

3200 Spe. D. Discharge
Route 1, Box 26
Pilot Rock, Or 97868

3472

STATUS OF APPLICATION

Change in place of use
Date filed 9-9-76
Date of hearing _____
Place of hearing _____
Date of order 10-6-76 Vol. 27, page 494
Date for application of water 10-1-77
Proof mailed MAY 8 1978
Proof received _____
Certificate issued JUN 22 1978 Vol. 38, page 45966
FEB 10 1984 46 Curran 1/51877

DESCRIPTION OF WATER RIGHT

Name of stream McKay Creek
Trib. of _____ County of Umatilla
Use irrigation, domestic and stock
Quantity of water _____ No. of acres 72
Name of ditch Eldridge #2
Date of priority 1894
In name of Ea. A. Reagin
Umatilla River Adjudication, Vol. 3, page 217
App. No. _____ Per. No. _____ Cert. No. 2606
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9-9-76</u>	<u>30.00</u>	<u>55922</u>
TOTAL . . .		
<u>6-7-78</u>	<u>\$2</u> Cert. Fee	<u>3446</u>

FEES REFUNDED

Date	Amount	Check No.

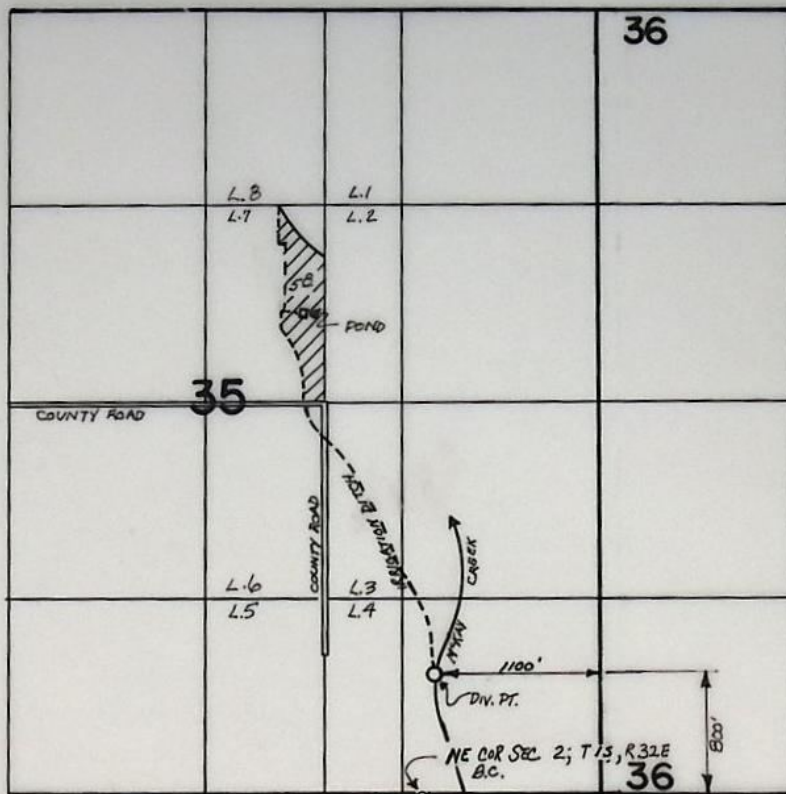
REMARKS

See WR Appl # G-6867

TO BE ENTERED WHEN CHECKED	INDEX CARDS:		Entered	Checked
	W/R	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	W/R	Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	W/R	Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHECKED TO RECORDS:				
	<input checked="" type="checkbox"/>	Twp. & Rge.	<u>not</u>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	Decree-vault	<u>not</u>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	Decree-safe	<u>not</u>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	Cert. of W/R	<u>not</u>	<input type="checkbox"/>
		Per. Folder	<input type="checkbox"/>	<input type="checkbox"/>
		Chainindex	<input type="checkbox"/>	<input type="checkbox"/>
		Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
		Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
		Abstracts	<input type="checkbox"/>	<input type="checkbox"/>

237

T.1N., R.32E., W.M.



