

3416 Robert W. Russell
Route 2, Box 229-A
Puyette, Idaho

3446

STATUS OF APPLICATION

Change in additional point of diversion
Date filed 8-24-76
Date of hearing August 29, 1978
Place of hearing Vale
Date of order 9-5-78 Vol. 31, page 180
Date for application of water completed
Proof mailed _____
Proof received _____
Certificate issued **SEP 4 1980** Vol. 43, page 49465

to survey 9/78

DESCRIPTION OF WATER RIGHT

Name of stream Unnamed Stream
Trib. of _____ County of Malheur
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 43300 Per. No. 32358 Cert. No. 41250
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.	TRSF. FROM P-6
9-18-75	\$35.00	49543	8/24/76
9-18-75 PON	39.80	Same	
TOTAL . . .			
8-14-78	\$4 Cert. Fee	Transfr PON 49543	
The Malheur Enterprise \$35.28 pd 8-14-78 ck 2530			

FEES REFUNDED

Date	Amount	Check No.
Ex 20-		
POD 15-		
Cert 4-		
PON 35.28		
74.28		

REMARKS

INDEX CARDS:

TO BE ENTERED WHERE CHECKED	Entered	Checked
<input checked="" type="checkbox"/> Name	lcj	---
<input checked="" type="checkbox"/> Stream	lcj	---
<input type="checkbox"/> Pt. of Div.	---	---
<input checked="" type="checkbox"/> Calendar	lcj	---
CHECKED TO RECORD:		
<input type="checkbox"/> Twp. & Bce.	---	---
<input type="checkbox"/> Decree-vault	---	---
<input type="checkbox"/> Decree-safe	---	---
<input checked="" type="checkbox"/> Cert. of W/R	lcj	---
<input checked="" type="checkbox"/> Per. Folder	lcj	lcj
<input type="checkbox"/> Chainindex	---	---
<input type="checkbox"/> Cross Ref.	---	---
<input type="checkbox"/> Power Claim	---	---
<input checked="" type="checkbox"/> Abstracts	lcj	---

STATE OF OREGON

COUNTY OF

MALHEUR

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ROBERT W. RUSSELL

of 198 SW Third Avenue, Ontario, State of Oregon 97914, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of two unnamed intermittent streams

a tributary of Snake River
irrigation of 208.0 acres

for the purpose of

under Permit No. 32358 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 7, 1967

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 4.08 cubic feet per second, being 1.56 c.f.s. from north stream and 2.52 c.f.s. from south stream, provided that the quantity of water diverted at the new point of diversion on the south stream together with that diverted at the*

or its equivalent in case of rotation, measured at the point of diversion from the stream.

The point of diversion is located in the Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, T. 17 S., R. 47 E., W.M.; North stream - 390 feet South and 1300 feet West, South stream - 2060 feet South and 1300 feet West, both from NE Corner, Section 6; South stream - 830 feet North and 250 feet West from SE Corner, Section 6

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-fortieth 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 4 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:

*original south stream diversion shall not exceed the quantity of water available at the old point of diversion, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, T. 17 S., R. 47 E., W.M.: 2060 feet South and 1300 feet West from NE Corner, Section 6

SEE NEXT PAGE

19.4 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
35.6 acres Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
37.9 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
38.6 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
27.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
39.2 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
10.3 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 6
T. 17 S., R. 47 E., W.M.

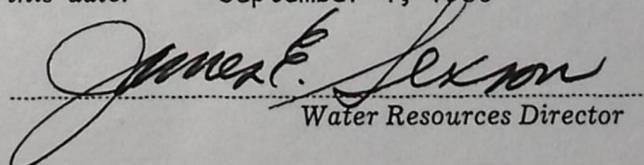
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 41250, Volume 33, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered September 5, 1978, approving transfer application No. 3446 and is issued to confirm the additional point of diversion approved by the same order and supersedes certificate 41250.

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

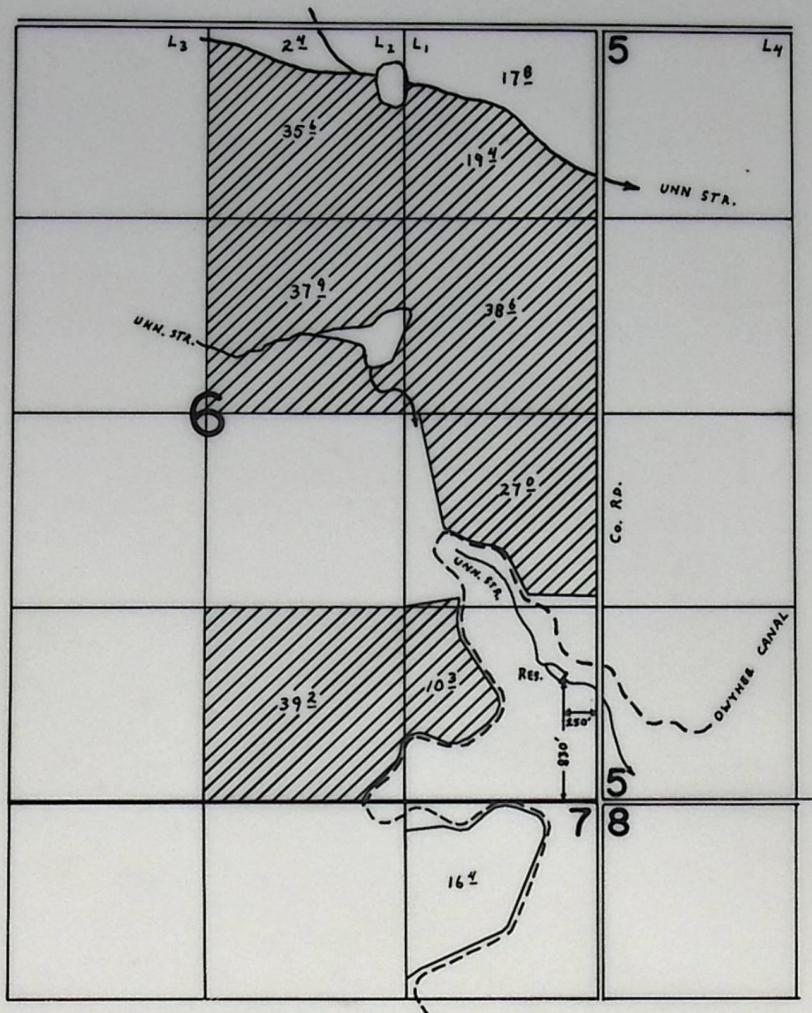
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described., and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. September 4, 1980


