

3399

## STATUS OF APPLICATION

Change in point of diversion  
 Date filed 4-21-76  
 Date of hearing Pendleton  
 Place of hearing 8-5-76  
 Date of order 9-7-76 Vol. 27, page 392  
 Date for application of water 10-1-77  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued OCT 18 1976 35, page 43793

to survey 2/73

## DESCRIPTION OF WATER RIGHT

Name of stream East Branch Mud Creek  
 Trib. of \_\_\_\_\_ County of Umatilla  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 20<sup>e</sup>  
 Name of ditch Conrad  
 Date of priority 1870 for 16.0 acres & 1892 for 4.0 acres  
 In name of A.C. Conrad  
East Branch Mud Creek Adjudication, Vol. 1, page 57  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 20  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

DVA Notification

## FEES PAID

Date	Amount	Receipt No.
4-21-76	35.00	5-4653
4-21-76	45.00 P.O.N.	5-4654
TOTAL . . .	80.00	
8-26-76	Cert. Fee	54654

## FEES REFUNDED

Date	Amount	Check No.
8-26-76	\$ 6.17	761

## REMARKS

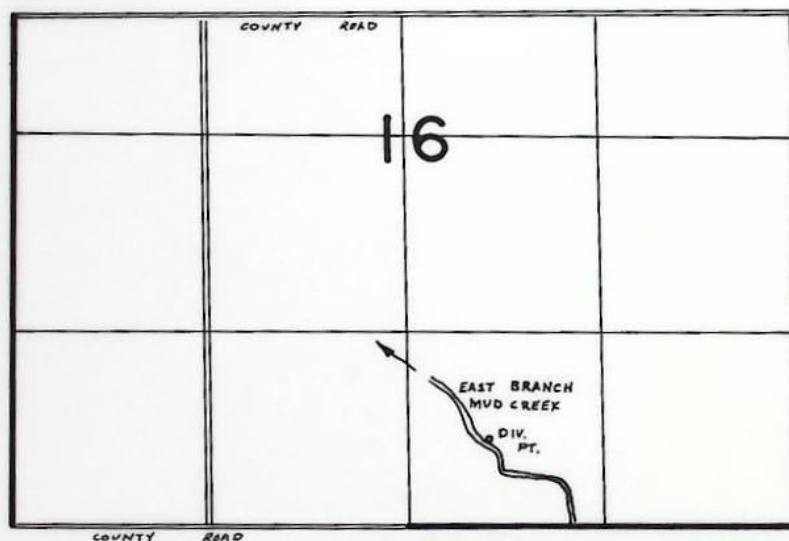
See T-4243 add'l POD at original pod.  
 Entirety of this right involved in T-4243 for additional POD

✓ Finis ✓

INDEX CARDS:		Entered	Checked
WA	Name	✓	✓
WA	Stream	✓	✓
WA	Pt. of Div.	✓	✓
WA	Calendar	✓	✓
CHECKED TO RECORDS:			
✓	Swp. & Rpt.	✓	✓
✓	Decree-vault	✓	✓
✓	Decree-note	✓	✓
✓	Cert. of W/R	✓	✓
✓	Per. Folder	✓	✓
✓	Chetindex	✓	✓
✓	Gross Ref.	✓	✓
✓	Power Claim	✓	✓
✓	Abstracts	✓	✓

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

WASHINGTON



DIV. PT. LOC. 600'N & 2100'W FROM SE COR SEC 16

**FINAL PROOF SURVEY**  
UNDER

TRANSFER 3399

Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

ROY E. WILKINSON

Surveyed 4-10 1978 by R. BARWIN



JUL 01 1985

## NOTICE OF INTEREST IN WATER RIGHT

**RECEIVED**

JUL 2 1985

WATER RESOURCES DEPT  
SALEM, OREGONTo: Director of Water Resources  
555 13th Street, N.E.  
Salem, Oregon 97310

This is to notify you of an interest in the following described water right:

