

3496 *Neak Bl*  
17804 Wayne Ave No 3  
Seattle 98133

3496

STATUS OF APPLICATION

Change in add'l point of diversion  
Date filed 12-6-76  
Date of hearing 5-24-77  
Place of hearing Pendleton  
Date of order 5-31-77 Vol. 29, page 77  
Loss of Right 6-15-87  
Date for application of water 10-1-78 10-1-79  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page \_\_\_\_\_

DESCRIPTION OF WATER RIGHT

Name of stream Pine Creek  
Trib. of \_\_\_\_\_ County of Umatilla  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
Date of priority June 10, 1964  
In name of Neal Blessinger  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 39943 Per. No. 99779 Cert. No. 39091  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_  
5-11-87 SRA

FEES PAID

Date	Amount	Receipt No.
<u>12-6-76</u>	<u>20.00</u>	<u>57104</u>
<u>2/28/77</u>	<u>\$75.00</u>	<u>58638</u>
TOTAL . . .		
	No Cert. Fee	

4/27/77  
Paid Newspaper - The East Oregonian Ch. # 1294  
**FEES REFUNDED** \$38.00

Date	Amount	Check No.
<u>4/27/77</u>	<u>\$22.00</u>	<u>1295</u>

Fees	Exam	20-
	Δ POD	15-
	PON	38-
		<u>Δ 73-</u>
	Rec'd	95-
	Refund	22-

REMARKS

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TO BE ENTERED WHERE CHECKED

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



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
UMATILLA COUNTY

IN THE MATTER OF TRANSFER	)	
APPLICATION 3496 IN THE	)	LOSS OF RIGHT
NAME OF NEAL BLESSINGER	)	

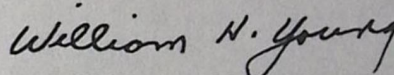
Transfer Application 3496, in the name of Neal Blessinger, proposed a change in point of diversion of water from Pine Creek under a certain right with a priority date of June 10, 1964, for two additional points of diversion located (1) 350 feet North and 1320 feet East and (2) 2640 feet North and 800 feet West from the Southeast Corner of Section 21, being within (1) SW 1/4 SW 1/4 of Section 22, and (2) SE 1/4 NE 1/4 of Section 21, Township 6 North, Range 34 East, WM.

The order of the Water Resources Director, entered May 31, 1977, approving Transfer Application 3496, provided: "...that the change in point of diversion be made on or before October 1, 1978."

The applicant has failed to make proof to the satisfaction of the Water Resources Director that the proposed change was accomplished within the provisions of the order, therefore, the right to divert water from the additional points of diversion has been lost.

The right to divert water from the original point of diversion, located 250 feet North and 300 feet West from the Southeast Corner of Section 22, being within the SE 1/4 SE 1/4 of Section 22, Township 6 North, Range 34 East, WM, is not affected by this order.

Dated at Salem, Oregon this 15th day of June, 1987.

  
WILLIAM H. YOUNG<sub>7124</sub>  
Director

0337/d  
0323E



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION }  
OF NEAL BLESSINGER FOR APPROVAL OF }  
A CHANGE IN POINT OF DIVERSION OF }  
WATER FROM PINE CREEK }  
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ORDER APPROVING  
TRANSFER NO. 3496

On December 6, 1976, an application was filed in the office of the Water Resources Director by Neal Blessinger for additional points of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 39091, Volume 31, State Record of Water Right Certificates, in the name of Neal Blessinger, describes an existing right of record for the use of not to exceed 2.09 cubic feet per second from Pine Creek for irrigation of 14.6 acres and supplemental irrigation of the following lands:

<u>Primary</u>	<u>Supplemental</u>	
4.6 acres	14.7 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$
7.4 acres	30.0 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$
	11.4 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 21	
1.0 acre	10.0 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$
1.6 acres	40.0 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
	37.8 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$
	15.8 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$
	40.0 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$
	25.0 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$
	33.0 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$
	30.0 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 22	

Township 6 North, Range 34 East, W.M.

all with a date of priority of June 10, 1964.