FINAL PROOF SURVEY
UNDER

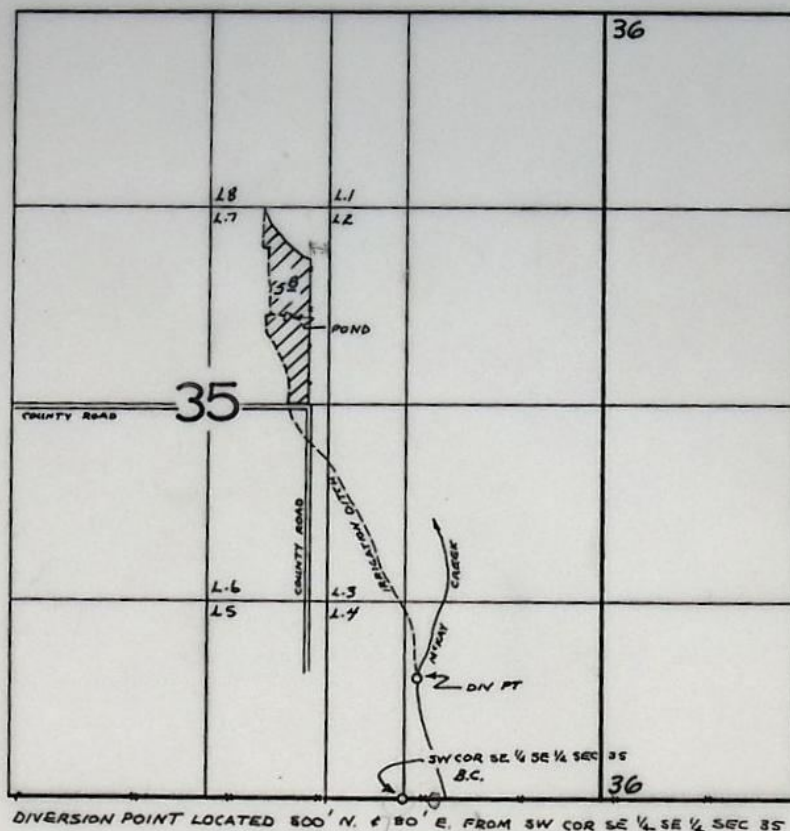
TRANSFER 3472

Application No. Permit No.
IN NAME OF

ESTATE OF JOE D. DOHERTY

Surveyed OCT. 3, 1977, by R. BARWIN

Superseded
11/21/83



TRANSFER 3472
Application No. _____ Permit No. _____
IN NAME OF _____

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

Surveyed OCT 3, 1977, by R. BARWIN

CHANGE IN PLACE OF USE

PTS-1977-5-B
10/3/77 REB
1. Tran

1. Name Joe D. Doherty Address Rt. 1, Box 26, Pilot Rock 97868

2. Source of Supply McKay Creek, Trib. of Umatilla River

3. Amount of Water ~~0.09 c.f.s~~ 0.07 c.f.s Priority Date 1894

4. Use stock water and irrigation of 5 ¹⁰/₁₀ ACRES

5. Proposed Point of Diversion Loc: 800 N 80 E from -

SW cor SE⁴ SE⁴ Sec. 35 ✓

6. Place of Use

~~DATE FOR APPLICATION OF WATER: 10/1/77~~

[illegible]~~6-6867~~

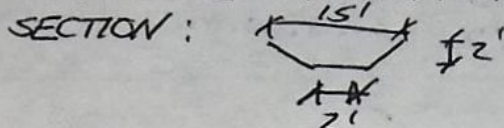
De. V. 3, p. 127
257

OK 9335

INFO: CONTACTED MR. DOHERTY, TRANSFER WAS NECESSARY TO CORRECT ERROR IN PREVIOUS SURVEY WHICH HAD IRRIGATED LAND IN INCORRECT 40. AT TIME OF ADJUDICATION, LAND WAS FLOOD IRRIGATED, CURRENTLY, WATER IS DIVERTED TO POND AND DUMPED FROM POND TO IRRIGATE.

