1976, C. F. and Lydia H. Condra filed an application in the office of the Water Resources Director for the approval of an additional point of diversion of water from Birch Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 2530, Volume 3, State Record of Water Right Certificates, in the name of H. H. Gilbert, describes an existing right of record which includes the use of not to exceed 0.76 cubic foot per second from Birch Creek for irrigation of 16.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 34.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 11.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 1 South, Range 32 East, W.M., with dates of priority of 1870 for 12.0 acres and 1905 for 49.0 acres.

Water for the said right is diverted through the Gilbert and Hemphill ditches from points located (1) 1400 feet North and 420 feet East, (2) 650 feet North and 450 feet West from the South quarter-corner of Section 4, being within the (1) NW $\frac{1}{4}$ SE $\frac{1}{4}$, (2) SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 1 South, Range 32 East, W.M.

The applicants herein, owners of the lands above described, propose to change, without loss of priority, the point of diversion and to establish a new, additional point of diversion located 50 feet South and 1350 feet East from the center corner of Section 4, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 1 South, Range 32 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of December 16, 23 and 30, 1976.

Mr. William I. Porfily, Watermaster of District No. 5, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested additional point of diversion from Birch Creek described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.76 cubic foot per second.

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

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

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

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to H. H. Gilbert and recorded at Page 2530, Volume 3, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right shall be issued to C. F. and Lydia H. Condra.

Dated at Salem, Oregon, this 18th day of February, 1977.

/s/ JAMES E. SEXSON
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE PARTIAL)
CANCELATION OF A WATER RIGHT)
IN THE NAME OF H.H. GILBERT)

O R D E R

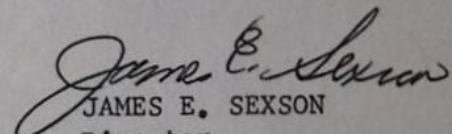
On March 16, 1977, Gordon Chapman, Mayor of the City of Pilot Rock submitted an affidavit that the City of Pilot Rock is the owner of a water right and the lands to which the right is appurtenant; that the City of Pilot Rock has abandoned any and all interest in and to said water right and request the same be canceled.

The water right in question is a portion of the right evidenced by certificate issued to H.H. Gilbert and recorded at Page 2530, Volume 3, State Record of Water Right Certificates, and is for the appropriation of not to exceed 0.09 cubic foot per second of water from Birch Creek, with a date of priority of 1905, for the irrigation of 4.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 1 South, Range 32 East W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancelation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right evidenced by certificate recorded at Page 2530, Volume 3, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon, this 16th day of August, 1977.


JAMES E. SEXSON
Director

RECEIVED
JAN - 4 1977
WATER RESOURCES DEPT
SALEM, OREGON

IN THE _____ COURT OF THE
STATE OF OREGON FOR UMATILLA COUNTY

AFFIDAVIT OF
PUBLICATION OF

Equity } No. _____
Law }

STATE OF OREGON, } ss.
County of Umatilla }

I, PATRICIA S. DALY being first duly
sworn, depose and say that I am the principal clerk of the publisher of the East
Oregonian, a newspaper of general circulation, as defined by ORS 193.010
and 193.020; printed and published at Pendleton in the aforesaid county and
state; that the E.O. 310 Notice of Water Transfer

a printed copy of which is hereto annexed, was published in the entire issue
of said newspaper for 3 successive and consecutive insertions in
the following issues:

December 16, 23, 30, 1976

Subscribed and sworn to before me this 30th day of

December 19 76

Patricia S. Daly
Notary Public of Oregon

MY COMMISSION EXPIRES
SEPT. 8, 1980

EO-310
NOTICE OF WATER
RIGHT TRANSFER
APPLICATION NO. 3495
FOR CHANGE IN POINT
OF DIVERSION
Notice is given hereby that C. F.
and Lydia Condra have filed an
application in the office of the Water
Resources Director for the approval
of a change in point of diversion
from Birch Creek.
Certificate of water right recorded
at Page 2530, Vol. 3, State Record of
Water Right Certificates, in the
name of H. H. Gilbert, describes an
existing right of record which
includes the use of not to exceed 0.75
cubic foot per second from Birch
Creek for irrigation of 16.0 acres in
SW 1/4 NE 1/4, 34.0 acres in SE 1/4 NE 1/4
and 11.0 acres in NE 1/4 SE 1/4 of Sec.
4, T. 1 S., R. 32 E., W.M., with dates
of priority of 1870 and 1905.
Water for the said right is diverted
through the Gilbert and Hemphill
ditches from points located (1) 1400'
N. and 420' E., (2) 650' N. and 450' W.
from the S. 1/4 corner of Sec. 4, being
within the (1) NW 1/4 SE 1/4, (2) SE 1/4
SW 1/4 of Sec. 4, T. 1 S., R. 32 E., W.
M.
The applicants herein, owners of
the lands above described, propose
to change, without loss of priority,
the point of diversion and to
establish a new, additional point of
diversion located 50' S. and 1350' E.
from the center corner of Sec. 4,
being within the NE 1/4 SE 1/4 of
Section 4, T. 1 S., R. 32 E., W.M.
All persons interested are notified
hereby that a hearing will be held at
the county courthouse at Pendleton,
Oregon, on February 8, 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
C. F. & Lydia H. Condra, Rt. 2, Box
102, Pendleton, OR, 97801, 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 6th
day of December, 1976.
JAMES E. SEXSON
Director
December 16, 23, 30, 1976