Water Resources Director

T.17S. R.47E. W.M.



FINAL PROOF SURVEY
UNDER

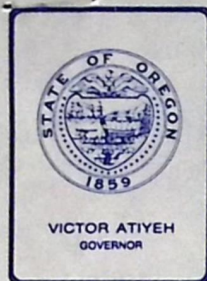
Transfer No. T-3446

Application No. Permit No.

IN NAME OF

ROBERT W. RUSSELL

Surveyed Aug. 4 1979, by C. L. HUGHES



SEP 4 1980

Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

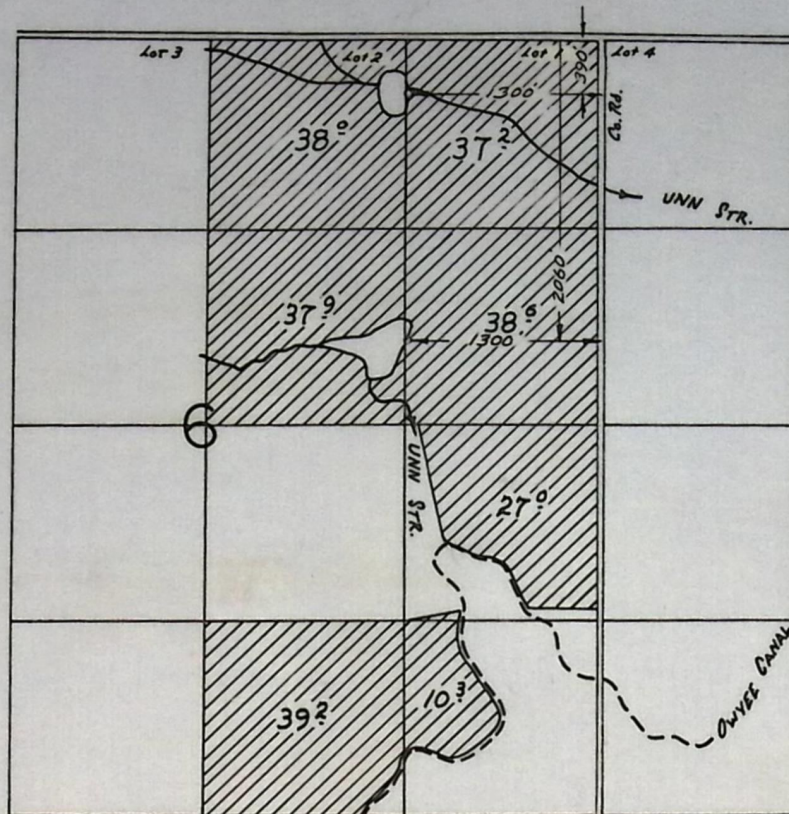
This certificated water right is appurtenant to the specific plan of use where it was established and belongs to the legal owner of the land.

The right exists only for the amount of water needed for the specific use and place of use described in the water right documents.

To change the place of use, point of diversion, or type of use of the water, an application must be filed with the Water Resources Director for approval of the proposed change.

Any portion of this water right is forfeited if allowed to go unused for five or more consecutive years. Also, the right may be lost at any time by an intentional act by the owner that would make the right unusable.

T.17S. R.47E. W.M.



FINAL PROOF SURVEY
UNDER

Application No. 43300 Permit No. 32358
IN NAME OF

DARRELL CAMPBELL

Surveyed JUNE 19 1974, by LARRY H. NUNN

2KK-271

TIMM FOLEY - ^{owner} ~~owner~~ LAWYER
DON DENNING 889-7621 County MALHEUR
D. S. DENNING - Valc - 473-2839
198 SW 3rd Ave., Ontario, 97914

Don DENNING County MALHEUR

- BBC-2KK-271
8/4/79 CCH

C DAtE: Completed

See NOTE
8/3/79 CCH

Mrs FOLEY says they are under a restraining order not to irr. by the North Border Control. Not allowed to pump from reservoir below ditch. She says land was ok'd to irr last year ^{and was} but not this year. There are suits against Potnam (previous owner) and others for fraud. The equip she says is in bad condition and barely usable. This land is tied up in court now so should wait for decision on the irr. of property. Don Denning, lawyer, say Robert Russell is still owner and Foleys are buying on contract. He says land has been irr from this D.P. for many years.

Info: Mr. Foley. Land is irr as applied. In addition

he also irrigates ac NENE Sec 7, and top of section 6.

Source: A res. Div is a dam 12' high. Crest width is 13'. Water is 6 1/2' deep. Res. is silted in pretty good (about 3') Max when not silted is 9 1/2' deep.