DIVERSION

POINT: A 40' LONG BY 4' HIGH VERTICAL CONCRETE DAM POOLS WATER OF M'KAY CREEK TO BE DIVERTED INTO HEADWORKS. HEAD WORKS CONSIST OF 3'x3' CONCRETE GATE AND 3' WIDE BY 2' DEEP CONCRETE LINED CHANNEL FOR 40'. BELOW THIS IS A NATURAL CHANNEL OF APPROXIMATELY THE FOLLOWING CROSS



PIPE: UNDER THIS PERMIT, IRRIGATION IS BY FLOODING, PRESENTLY, A DITCH IS USED TO RUN WATER TO POND FOR PUMPING THROUGH BURIED MAIN LINE.

HEADS: 4 NELSON 100-F GUNS, ALL MAX

LIFT: +5' (RELATIVE TO POND)

CROP: PASTURE

TIE: DTS-1977-5-B

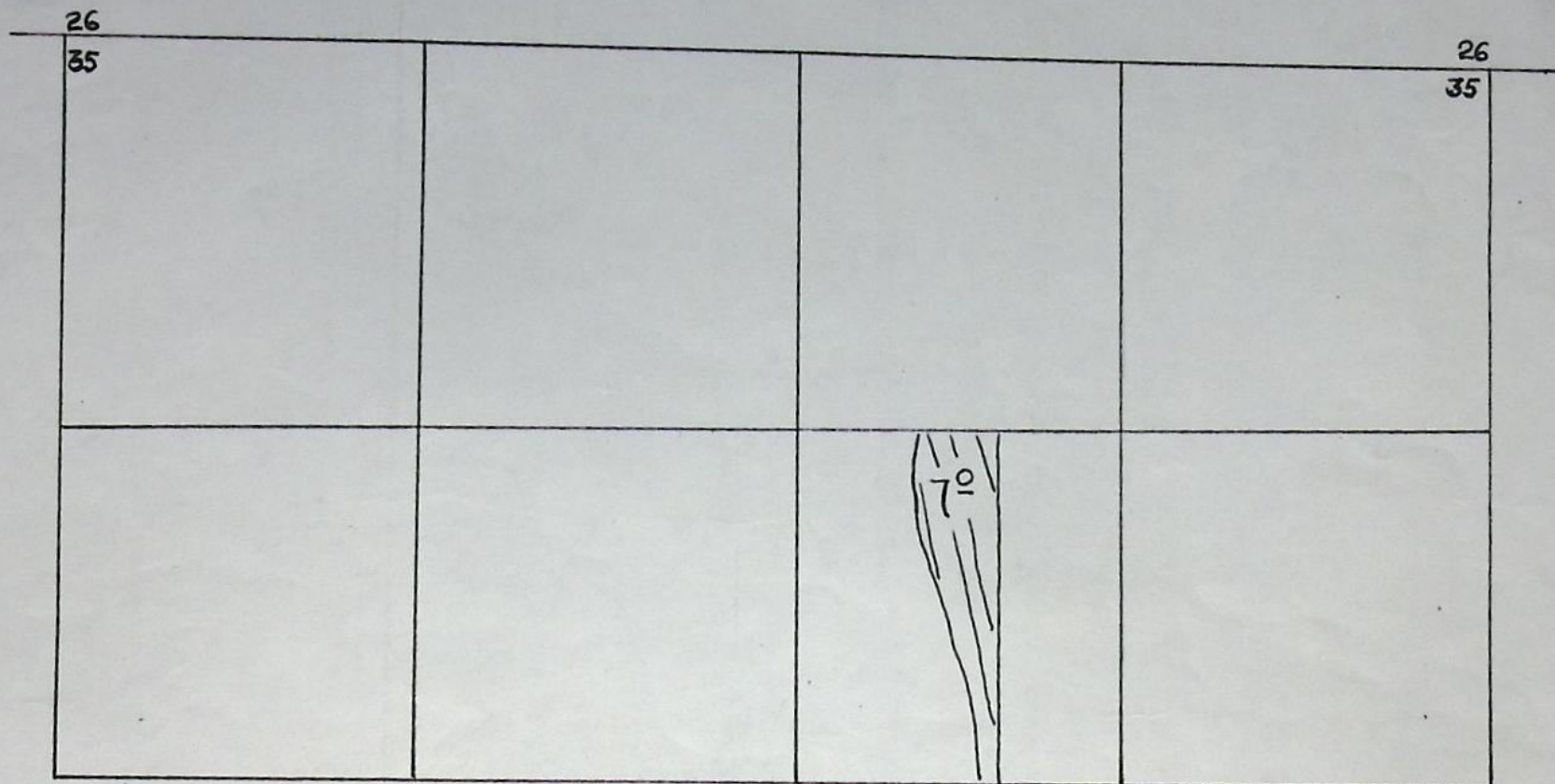
OCTOBER 3, 1977

Robert J. Baum
FIELD ENGINEER

INFO: MR. DOHERTY STATES STOCK USE FOR 40 CATTLE & HORSES FROM POND.

DECEMBER 16, 1977

Robert J. Baum
FIELD ENGINEER



T 1N R 32E W.M.

APPLICATION FOR TRANSFER
IN PLACE OF USE
JOE D. DOHERTY

EPT:

RECEIVED

JUN 7 1978

Permit No. _____

WATER RESOURCES DEPT.
SALEM, OREGON

Transfer No. T-3472

County UMATILLA

PROOF OF APPROPRIATION OF WATER

1. Name Joe D. Doherty
2. Address Rt. 1, Box 26, Pilot Rock, OR
3. Source of Supply McKay Creek
Tributary of Umatilla River
4. Amount of water 0.08 cubic foot per second Priority date 1894
6. Use irrigation of 5.8 acres and stock use
7. Location of point of diversion SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, T. 1 N., R. 32 E., W.M.,
800 feet North and 80 feet East from the SW Corner, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35
8. The description of land given below and as shown on the attached map corresponds to that found to be irrigated:

Stock & 5.8 acres Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 35
T. 1 N., R. 32 E., W. M.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of June
19 78.

Joe D. Doherty
Legal Owner of the above described lands

RECEIVED

SEP-91976

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

To the STATE ENGINEER OF OREGON:

I, JOE D. DOHERTY

(Name of applicant)

of Route 1, Box 26, Pilot Rock, County of Umatilla
(Postoffice)State of Oregon, do hereby make application for change

in place of use