Loan Number L90275Borrower's Name WILKINSON, Roy

Mailing Address \_\_\_\_\_

Property being served by the water:

Township 6 N

Township \_\_\_\_\_

Township \_\_\_\_\_

Range 35 E

Range \_\_\_\_\_

Range \_\_\_\_\_

Section 16 & 21

Section \_\_\_\_\_

Section \_\_\_\_\_

Tract \_\_\_\_\_

Tract \_\_\_\_\_

Tract \_\_\_\_\_

T 4243

Survey

18.5 Ac  
Prim

Water Right Numbers:

Permit Number(s)

Certificate Number(s)

Irrigation District

<i>Mud Cr Dec</i> <i>Vol 1 p 57</i>	45192	4224	55612	T 3399	50633
4207	33955	4207	43095		37854
3199 22	42348	20837	8C 85	43793	Survey
East Branch Mud Creek					
10 Ac Prim	7 Ac Supp	27.6 Ac Supp	20 Ac Supp	1.5 Ac Prim	28.8 Supp.

The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon, 97310.

Attention: Butch Gehley, Appraisal Coordinator

DM

8-15-85

Attachments:

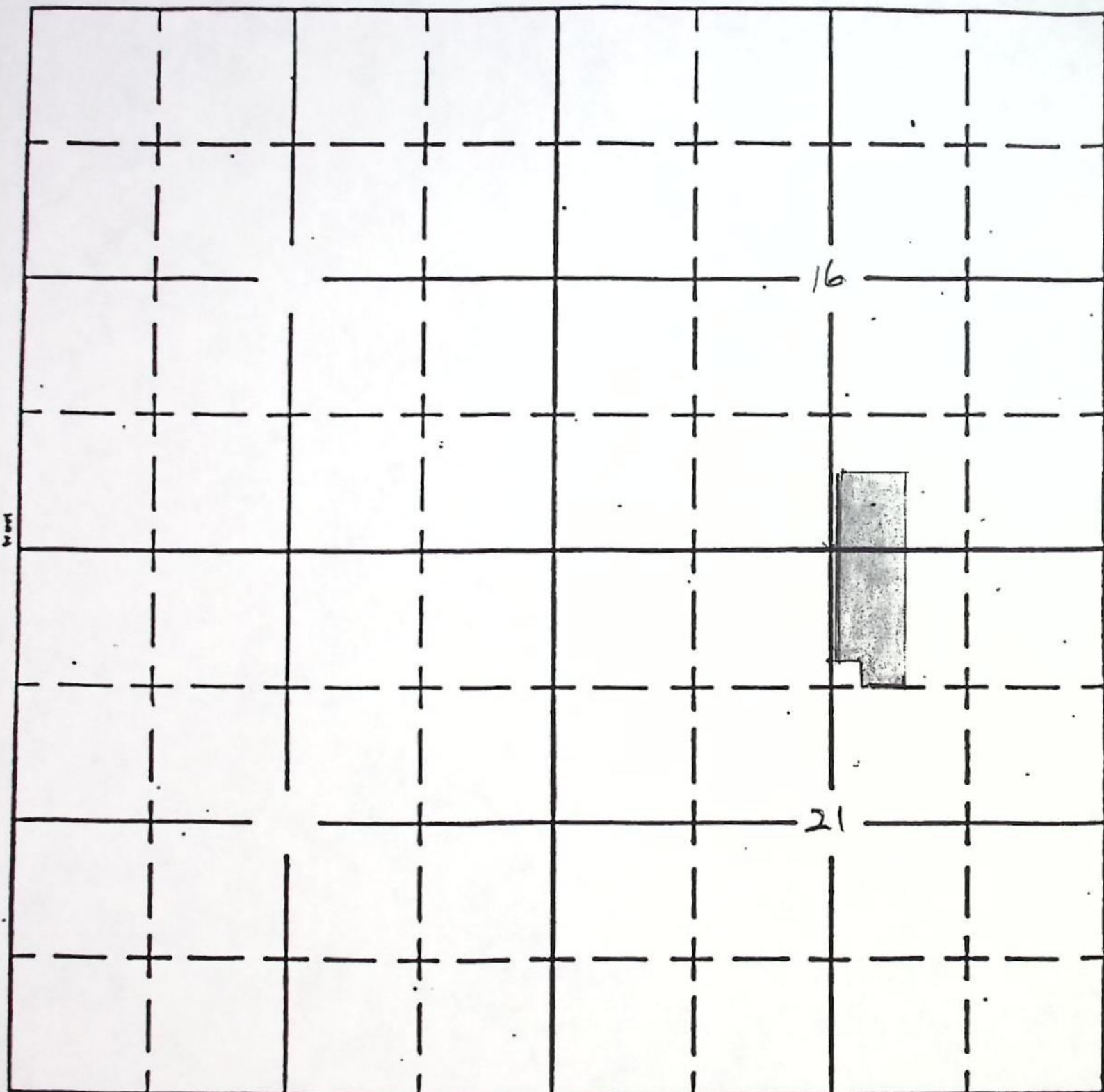
- ☒ Legal Descriptions  
☒ Plat Map  
☐ Please return copy to ODVA