Spillway is 5' wide avg and 2 1/2' deep. Has a 16" steel drain pipe regulated by a 6" wheel on dam.

Slopes are 3:1. Res. is empty now due to above report. Other D.P.s have not been used for 4 years. Res. built 4 yrs. ago.

Use: Irr. of hay and barley

Equip: pipe - 12" buried mainline to 8" mainline the length of the field.

- 3" Alum lateral lines - 10-1/4 mi lines

heads - RB 40 5/32 x 0 (576 max)

pumps - GE 125 HP @ 1770 RPM

Johnston turbine 8"x20" 12" main the length of field (12-1/4 mi lines max)

GE 60 HP @ 1770 RPM

Cornell COD 8"x5" 8" main to lower (south) irr area (8-1/4 mi lines max)

Lift: See quad +30

Tie: BBC-2KK-271

Chris Hughes
FE

8/4/79

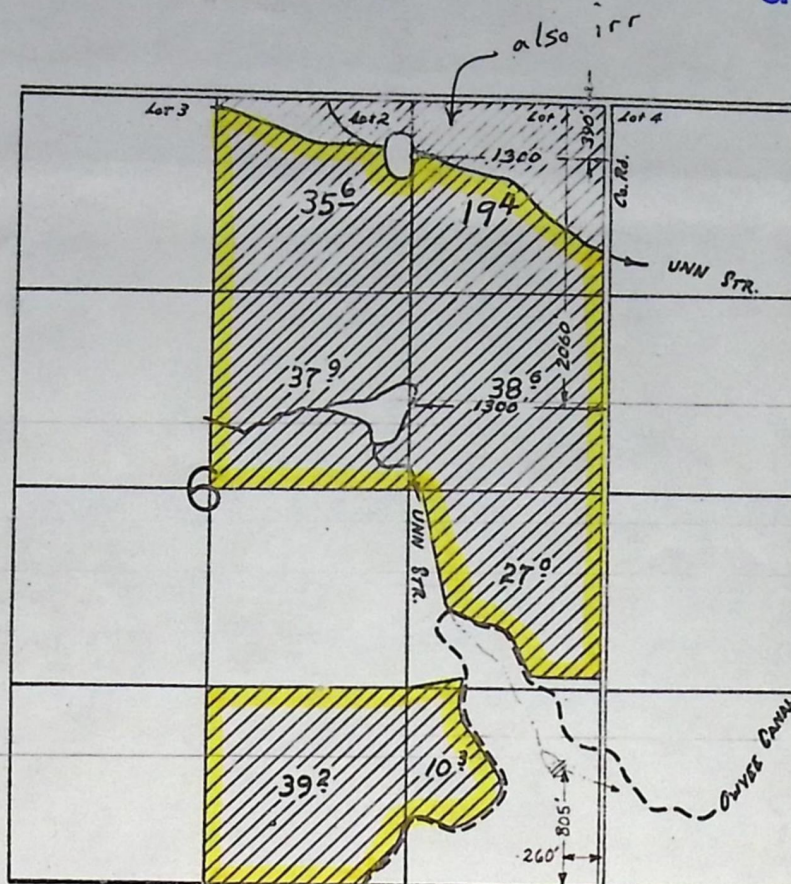
$$\begin{aligned} @ 50 \\ (125)(6.65) \\ (30) + (127) &= 5.45 cfs \\ (396)(5) \\ 450 &= 4.4 cfs \end{aligned}$$

T.17S. R.47E. W.M.

RECEIVED

JUN 21 1978

WATER RESOURCES DEPT.
SALEM, OREGON



FINAL PROOF SURVEY
UNDER

Application No. 43300 Permit No. 32358
IN NAME OF

DARRELL CAMPBELL

Surveyed JUNE 19 1974, by LARRY H. NUNN

Howard

Gary said we should look at this diversion dam more closely.

When you are done, please return folder to me.

Tom S.

Called Frank Eltring and he says downstream side is possibly over 10 ft high but pond is silted in to where it probably doesn't store over 3 acre feet. Frank couldn't see any problem.

FD

Height appears borderline & storage is less than 9.2 acre feet. Watermaster advises no danger of property damage or loss of life in event of failure.

Ok - Gary 6/4/80

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROBERT W. RUSSELL FOR APPROVAL)
OF AN ADDITIONAL POINT OF DIVER-)
SION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3446

On August 24, 1976, an application was filed in the office of the Water Resources Director by Robert W. Russell for approval of an additional point of diversion from the south unnamed stream, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 41250, Volume 33, State Record of Water Right Certificates, in the name of Darell Campbell, describes a right which includes the use of not to exceed 2.52 cubic feet per second from the south unnamed stream for irrigation of 19.4 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), 35.6 acres in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), 37.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 38.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 27.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 39.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 10.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 17 South, Range 47 East, W.M., with a date of priority of June 7, 1967.

Water for the said right is diverted from a point located 2060 feet South and 1300 feet West from the Northeast Corner of Section 6, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 17 South, Range 47 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 805 feet North and 260 feet West from the Southeast Corner of Section 6, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 17 South, Range 47 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Malheur Enterprise, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of July 5, 12 and 19, 1978.

Mr. Frank Elfering, 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 right, and shall not exceed 2.52 cubic feet per second.

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:

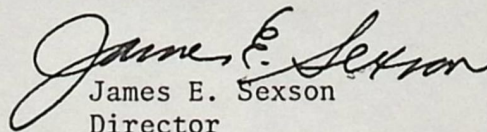
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the additional point of diversion is completed.