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is McKay Creek, a tributary of the Umatilla River
(Name of stream)2. The use to which the water is applied is irrigation, domestic and stock
(Irrigation; Mining; Power; Manufacturing; etc.)3. The name of the ditch, canal or pipe line is Eldridge #2

See Remarks

4. The point of diversion is located 650 ft. N and 1150 ft. W from the SE
(N. or S.) (E. or W.)corner of Sec 35 being within the SESE
(Section or subdivision)of Section 35 Tp. 1 N R. 32 E. W. M., in the County of Umatilla
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
1N	32E	35								7								

part

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

0.09 cfs

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes8. What is the date of priority of your water right? 18949. Was your water right acquired by State Engineer's Permit? No If so, give number
(Yes or No)

of permit

10. Do you hold a water right certificate? Yes If so, give number of certificate Vol. 3, P. 2606
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?
Decree Umatilla River
(Yes or No) If so, give title of proceedings

12. Is the water right recorded in your name? No Mrs. EA. A. Reagin
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
1N	32E	35			7													

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located ft. and ft. from the
(N. or S.) (E. or W.)
corner of being within the of Section Tp. R. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of The name of the ditch to be used is

15. Are you the owner of the land on which the proposed point of diversion is to be located?

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.
.....
.....
.....

17. Are there any diversions between your present point of diversion and the proposed point of diversion?

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgage	Oregon Veterans	\$79,000.00

20. Reasons for the proposed changes are The change was made many years ago prior to the time I acquired the property. Apparently the prior owner failed to gain approval of the State.
.....
.....

