

3587

## STATUS OF APPLICATION

Change in point of diversion  
 Date filed 3-16-77  
 Date of hearing 7-5-77  
 Place of hearing Pendleton  
 Date of order 8-4-77 Vol. 29, page 179  
 Date for application of water 10-1-79  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued AUG 10 1978 Vol. 38, page 46239  
May 2, 1980 43 49212  
Survey 8/77

## DESCRIPTION OF WATER RIGHT

Name of stream Well  
 Trib. of \_\_\_\_\_ County of Umatilla  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 4.0  
 Name of ditch \_\_\_\_\_  
 Date of priority \_\_\_\_\_  
 In name of \_\_\_\_\_  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. G 2153 Per. No. G 1991 Cert. No. 41943  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_  
sub I-5503 A POA part C-46239

## FEES PAID

Date	Amount	Receipt No.
3-16-77	\$ 35.00	59092
3-24-77	\$ 45.00	59264
TOTAL . . .		
6-9-77	\$ 2.00 Cert. Fee	59092
Pl. 6-9-77 Valley Herald \$27.30		ck. #1347

## FEES REFUNDED

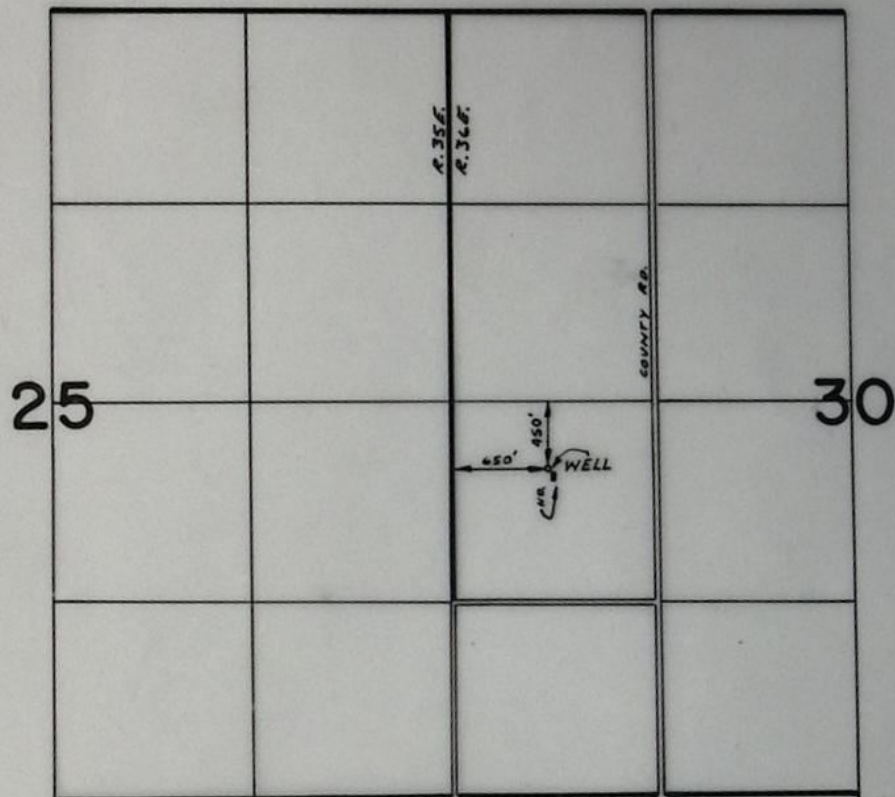
Date	Amount	Check No.
6-9-77	15.70	1346
Exam 20-		
POA 15-		
Cert 2-		
PON 27.30		
64.30		

## REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
_____	Name	<u>leg</u>	_____
_____	Stream	<u>leg</u>	_____
_____	Pt. of Div.	_____	_____
_____	Calendar	<u>leg</u>	_____
CHECKED TO RECORDS:			
<u>✓</u>	Twp. & Rge.	_____	_____
_____	Decree-vault	_____	_____
_____	Decree-safe	_____	_____
<u>✓</u>	Cert. of W/R	<u>✓</u>	_____
<u>✓</u>	Per. Folder	<u>✓</u>	_____
_____	Chainindex	_____	_____
_____	Cross Ref.	_____	_____
_____	Power Claim	_____	_____
<u>✓</u>	Abstracts	<u>leg</u>	_____



T.6N. R.35&36E. W.M.



**FINAL PROOF SURVEY**  
UNDER

TRANSFER 3587

Application No. .... Permit No. ....  
IN NAME OF

**VIRGEL AMMONS**

Surveyed 11-15 1977, by R. BARWIN



STATE OF OREGON  
COUNTY OF UMATILLA

SUPERSEDED  
DATE 8/1/77

# CERTIFICATE OF WATER RIGHT

This Is to Certify, That <sup>VIRGEL AMMONS</sup>  
~~VERNON E. DRUMBACH~~

of <sup>148D-1</sup> Route 1, Box 154, Milton-Freewater, State of Oregon 97862, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of Walla Walla River (~~Columbia River~~) for the purpose of irrigation of <sup>4.0</sup>~~21.4~~ acres

under Permit No. G-1991 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 November 6, 1961

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 ~~0.27~~ cubic foot per second  
0.05

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the <sup>NW 1/4 SW 1/4 Section 30 T. 6 N. R. 36 E., W. M.</sup>  
~~NE 1/4 SE 1/4, Section 25, T. 6 N., R. 35 E., W. M.,~~  
~~610 feet South and 1100 feet West from the E 1/4 Corner, Section 25.~~  
<sup>450 feet South and 650 feet EAST from the W 1/4 Corner Section 30</sup>

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-eightieth 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;

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:

11.2 acres NE 1/4 SE 1/4  
Section 25  
T. 6 N., R. 35 E., W. M.  
4.0 ~~10.2~~ acres NW 1/4 SW 1/4  
Section 30  
T. 6 N., R. 36 E., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered August 4, 1977 and together with certificate of water right recorded on Page 46239, Volume 38, SRWRC supersedes certificate of water right recorded on Page 41943, Volume 33, SRWRC.