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 recorded at page 41250, Volume 33, State Record of Water Right Certificates, be canceled; and in lieu thereof a new confirming certificate of water right be issued to the applicant herein.

Dated at Salem, Oregon this 5th day of September, 1978.


James E. Sexson
Director

RECEIVED

JUN 21 1978

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

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Robert W. Russell
of 198 SW 3rd Avenue (Name of applicant)
Route 2, Box 229-A (Mailing address), Payette Ontario (City),
State of IDAHO Oregon, 97914 (Zip Code), (Phone number), do hereby make application for change
an additional point of diversion from the south unnamed stream
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? Darrell Campbell
(If not, give name)
2. Was your water right determined by Decree of Court? NO If so, give title of proceedings
(Yes or No) number of certificate
3. Was your water right acquired by Water Right Permit? YES If so, give number
(Yes or No) of permit 32358 Number of certificate 41250

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is south unnamed stream
5. What is the date of priority of your water right? June 7, 1967
6. The authorized point of diversion is located 2060 ft. S and 1300 ft. W from the NE
(N. or S.) (E. or W.)
corner of Sec 6 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6 Tp. 17S R. 47E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of MALHEUR The name of the ditch used is

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed additional point of diversion is located 805 ft. N and 260 ft. W from the SE
(N. or S.) (E. or W.)
corner of Sec 6 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6 Tp. 17S R. 47E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of MALHEUR The name of the ditch to be used is

8. The use to which the water is applied is irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
17S	47E	6	NE¼ NE¼	19.4
			NW¼ NE¼	35.6
			SW¼ NE¼	37.9
			SE¼ NE¼	38.6
			NE¼ SE¼	27.0
			SW¼ SE¼	39.2
			SE¼ SE¼	10.3

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? yes
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? _____
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

[illegible]

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are Additional point of diversion and overnight storage needed to make better use of fluctating flows and reuse run-off from lands described in item #5.

A Johnson Vertical Pump (Turbine) will be installed on concrete block platform 10' x 12' with 6' wing walls. Pump Motor 125 HP Electric 8" suction and discharge.

15. Construction work will be completed on or before completed

16. The water will be completely applied to the proposed use on or before now being applied

Remarks

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

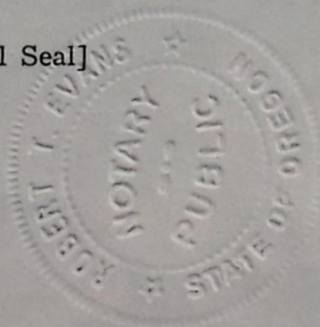
I, Robert W. Russell, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 16 day of June, 1978.

Robert W. Russell
(Name of applicant)

Subscribed and sworn to before me this 16 day of June, 1978.

[Notarial Seal]



Robert T. Evans
NOTARY PUBLIC FOR OREGON

My commission expires 8-19-81

RECEIVED

JUN 21 1978

WATER RESOURCES DEPT.
SALEM, OREGONSTATE OF OREGON
COUNTY OF MALHEUR**CERTIFICATE OF WATER RIGHT****This Is to Certify, That DARELL CAMPBELL**of **Box 147, New Meadows**, State of **Idaho 83654**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **two unnamed intermittent streams**a tributary of **Jacobson Gulch (Snake River)** for the purpose of **irrigation of 208.0 acres**under Permit No. **32358** 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 7, 1967**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 **4.08 cubic feet per second, being 1.56 c.f.s. from north stream and 2.52 c.f.s. from south stream**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 $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, T. 17 S., R. 47 E., W. M., 390 feet South and 1300 feet West, 2060 feet South and 1300 feet West, both from NE Corner, Section 6.**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-fortieth** 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 **4 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:

19.4 acres Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
 35.6 acres Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
 37.9 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 38.6 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
 27.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
 39.2 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
 10.3 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 6
 T. 17 S., R. 47 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. **December 11, 1974**

.....**Chris L. Wheeler**.....
 State Engineer

RECEIVED

SEP 18 1975

WATER RESOURCES DEPT.
SALEM, OREGON

* Reservoir Permit No.

RECEIVED

JUN 21 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Construct a Reservoir and to Store for Beneficial Use the Unappropriated Waters of the State of Oregon

I, ROBERT W. RUSSELL
(Name of Applicant)

of Route #1 Box 229A, Payette
(Mailing address) (City)

State of Idaho, 83661, do hereby make application for a permit to construct the following described reservoir and to store the unappropriated waters of the State of Oregon, subject to existing rights.
(Zip Code)

If the applicant is a corporation, give date and place of incorporation

1. The name of the proposed reservoir is Russell

2. The name of the stream from which the reservoir is to be filled and the appropriation made is Unnamed stream - intermittent
tributary of Snake River

3. The amount of water to be stored is acre feet.

4. The use to be made of the impounded water is Irrigation
(Irrigation, power, domestic supply, etc.)

5. The location of the proposed reservoir will be in Sec. 6
(Give sections or townships to be submerged)

Tp. 17S, R. 47E, W.M., in the county of Malken

(a) State whether situated in channel of running stream and give character of material at outlet
Situated in channel of intermittent stream - silt over hard pan

(b) If not in channel of running stream, state how it is to be filled. If through a feed canal, give name and dimensions

6. The dam will be located in SE 1/4 SE 1/4, Sec. 6
(Smallest legal subdivision)

Tp. 17S, R. 47E, W.M. The maximum height will be 9.5 feet above stream bed or ground surface on center line of dam. The length on top will be 240 feet; length on bottom 35' feet; width on top * 16' feet; slope on front or water side 3:1; slope on back 2:1; height of dam above water line when full 3.5 feet.
(Feet horizontal to 1 vertical) (Feet horizontal to 1 vertical)

* A different form of application should be used for the appropriation of stored water to beneficial use. Such forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon 97310.