SECTION

16, 21

TOWNSHIP 6N, RANGE 35E, W. M.

North



South

APPLICATION No.

PERMIT No.



558-3636

County UMATILLA

- NE-SUM-29  
4/10/78 RFB

## 6. Place of Use

[illegible]

INFO: CONTACTED ROY WILKINSON

DIVERSION

POINT: 2' DIA POROUS METAL CYLINDER BURIED  
NEXT TO E. BR. MUD CREEK.

PUMP &

MOTOR: GE  $7\frac{1}{2}$  HP @ 3495 RPM  
STA RITE COD, 3" x 2"

PIPE: 1280' 4" BURIED P.V.C.  
~20,000'  $1\frac{1}{2}$ " BURIED P.V.C.

HEADS: 360 { BUCKNER }  $5/32$ " x 0  
RB 30

LIFT: +2'

CROP: APPLE ORCHARD

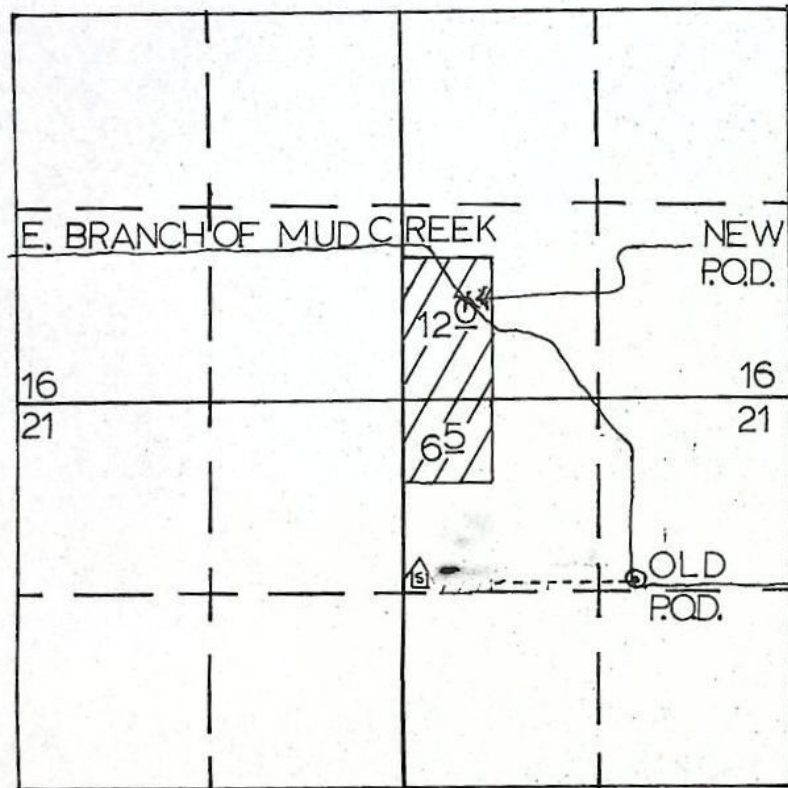
TIE: NZ-5MM-29

APRIL 10, 1978

*Robert F. Brown*  
FIELD ENGINEER



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



SCALE 4"=1 MILE



**RECEIVED**

MAY - 31 1976  
WATER RESOURCES DEPT.  
SALEM, OREGON



IRRIGATED LAND



FRUITVALE SCHOOL

**RECEIVED**

APR 21 1976  
WATER RESOURCES DEPT.  
SALEM, OREGON

T-3399



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION  
OF ROY E. WILKINSON FOR THE  
APPROVAL OF A CHANGE IN POINT OF  
DIVERSION OF WATER FROM EAST BRANCH  
MUD CREEK

ORDER APPROVING  
TRANSFER NO. 3399

On April 21, 1976, Roy E. Wilkinson filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion under an existing right of record to appropriate not to exceed 0.25 cubic foot per second from East Branch Mud Creek for the irrigation of 12.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, and 4.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, Township 6 North, Range 35 East, W.M., with a date of priority of 1870, and 0.06 cubic foot per second from East Branch Mud Creek for the irrigation of 2.5 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, Township 6 North, Range 35 East, with a date of priority of 1892, being a portion of the right evidenced by the certificate recorded at Page 20, Volume 1, State Record of Water Right Certificates.