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Umatilla

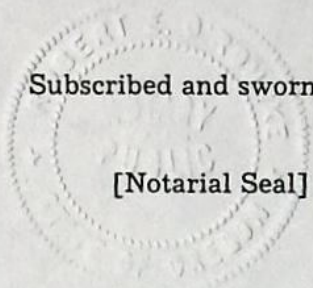
} ss.

I, Joe D. Doherty, 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 2 day of September, 1976

Joe D. Doherty
(Name of applicant)

Subscribed and sworn to before me this 2 day of September, 1976



[Notarial Seal]

Robert E. Kenne
NOTARY PUBLIC FOR OREGON

My commission expires 11-18-77

Remarks #4. The point of diversion remains the same as it has always been and as provided in the decree.

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION }
OF JOE D. DOHERTY FOR THE APPROVAL }
OF A CHANGE IN PLACE OF USE OF }
WATER FROM MCKAY CREEK }

ORDER APPROVING
TRANSFER NO. 3472

On September 9, 1976, Joe D. Doherty filed an application for transfer of water right in the office of the Water Resources Director proposing a change in place of use under an existing right of record as described by the certificate recorded at Page 2606, Volume 3, State Record of Water Right Certificates, in the name of Mrs. E. A. Reagin, which includes the use of not to exceed 0.09 cubic foot per second from McKay Creek for stock water and irrigation of 7.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 1 North, Range 32 East, W.M., with a date of priority of 1894.

Water for the said right is diverted through the Eldridge ditch No. 2 from a point located 650 feet North and 1150 feet West from the Southeast corner of Section 35, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 1 North, Range 32 East, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the place of use for stock water and irrigation to a certain 7.0 acre tract in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 1 North, Range 32 East, W.M.

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

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1977.

The applicant, as owner of the entire right, has authorized cancelation of the balance of the water right evidenced by the certificate recorded at Page 2606, Volume 3, State Record of Water Right Certificates, being for domestic use, therefore,

It is FURTHER ORDERED that the right for domestic use, as described therein, is hereby canceled.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Mrs. E. A. Reagin and recorded at Page 2606, Volume 3, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of the authorized change in place of use, with beneficial use to the extent intended, a certificate of water right shall be issued to Joe D. Doherty confirming the right.

Dated at Salem, Oregon, this 6th day of October, 1976.

/s/ JAMES E. SEXSON
Director

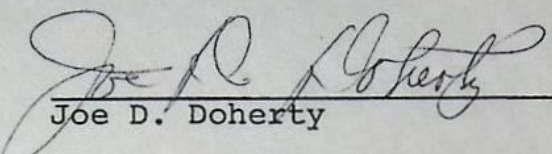
AFFIDAVIT

STATE OF OREGON)
)
County of Umatilla) ss.

I, Joe D. Doherty, having been duly sworn on oath, depose and say that I am the holder of that certain water right originally issued to Mrs. EA. A. Reagin recorded in Volume 3, Page 2606 and arising out of the Umatilla River Decree. I am presently making application to transfer the 7 acre water right to a different tract of land.

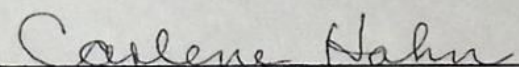
The original water right was for three purposes: irrigation, domestic and stock. I have never used that water for domestic purposes and, to my knowledge, it has never been used for such purpose. To the extent of the domestic use only, I waive and cancel that portion of the above described right.

DATED this 15 day of September, 1976.



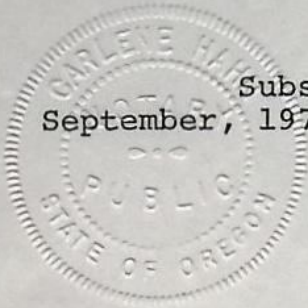
Joe D. Doherty

Subscribed and sworn to before me this 15 day of September, 1976.



