

3586

STATUS OF APPLICATION

Change in additional point of diversion
 Date filed 3-15-77
 Date of hearing ~~8-9-77~~ 10-9-77
 Place of hearing Heppner
 Date of order 11-17-77 Vol. 30, page 61
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received DEC 19 1977
 Certificate issued Sept 27, 1988 Vol. 37, page 54 45078
57705

to survey 1/80

DESCRIPTION OF WATER RIGHT

Name of stream Willow Creek
 Trib. of _____ County of Marion
 Use irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority _____
 In name of _____
WILLOW CR. Adjudication, Vol. 1, page 23
 App. No. _____ Per. No. _____ Cert. No. 150
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

| Date | Amount | Receipt No. |
|---------------|----------------|------------------------|
| 3-15-77 | \$ 35.00 | 59060 |
| 5-24-77 | 50.00 | 60745 |
| 11-16-77 | 4.65 | 65062 |
| TOTAL . . . | | |
| 11-9-77 | \$ 2-Cert. Fee | Transferred from 59060 |
| Gazette Times | \$ 52.65 | CK # 1775 11-10-77 |

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
| Recd | | 85 |
| Exam | 20 | |
| POD | 15 | |
| Cert | 2 | |
| PON | 52.65 | |
| | | 89.65 |
| | | 4.65 |
| need | | |

REMARKS

CARD FOR C DEC 26 1979

INDEX CARDS: Entered Checked

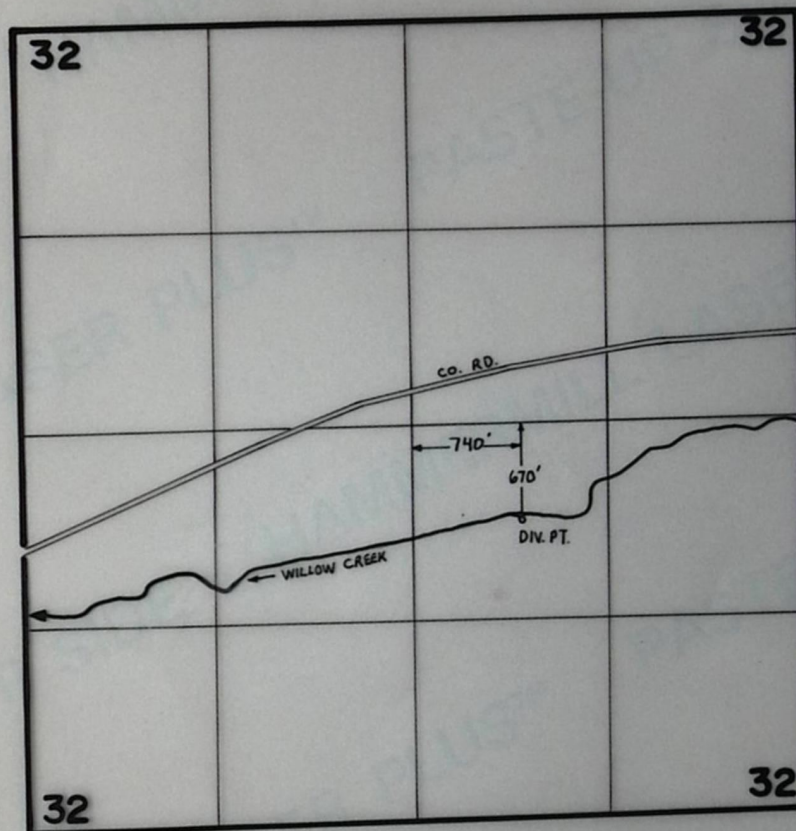
| | | |
|----------------|-----|-----|
| ✓ Name | lgj | --- |
| ✓ Stream | lgj | --- |
| ✓ Pt. of Div | lgj | --- |
| ✓ Calendar | lgj | --- |
| CHECKED TO REC | | |
| 0 Twp. & Rge. | --- | --- |
| ✓ Decree-vault | lgj | lgj |
| ✓ Decree-adv | lgj | --- |
| ✓ Cert. of W/R | lgj | --- |
| Per. Folder | --- | --- |
| Quadrant | --- | --- |
| Cross Ref. | --- | --- |
| Lower Claim | --- | --- |
| ✓ Abstracts | lgj | --- |

477

T. 2 S. R. 27 E. W.M.



Scale 1"=1320'



FINAL PROOF SURVEY
UNDER

TRANSFER 3586

IN NAME OF

RICHARD T. WILKINSON

Surveyed March..II. 1987, by V.Church.....