These lands are irrigated by means of the Conrad ditch from a point of diversion located 1400 feet North and 1000 feet West from the East quarter-corner of Section 21, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to irrigate the said lands from a point of diversion to be located 680 feet North and 430 feet East from the South quarter-corner of Section 16, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, Township 6 North, Range 35 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 June 14, 21 and 28, 1976.

Mr. William I. Porfily, Watermaster of District No. 5, 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 change in point of diversion of water is approved.

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, 1977.

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, and shall not exceed 0.25 cubic foot per second, with a priority date of 1870, and 0.06 cubic foot per second with a priority date of 1892.

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.



ALL COTTON

It is FURTHER ORDERED that the certificate of water right heretofore issued to A. C. Conrad and recorded at Page 20, Volume 1, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Roy E. Wilkinson confirming the change in point of diversion.

Dated at Salem, Oregon, this 7th day of September, 1976.

/s/ JAMES E. SEXSON  
Director

Gibraltar Union Skin  
MILLERS FALLS  
ALL COTTON



T-3399

RECEIVED

APR 21 1976

WATER RESOURCES DEPT/  
SALEM, OREGON

RECEIVED

MAY - 3 1976

WATER RESOURCES DEPT  
SALEM, OREGON

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Roy E. Wilkinson

(Name of applicant)

of Rt. 2 Box 257

(Postoffice)

Milton Freewater

County of Umatilla

State of Oregon, do hereby make application for change in the point of diversion

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

1. The source of present water right is East Branch Mud Creek

(Name of stream)

2. The use to which the water is applied is Irrigation

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Conrad

4. The point of diversion is located 1400 ft. N. and 1000 ft. W. from the E. 1/4

(N. or S.)