Top width greater than 8' for case in construction.

8739

7. The construction of dam, the material of which it is to be built, and method of protection from waves are as follows: Material is from reservoir area - silty clay and from adjacent area which was gravel and silt used on upstream and downstream slopes constructed in 6"-8" lifts with cat and carry all.

8. The location of wasteway with dimensions are as follows: Located on southerly end of dam and excavated into existing hard pan. Bottom width of 12 feet top width 56 feet 3.5 deep.
(State whether over or around the dam)

9. The location of outlet from the proposed reservoir, with character of construction and dimensions, are as follows: Outlet located in old stream channel 115 feet from N end of dam, 15" C.M.P. with an Arisco slide Gate.
(All dams across natural stream channels must be provided with an outlet conduit, of such capacity and location to pass the normal flow of the stream at any time)

10. The area submerged by the proposed reservoir, when full, will be 2 acres, with a maximum depth of water of 7 feet; and approximate mean depth of water 3 feet.

11. The estimated cost of the proposed work is \$ 5000⁰⁰

12. Construction work will begin on or before started

13. Construction work will be completed on or before Reservoir complete
Pump not installed

Robert W. Russell
(Signature of applicant)

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before, 19.....

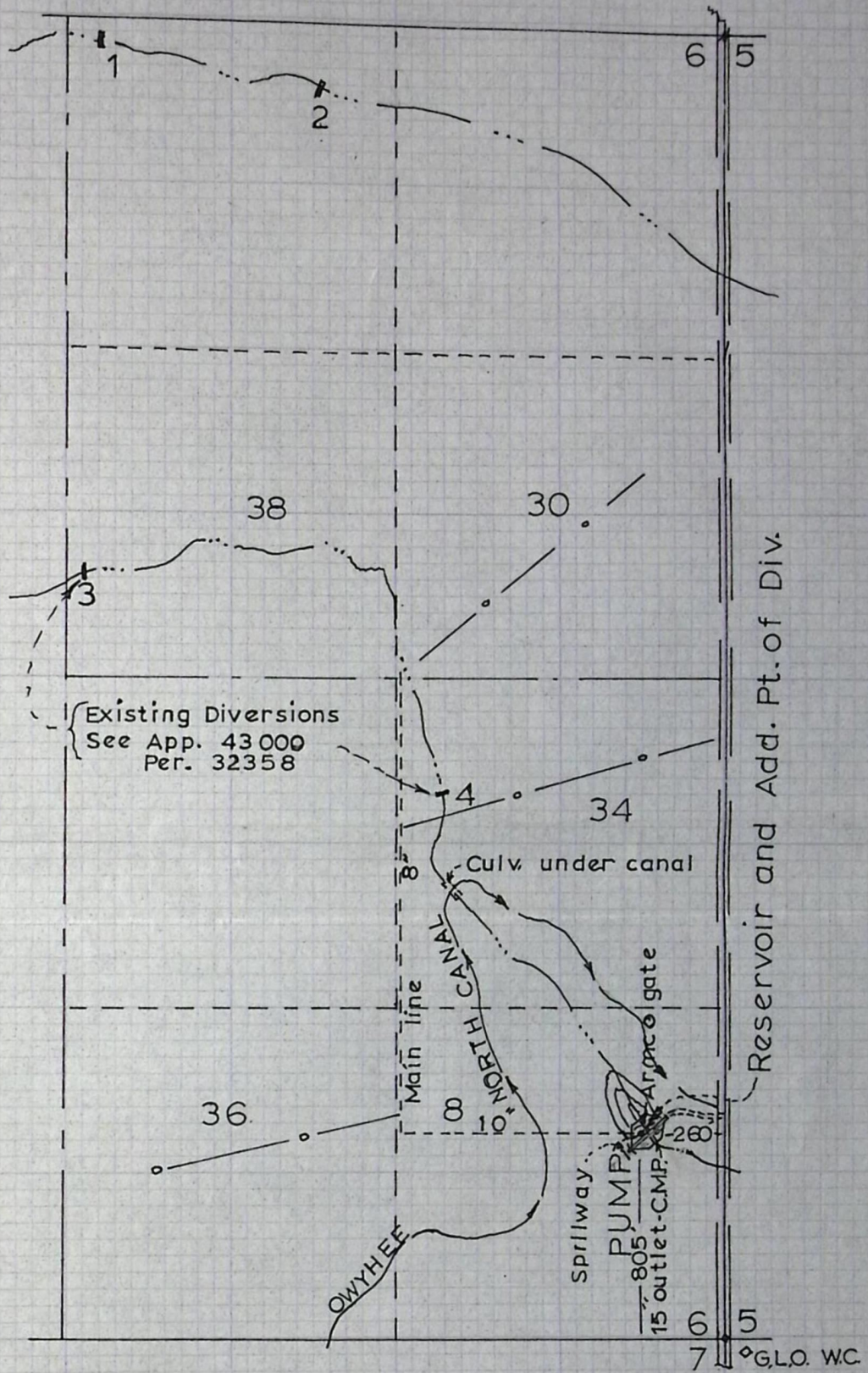
WITNESS my hand this day of, 19.....

STATE ENGINEER

By

ASSISTANT

RECEIVED
JUN 21 1978
WATER RESOURCES DEPT.
SALEM, OREGON



T.17S.R.47 E.W.M.