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

J. M. HAGER

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

a tributary of Columbia River for the purpose of
irrigation of 81.67 acres and domestic use; (irrigation during the irrigation
season)

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Morrow County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 1, at page 73; that the priority of the
right thereby confirmed dates from 1870 for Tract No. 1 and 1894 for Tract No. 2

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 1.10 cubic feet per
second as of date 1870 and 0.26 cubic foot per second as of date 1894.

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:

Tract No. 1

5.55 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ 14.27 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ 2.35 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 32

8.21 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.35 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ 11.18 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.04 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.32 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 33

T. 2 S., R. 27 E., W. M.

0.96 acre NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 6

T. 3 S., R. 27 E., W. M.

Tract No. 2

8.70 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ 6.74 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 31

T. 2 S., R. 27 E., W. M.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 150, Volume 1, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on November 17, 1977, approving transfer application No. 3586.
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 December 19, 1977.

James E. Sexson

Water Resources Director

STATE OF OREGON
COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that RICHARD T. WILKINSON, of P.O. BOX 68, has a right to the use of waters of WILLOW CREEK, a tributary of THE COLUMBIA RIVER, for the purpose of IRRIGATING 48.91 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for MORROW County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1, at page 73. The date of priority is 1870 FOR 29.36 ACRES AND 1894 FOR 19.55 ACRES.

The right is limited to not more than 0.49 CUBIC FOOT PER SECOND WITH 1870 PRIORITY AND 0.32 CUBIC FOOT PER SECOND WITH 1894 PRIORITY; IF AVAILABLE AT THE ORIGINAL POINTS OF DIVERSION: SE 1/4 NE 1/4 AND NE 1/4 SW 1/4 SECTION 32, T 2 S, R 27 E, W.M..

The point of diversion is located as follows:

#3 SE 1/4 NE 1/4, SECTION 32, T 2 S, R 27 E, W.M., 36 FEET NORTH AND 328 FEET WEST FROM E 1/4 CORNER OF SECTION 32; #4 NE 1/4 SW 1/4 SECTION 32, 1092 FEET SOUTH AND 1251 FEET WEST FROM CENTER 1/4 CORNER; NEW DIVERSION, NW 1/4 SE 1/4 SECTION 32, 670 FEET SOUTH AND 740 FEET EAST FROM CENTER 1/4 CORNER SECTION 32.

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

| 1870 | 1894 |
|---------------------------------------|--------------------------|
| NE 1/4 SW 1/4 15.88 ACRES | NE 1/4 SE 1/4 0.33 ACRE |
| NW 1/4 SE 1/4 13.48 ACRES | SE 1/4 SE 1/4 6.74 ACRES |
| SECTION 32 | SECTION 31 |
| | NW 1/4 SW 1/4 9.43 ACRES |
| | SW 1/4 SW 1/4 3.05 ACRES |
| | SECTION 32 |
| TOWNSHIP 2 SOUTH, RANGE 27 EAST, W.M. | |

SEE NEXT PAGE

This certificate is issued to confirm an ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered NOVEMBER 17, 1977, and together with certificate 45078, supersedes certificate 150, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director,
affixed this date SEPTEMBER 27, 1988.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 57705

T-3586

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION)
OF RICHARD T. WILKINSON FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3586

On March 15, 1977, an application was filed in the office of the Water Resources Director by Richard T. Wilkinson for approval of an additional point of diversion from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 150, Volume 1, State Record of Water Right Certificates, in the name of J. M. Hager, describes a right which includes the use of water from Willow Creek in the amount of not to exceed 0.49 cubic foot per second with a priority date of 1870 for irrigation of 15.88 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 13.48 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32; and in the amount of 0.32 cubic foot per second with a priority date of 1894 for irrigation of 0.33 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 6.74 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31; 9.43 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.05 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, all within Township 2 South, Range 27 East, W.M.

The authorized points of diversion of water for irrigation of said lands are located as follows:

- No. 3 - 36 feet North and 328 feet West from the East Quarter Corner of Section 32, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32.
- No. 4 - 1092 feet South and 1251 feet West from the Center Corner of Section 32, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32.

The applicant herein, owner of the lands above described, proposes to establish, without loss of priority, an additional point of diversion from Willow Creek at a point located 670 feet South and 614 feet East from the Center Corner of Section 32, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32, for irrigation of said lands.

Notice of the application, pursuant to ORS 540.510, was published in the Hepner Gazette-Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of August 11, 18 and 25, 1977.