Notary Public for Oregon

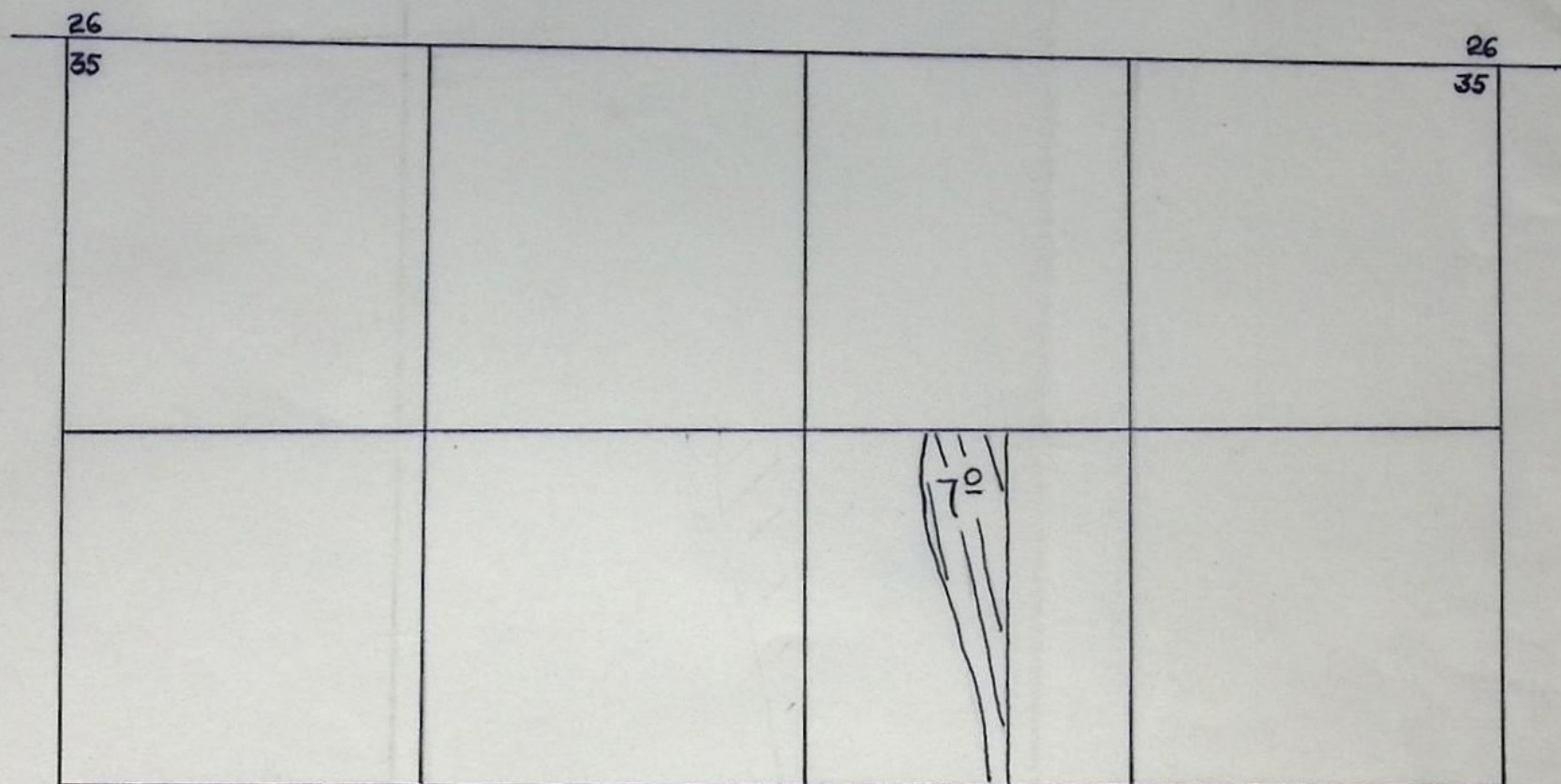
My commission expires: 2-5-80



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SEP 16 1976

WATER RESOURCES DEPT
SALEM, OREGON



T 1N R 32E W.M.

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SEP-9 1976
WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR TRANSFER
IN PLACE OF USE
JOE D. DOHERTY