RECEIVED
SEP 18 1975
WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR PERMIT
Robert W. Russell Payette Idaho
Scale 1"=660'

RECEIVED

SEP 18 1975

WATER RESOURCES DEPT.

SALEM, OREGON

RECEIVED

JUN 21 1978

WATER RESOURCES DEPT.
SALEM, OREGON



LEGEND

- | | |
|---|-----------------------------|
| ⑦ | ACRES UNDER DIVERSION NO. 1 |
| ◇ | " " " " 2 |
| □ | " " " " 3 |
| ⬡ | " " " " 4 |

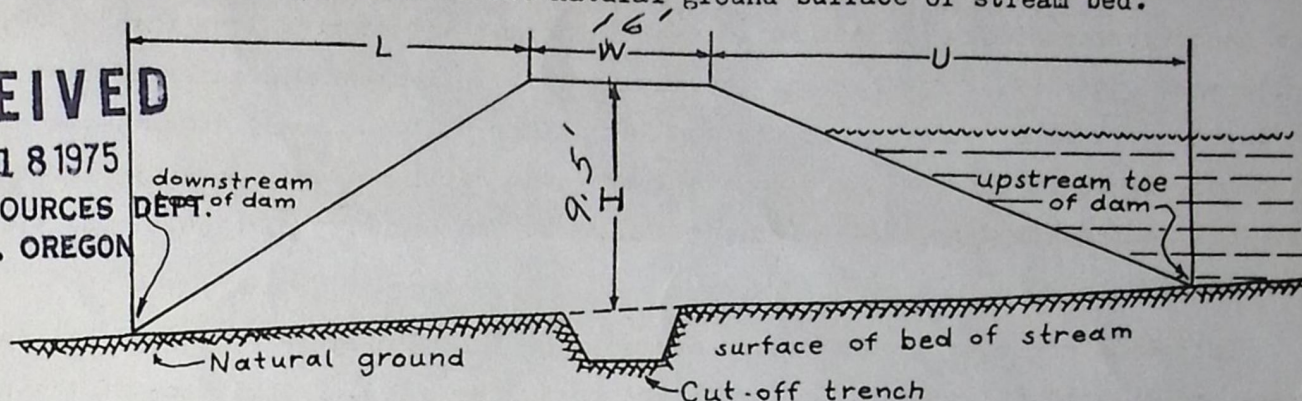
○—○—○ Portable Sprinkler system

T.17 S. R. 47 E. W.M.

APPLICATION FOR PERMIT
Darrell Campbell - Ontario, Oregon
SCALE 1"=660'

app. 220.43000
Per. No. 32358

Before a permit is issued approving an application proposing the construction of a dam less than 10 feet high and storing less than 3,000,000 gallons of water, the information following the sketch below must be filed with the State Engineer and must conform with the dimensions and description of the dam given in the application. The height is measured from the lowest point of the ground surface or from the lowest point in the stream bed to the top of the dam on the center line of the dam. The data required is that of the maximum section or at the point where the dam is to be highest above the natural ground surface or stream bed.

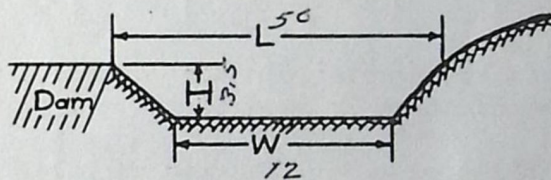


All dimensions given below must conform to minimum requirements shown on other side.

EARTH DAM:

Amount of water impounded _____ acre feet.
 Top width of dam indicated on sketch by letter "W" _____ 16 feet.
 Height of dam measured from top of dam to ground surface or bed of stream on center line of dam or a point $\frac{1}{2}$ the top width of the dam, indicated on sketch by letter "H" is _____ 9.5 feet.
 The horizontal distance from upstream top of dam to upstream toe indicated on sketch by letter "U" is _____ 26 feet.
 The horizontal distance from downstream top of dam to downstream toe indicated on sketch by letter "L" is _____ 18 feet.

SPILLWAY:



Approximate drainage area of creek above dam _____ acres.
 Bottom width of spillway, indicated on sketch by letter "W" is _____ 12 feet.
 Top width of spillway, indicated on sketch by letter "L" is _____ 50 feet.
 Distance between top of dam and bottom of spillway at the upper end, indicated on sketch by letter "H" is _____ 3.5 feet.
 (Must be at least $2\frac{1}{2}$ feet)

OUTLET:

Size and type of outlet pipe through base of dam which will allow free passage of the natural flow of the stream _____ 15" C. M. P.

All dams will be inspected by the State Engineer or his assistant before certificate of water right is issued.

The applicant herewith agrees to build the dam in accordance with the above dimensions and the requirements given on other side.

Robert W. Russell
 Signature of Applicant

RECEIVED

SEP 18 1975

WATER RESOURCES DEPT.
 SALEM, OREGON

RECEIVED

JUN 21 1978

WATER RESOURCES DEPT.
 SALEM, OREGON

ADDITIONAL INFORMATION TO BE SUBMITTED WITH APPLICATIONS PROPOSING CONSTRUCTION OF DAMS LESS THAN 10 FEET IN HEIGHT OR IMPOUNDING LESS THAN 3,000,000 GALLONS

Under Oregon laws the builder is not required to submit plans and specifications, prepared by a registered professional engineer, for approval of the State Engineer for the construction of dams less than 10 feet in height and storing less than 3,000,000 gallons of water (9.2 acre feet or the amount that will cover 9.2 acres of land 1 foot in depth). It is of much importance to the builder of these small dams that a safe structure be built as should the dam fail the owner will not only lose his investment, but will be legally responsible for any damage to the property of others resulting from such failure.