Water for the said right is diverted from a point located 250 feet North and 300 feet West from the Southeast corner of Section 22, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 22, Township 6 North, Range 34 East, W.M.



The applicant herein, owner of the lands above described, proposes to establish, without loss of priority, two additional points of diversion located (1) 350 feet North and 1320 feet East and (2) 2640 feet North and 800 feet West from the Southeast corner of Section 21, being within (1) SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 22, and (2) SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, Township 6 North, Range 34 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 March 29, April 5 and 12, 1977.

Mr. William I. Porfily, Watermaster, 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 points of diversion from Pine 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, and shall not exceed 2.09 cubic feet 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 Neal Blessinger and recorded at Page 39091, Volume 31, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 31st day of May, 1977.

/s/ JAMES E. SEXSON  
Director



STATE OF OREGON  
COUNTY OF UMATILLA  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That**      **NEAL BLESSINGER**

of 17804 Wayne Avenue North, Seattle, State of Washington, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Pine Creek

a tributary of Walla Walla River for the purpose of irrigation of 14.6 acres and supplemental irrigation of 287.7 acres

under Permit No. 29779 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 10, 1964

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 2.09 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 22, T. 6 N., R. 34 E., W. M., 250 feet North and 300 feet West from SE Corner, Section 22.

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 one-sixtieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein,

and shall

conform to such reasonable rotation system as may be ordered by the proper state officer.

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

4.6 acres	14.7 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$
7.4 acres	30.0 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$
	11.4 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 21	
1.0 acre	10.0 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$
1.6 acres	40.0 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
	37.8 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$
	15.8 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$
	40.0 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$
	25.0 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$
	33.0 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$
	30.0 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 22	
	T. 6 N., R. 34 E., W. M.	

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 date.      March 20, 1973

\_\_\_\_\_  
CHRIS L. WHEELER

State Engineer



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. 537 Notice of Water Right Transferr

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:

March 29, April 5, 12, 19 77

Subscribed and sworn to before me this 15th day of

April, 19 77

Patricia S. Daly  
Notary Public of Oregon

MY COMMISSION EXPIRES  
SEPT. 8, 1980

EO-537  
NOTICE OF WATER  
RIGHT TRANSFER  
APPLICATION NO. 3496

Notice is given hereby that Neal Blessinger has filed an application in the office of the Water Resources Director for the approval of two additional points of diversion from Pine Creek.

Certificate of water right recorded at Page 39091, Vol 31, State Record of Water Right Certificates, in the name of Neal Blessinger, describes an existing right of record for the use of not to exceed 2.09 c.f.s. from Pine Creek for irrigation of 14.6 acres and supplemental irrigation of 287.7 acres within  $S\frac{1}{2}$  NE $\frac{1}{4}$  and NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 21, SW $\frac{1}{4}$  NE $\frac{1}{4}$  and  $S\frac{1}{2}$  of Sec. 22, T. 6 N., R. 34 E., W.M. with a date of priority of June 10, 1964.

Water for the said right is diverted from a point located 250 ft. N. and 300 ft. W. from the SE corner of Sec. 22, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 22, T. 6 N., R. 34 E., W.M.

The applicant herein, owner of the lands above described, proposes to establish, without loss of priority, two additional points of diversion located (1) 350 ft. N. and 1320 ft. E. and (2) 2640 ft. N. and 800 ft. W. from the SE corner of Sec. 21, being within (1) SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 22, and (2) SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 21, T. 6 N., R. 34 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on May 24, 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 Neal Blessinger, 17804 Wayne Ave. N., Seattle, WA, 98133, 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 16th day of March, 1977.  
JAMES E. SEXSON  
Director  
March 29, April 5, 12, 1977