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

~~Chris L. Wheeler~~

State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41943

Cert 49212

T # 3587



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF )  
VIRGEL AMMONS FOR APPROVAL OF A )  
CHANGE IN POINT OF APPROPRIATION )  
OF GROUND WATER )

ORDER APPROVING  
TRANSFER NO. 3587

On March 16, 1977, an application was filed in the office of the Water Resources Director by Virgel Ammons for a change in point of appropriation of ground water under an existing water right, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 41943, Volume 33, State Record of Water Right Certificates, in the name of Vernon E. Brumbach, describes a right which includes the use of not to exceed 0.05 cubic foot per second from a well for irrigation of 4.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 30, Township 6 North, Range 36 East, W.M., with a priority date of November 6, 1961.

Water for the said right is diverted from a well located 610 feet South and 1100 feet West from the East quarter corner of Section 25, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 25, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation, without loss of priority, to a well located 440 feet South and 500 feet East from the West quarter corner of Section 30, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 30, Township 6 North, Range 36 East, W.M.

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 May 12, 19 and 26, 1977.

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

No objections having been filed and it appearing that the proposed

029  
P179-  
180



change in point of appropriation may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of appropriation, 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 shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.05 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 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 heretofore issued to Vernon E. Brumbach and recorded at page 41943, Volume 33, 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 4th day of August, 1977.

/s/ James E. Sexson  
Director



STATE OF OREGON  
COUNTY OF UMATILLA

# CERTIFICATE OF WATER RIGHT

This Is to Certify, That VERNON E. BRUMBACH

97862

of Route 1, Box 154, Milton-Freewater, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of Walla Walla River (~~Columbia River~~)  
irrigation of ~~21.4~~ acres  
17.4

for the purpose of

under Permit No. G-1991 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 November 6, 1961

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 ~~0.27~~ cubic foot per second  
0.22

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 25, T. 6 N., R. 35 E., W. M., 610 feet South and 1100 feet West from the E $\frac{1}{4}$  Corner, Section 25.

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-eightieth 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;

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:

11.2 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 25  
T. 6 N., R. 35 E., W. M.  
6.2 ~~10.2~~ acres NE $\frac{1}{4}$  SW $\frac{1}{4}$  - 4.2  
Section 30  
T. 6 N., R. 36 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 41943, Volume 33, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on August 4, 1977, approving transfer application No. 3587.

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

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 27, 1975~~

Chris L. Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41943

T # 3587



Form 4. Proof of Publication. ORS 111.215(3).

(Title of Court and Cause)

No. \_\_\_\_\_  
PROOF OF PUBLICATION OF  
NOTICE

NOTICE OF WATER RIGHT  
TRANSFER APPLICATION  
NO. 3587

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Virgel Ammons for approval of a change in point of appropriation from ground water.

The certificate recorded at Page 41943, Vol. 33, State Record of Water Right Certificates, in the name of Vernon E. Brumbach, describes a right which includes the use of not to exceed 0.05 cubic foot per second from a well for irrigation of 4.0 acres in NW¼ SW¼ of Sec. 30, T. 6 N., R. 36 E., W. M., with a date of priority of Nov. 6, 1961.

Water for the said right is diverted from a well located 610 ft. S. and 1100 ft. W. from the E. ¼ corner of Sec. 25, being within the NE¼ SE¼ of Sec. 25, T. 6 N., R. 35 E., W. M.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation, without loss of priority, to a well located 440 ft. S. and 500 ft. E. from the W. ¼ corner of Sec. 30, being within the NW¼ SW¼ of Sec. 30, T. 6 N. R. 36 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on July 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 Virgel Ammons, Rt. 1, Box 148 D-1, 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 the 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 27th day of April, 1977.

JAMES E. SEXSON  
Director

19-21C

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-Freewater, Oregon, and that the notice, a copy of which is annexed, was published in the entire issue of said newspaper in the following issues:

May 12 May 19 May 26

Subscribed and sworn to before me this 26 day of

May, 19 77.

Vi Helton  
Notary public for Oregon

My commission expires: July 5, 1977

RECEIVED

JUN - 1 1977

WATER RESOURCES DEPT  
SALEM, OREGON



3-21-77

We do not have well logs covering the moved from well nor the moved to well. We do not have the depths of either well and thus cannot determine if the wells are in the same gravel water body.

WPC

8-6-77

The moved from well is approx. 80' deep; The moved to well is 105' deep. Both wells are producing from the same alluvial aquifer system or gravel water body. Approval is recommended.

WPC.

3587

VIRGEL AMMONS