Following are some of the requirements to be followed by the proposed builders of these small earth fill dams. The applicant must give a full description of the proposed dam in the application which shall be subject to the approval of the State Engineer.

1. Width of crest of dam should be not less than 8 feet.
2. Upstream slope not steeper than 3 horizontal to 1 vertical.
3. Downstream slope not steeper than 2 horizontal to 1 vertical.
4. Spillway channel should be constructed around either end of dam but not over top. It should have at least twice the capacity required to carry heavy winter flows or spring runoffs without overtopping the dam and should be lined, if necessary, to prevent erosion of the channel. The depth of the spillway should be sufficient to maintain a minimum distance of 2 feet from the crest of the dam to the water surface in the reservoir during the maximum flood. (This is important as experience has shown that insufficient spillway capacity is the principal cause of failure of small dams). Water passing over spillway should be returned to creek channel at a sufficient distance downstream to prevent erosion of embankment.
5. All brush, stumps, roots and vegetable matter of all kinds should be cleared from area to be occupied by base of dam and from borrow pits.
6. Asphalt dipped corrugated iron pipe with gate at inlet should be installed to permit draining reservoir. Pipe to be bedded in a trench in the natural ground and not on filled ground. Provision must be made to allow the free passage of the natural flow of the stream at any time. Prefabricated concrete pipe is not acceptable unless encased in concrete.
7. Not less than two cut-off collars should be constructed. These collars should be constructed of concrete with a thickness of not less than 6 inches and should extend from the outside of the pipe a distance of not less than 18 inches in all directions. These cut-off collars should be spaced along the conduit at a minimum spacing of 10 feet. Prefabricated asphalt dipped metal cut-off collars are also satisfactory, providing a water-tight joint is obtained between pipe and collar.
8. Material placed in embankment should be free from brush, stumps, roots, and vegetable matter of all kinds.
9. Material should be brought in and placed in embankment from ends of dam and spread in thin layers not over 6 inches thick and compacted by carryalls, rubber tired equipment, or compacting rollers traveling the length of the dam.

Remarks:

This is storage for short periods to form pool for additional point of Diversion

The only water except spring runoff is waste water from Bath forms and waste water from lands irrigated per App 43000 Per 32358 in the name of Dorrill Campbell.

The reservoir will be emptied in the fall and gate opened until after spring runoff.

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: The right herein granted is limited to the construction of

The right hereunder shall be limited to the storage of _____ acre feet.

The priority date of this permit is _____

Actual construction work shall begin on or before _____ and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19_____

WITNESS my hand this _____ day of _____, 19_____

STATE ENGINEER

Application No.

Reservoir Permit No.

PERMIT

To construct a reservoir and store for beneficial use the unappropriated waters of the State of Oregon.

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 18 day of September, 1975, at 8 o'clock A.M.

Returned to applicant:

Approved:

Recorded in Book No. of
Reservoirs, on Page

State Engineer

Drainage Basin No. page

Fees



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: July 12, 1978.FROM: Frank Elfering, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 3446IN THE NAME OF Robert W. Russell**RECEIVED****JUL 14 1978****WATER RESOURCES DEPT.
SALEM, OREGON**

In my opinion the proposed change in additional point of diversion from the south unnamed
may be made without injury ~~would result in injury~~ ^{XXXXXX} to existing water rights. ^{stream.}

Headgate notices ~~have~~ have not been issued for diversions from the source
which serves this right.

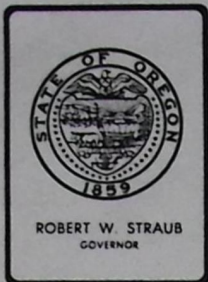
If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? No
(yes or no)

In my opinion the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion...
- X (2) When in the judgement of the watermaster it becomes necessary...

* The approval of this transfer application would result in injury to other
water rights because _____

On July 5, 1978, I checked the new point of diversion and found a reservoir
that may hold several acre feet. This reservoir is in the confine of the
Owyhee Irrigation District, North Board of Control, Nyssa, Oregon, and
may wish to object to this transfer



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

June 28, 1978

Malheur Enterprises
P.O. Box 310
Vale, Oregon 97918

RE: File No. T-3446

Gentlemen:

As mentioned in our telephone discussion today, enclosed is the amended notice for publication in the July 5, 12 and 19, 1978, issues of your newspaper. This amended notice on green paper supercedes the notice mailed to you June 26, 1978 and correctly shows the address of Robert W. Russell.

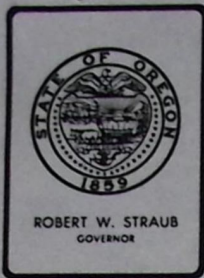
If, for any reason, the notice cannot be published on the three dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication and statement for this service to this office.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj
cc: Robert W. Russell
cc: Frank Elfering, Watermaster



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

June 13, 1978

Dave Putnam
1002 Blaine Street
Caldwell, Idaho 83605

RE: File No. T-3446

Dear Mr. Putnam:

As mentioned in our recent telephone conversation, enclosed is the copy of our letter dated August 25, 1976, addressed to Mr. Robert W. Russell, regarding his water right transfer application No. 3446.