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 from Willow Creek, 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 points of diversion, shall not exceed the quantity of water available at the old points 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:

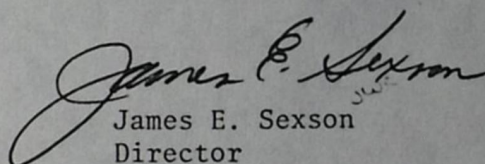
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 recorded at page 150, Volume 1, 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 17th day of November 1977.


James E. Sexson
Director

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 J. M. HAGER,
 of Heppner, State of Oregon, has a right to the use of
 the waters of WILLOW CREEK, tributary to the Columbia River, in Morrow County,
 Oregon,

for the purpose of irrigation and domestic use; (irrigation during the irrigation
 season)

and that said right has been confirmed by decree of the Circuit Court of the State of
 Oregon for Morrow County, and the said decree entered of record at Salem,
 in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at
 page 73; that the priority of the right hereby confirmed dates from 1870 for
 Tract No 1 and 1894 for Tract 2

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 pur-
 poses, and shall not exceed ^{1.10}~~1.59~~ cubic feet per second as of date 1870 and ~~0.58~~^{0.26}
 cubic feet per second as of date 1894;

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:

Tract No. 1

5.55 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$,
~~15.88~~ acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, - ^{15.88}
 14.27 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$,
~~15.88~~ acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, - ^{13.48}
 Section 32;
 8.21 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$,
 4.35 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 11.18 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 10.04 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 9.32 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 Section 33,
 T. 2 S.R. 27 E.W.M.
 .96 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$,
 Section 6,
 T. 3 S. R. 27 E.W.M.

Tract No. 2

~~8.33~~ acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$,
 8.70 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$,
~~15.43~~ acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 Section 31,
 0.43 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$,
 3.05 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 Section 32;
 T. 2 S.R. 27 E.W.M.

This certificate describes that portion of the water right confirmed by the prior
 certificate recorded at page 150, Volume 1, State Record of Water Right
 Certificates, NOT modified by the provisions of an order of the Water Resources
 Director entered on Nov 17, 1977, approving transfer application No. 3586.

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

Recorded in State Record of Water Right Certificates, Volume 1, page 150

T #3586

RECEIVED

SEP-6 1977

WATER RESOURCES DEPT
SALEM, OREGON

AFFIDAVIT OF PUBLICATION

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION
NO. 3586

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Richard T. Wilkinson for approval of an additional point of diversion from Willow Creek.

The certificate recorded at Page 150, Vol. 1, State Record of Water Right Certificates, in the name of J.M. Hager, describes a right which includes the use of

water from Willow Creek in the amount of not to exceed 0.49 cubic foot per second with a priority date of 1870 for irrigation of 15.88 acres in NE $\frac{1}{4}$, SW $\frac{1}{4}$ and 13.48 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 32; and in the amount of 0.32 cubic foot per second with a priority date of 1894 for irrigation of 0.33 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 6.74 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 31; 9.43 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.05 acres in SW $\frac{1}{4}$ of Sec. 32, all within T. 2 S., R. 27 E., W.M.

Water for the said right is diverted from two points located (1) 36 ft. N. and 328 Ft. W. from the E. $\frac{1}{4}$ corner of Sec. 32, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 32; (2) 1092 ft. S. and 1251 ft. W. from the center of Sec. 32, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32, all within T. 2 S., R. 27 E., W.M.

The applicant herein, owner of the lands above described, proposes to establish, without loss of priority, an additional point of diversion located 670 ft. S. and 614 ft. E. from the center of Sec. 32, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 32.

All persons interested are notified hereby that a hearing will be held at the country courthouse at Heppner, Oregon, on

October 5, 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 Richard T. Wilkinson, PO Box 68, Heppner, Oregon 97836, 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

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 No. 3586

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: August 11, 18,
25, 1977

Terry M. Hager
Subscribed and sworn before me this 25 day of August, 1977.

Milton Roy Boyce
Notary Public for Oregon

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

110 lines 1" in each.

point of
diversion from Willow
Creek.

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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 June, 1977

JAMES E. SEXON'
Director

Published Aug. 11, 18,
25, 1977

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 No. 3586

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: August 11, 18, 25, 1977

Terry M. Hager

Subscribed and sworn before me this

25 day of August, 1977

Milton Ray Bayne

Notary Public for Oregon

My Commission Expires: 3-22-79

(SEAL)

110 lines 1" in each.

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Dated at Salem, Oregon, this 6th day of June, 1977

JAMES E. SEXON

Director

Published Aug. 11, 18, 25, 1977

108 column lines of 9 pica ems per each, of 8 point type

9/12 x 108 = 81 statutory column lines