I am also enclosing another partially completed application form and map. If Mr. Russell is in agreement with the entries on this form, it will be necessary for him to sign the form on the third page before a Notary Public. The application and map should then be returned to this office and we will then prepare the notice for publication. Please advise us which newspaper published in Malheur County that you prefer we use for the publication.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:1cj

REPLY MESSAGE

This form available from Grayarc Co., Inc., A Subsidiary of Dictaphone Corporation, 882 Third Ave., Brooklyn, N. Y. 11232

FROM

TO Wayne J. Overcash
Water Resources Dept.
555 13th St. N. E.
Salem, Oregon 97310

RECEIVED

JUN 21 1978

WATER RESOURCES DEPT.
SALEM, OREGON

EL RANCHO REALTY

1002 BLAINE
CALDWELL, IDAHO 83605
208 - 454-8668

SUBJECT: File No. T - 3446

DATE June 16, 1978

FOLD ↑

Please find enclosed application for transfer & Originals of
Permits for Reservoir Construction, signed by Robert Russell. We
would like the advertising done in the Malheur Enterprise, Vale,
Oregon. Please direct all correspondence to the above address.

Have a nice day,

PLEASE REPLY TO →

SIGNED

Dave Putnam

Dave Putnam

REPLY

DATE:

SIGNED

GRAYARC CO., INC., BROOKLYN, N. Y. 11232

THIS COPY FOR PERSON ADDRESSED

DETACH THIS COPY — RETAIN FOR ANSWER SEND WHITE AND PINK COPIES WITH CARBONS INTACT.

AFFIDAVIT OF PUBLICATION

Vale, Oregon July 26 1978

TO MALHEUR ENTERPRISE, Dr.

To publishing attached Legal Notice In 3 issues \$ 35.28

STATE OF OREGON)
County of Malheur)ss.

I, Warren G. Auyer being first duly sworn, depose and say that I am the Foreman Publisher of the printers of The Malheur Enterprise, which is a weekly newspaper of general circulation, printed and published in Vale in said county and state that such newspaper is made up of at least four pages of eight columns each and at least 21 inches in depth of matter; that such newspaper was regularly and uninterruptedly published each week for at least twelve consecutive months immediately

preceding the first publication of attached Legal Notice and has more than 200

bona fide subscribers within said county; that the Legal Notice of which the one hereto attached is a true and correct copy as printed, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, once

each week for 3 successive and consecutive weeks, being published 3

times commencing with the issue dated the 5th day of July, 19 78

and ending with the issue dated the 19th day of July, 1978

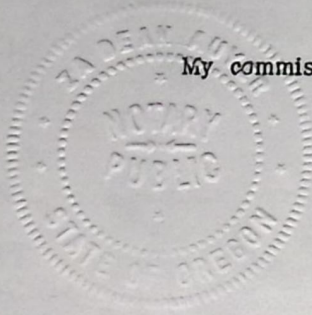
That the amount of charge actually made and to be collected for such newspaper for such publication is \$ 35.28

Warren G. Auyer
Foreman Publisher of the Printers

Subscribed and sworn to before me this 26th day of July, 19 78

Garland Auyer
Notary Public for Oregon

My commission expires August 11, 19 78



RECEIVED

JUL 31 1978

WATER RESOURCES DEPT.
SALEM, OREGON

notices

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3446

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Robert W. Russell for approval of an additional point of diversion from the south unnamed stream, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 41250, Volume 33, State Record of Water Right Certificates, in the name of Darell Campbell, describes a right which includes the use of not to exceed 2.52 cubic feet per second from the south unnamed stream for irrigation of 19.4 ac in Lot 1 (NE 1/4 NE 1/4), 35.6 ac in Lot 2 (NW 1/4 NE 1/4), 37.9 ac in SW 1/4 NE 1/4, 38.6 ac in SE 1/4 NE 1/4, 27.0 ac in NE 1/4 SE 1/4, 39.2 ac in SW 1/4 SE 1/4, and 10.3 ac in SE 1/4 SE 1/4 of Sec. 6, T 17S, R 47E, WM, with a date of priority of June 7, 1967.

Water for the said right is diverted from a point located 2060 ft S & 1300 ft W from the NE Corner of Sec 6, being within the SE 1/4 NE 1/4 of Sec 6, T 17S, R 47E, WM.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 805 ft N & 260 ft W from the SE Corner of Sec 6, being within the SE 1/4, SE 1/4 of Sec 6, T 17S, R 47E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Vale, Oregon, on August 29, 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 Robert W. Russell, 198 SW 3rd Ave., Ontario, OR 97914; 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. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon this 26th day of June, 1978.

James E. Sexson
Director

Publish: July 5, 12, 19, 1978

ok
lc

T-3446

August 25, 1976

Mr. Robert W. Russell
Route 2, Box 229-A
Payette, Idaho 83661

Dear Mr. Russell:

We have your water rights transfer and storage applications and supporting documents for an additional diversion point and diversion pond in connection with the water right established under permit No. 32358. Our receipt number 49543 is enclosed in acknowledgement of your payment of fees in the amount of \$74.80.

It appears that you do not intend seasonal storage of water, therefore, only an application for transfer of water right for an additional point of diversion for the established right evidenced by certificate recorded at page 41250, Volume 33, State Record of Water Right Certificates (copy enclosed) will be necessary. To assist you in this regard I have partially completed an application form and map based on the certificate of water right and final proof survey map. If you agree with the entries on the application form it will be necessary for you to sign the form before a notary public in the spaces provided on the third page of the application.

Notice of the proposed change is required by law to be published in a newspaper printed and having general circulation in the county where the water right is located. Please tell us in which paper you wish the notice to appear.

The applications and maps received from you are returned herewith.

In reply please refer to transfer file 3446.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:whh
Enclosures