(E. or W.)

corner of Section 21

(Section or subdivision)

being within the NE 1/4 of SE 1/4

of Section 21, Tp. 6 N. R. 35 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
6 N	35 E	16															12	
6 N	35 E	21			6.5													

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

(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? Yes

8. What is the date of priority of your water right? 1870 &amp; 1892

9. Was your water right acquired by State Engineer's Permit? No

(Yes or No)

If so, give number

of permit



10. Do you hold a water right certificate? Yes If so, give number of certificate 20  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

Yes If so, give title of proceedings East Mud Creed Decree  
(Yes or No) Page 57

12. Is the water right recorded in your name? No A.C. CONRAD  
(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 $\frac{1}{4}$

(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 680 ft. N and 430 ft. E from the S $\frac{1}{4}$   
corner of Sec. 16 being within the SW $\frac{1}{4}$ , SE $\frac{1}{4}$  of Section 16 Tp. 6N R. 35 E W. M.,  
(Smallest legal subdivision) (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)  
in the county of Umatilla 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? Yes

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? Yes

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.? (Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are PIPES ARE COLLAPSED IN THE OLD P.O.D.  
I WANT TO USE THE WATER IN THE BACK ACERAGE FOR IRRIGATION.



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Umatilla

} ss.

I, Roy E. Wilkinson, 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 20th day of April, 1976

*Roy E. Wilkinson*  
(Name of applicant)

Subscribed and sworn to before me this 20th day of April, 1976

[Notarial Seal]

*William J. Paffly*  
NOTARY PUBLIC FOR OREGON

My commission expires JAN. 7, 1980

Remarks THE 12 ACRES IN SECTION 16 HAS A PRIORITY DATE OF 1870, ALONG WITH 4 ACRES IN THE NW 1/4, NE 1/4 OF SECTION 21. THE REMAINING 2 1/2 ACRES HAS A PRIORITY DATE OF 1892. THE 1 1/2 ACRES BY THE SCHOOL WILL RETAIN AND USE THE OLD P.O.D. THE PRIORITY DATE FOR THIS 1 1/2 ACRES IS 1892.

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.



**Water Resources Department**  
**MILL CREEK OFFICE PARK**

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

PHONE 378-3066

January 12, 1978

Roy E. Wilkinson  
Rt. 2 Box 257  
Milton-Freewater, OR 97862

RE: File No. T- 3399

Dear Mr. Wilkinson:

The time allowed for completion of the change in point of diversion of water from East Branch Mud Creek, proposed by your water right transfer application No. 3399, expired on October 1, 1977.

If the authorized change was accomplished on or before said date, please fill out and sign the statement of completion at the bottom of this letter and send it to us.

If you were unable to fully accomplish the change within the time allowed, but were dilligently working on it and, therefore, you want to apply for an extension of the time limit, check the box at the very bottom of this letter to request the proper application form.

Sincerely,

*James W. Carver, Jr.*  
James W. Carver, Jr.  
Engineer

JWC:lcj

STATEMENT OF COMPLETION

I hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving water right transfer application No. 3399 was accomplished by Sept, 1977

1/14/78  
Date

[Signature]  
Signature

☐ Please send form for application for extension of time limit.



IN THE \_\_\_\_\_ COURT OF THE  
STATE OF OREGON FOR UMATILLA COUNTY

AFFIDAVIT OF  
PUBLICATION OF

Equity  
Law

} No. \_\_\_\_\_

STATE OF OREGON, }  
County of Umatilla } ss.

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. 839-Notice of Filing Application

a printed copy of which is hereto annexed, was published in the entire issue  
of said newspaper for 3 successive and consecutive insertions  
the following issues:

June 14, 21, 28, 19 76

Patricia S. Daly

Subscribed and sworn to before me this 29th day of

June, 19 76

W. M. Joel  
Notary Public of Oregon

PUBLIC  
NOTICES



EO-839

NOTICE OF FILING  
APPLICATION FOR A  
CHANGE IN POINT  
OF DIVERSION OF WATER

Notice is given hereby that Roy E. Wilkinson has filed an application for the approval of a change in point of diversion from East Branch Mud Creek.

Certificate of water right issued to A. C. Conrad and recorded at Page 20, Volume 1, State Record of Water Right Certificates, confirms a right to the use of 0.25 cubic foot per second from East Branch Mud Creek for the irrigation of 12.0 acres in SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Sec. 16, and 4.0 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, Sec. 21, T. 6 N. R. 35 E., W.M., with a date of priority of 1870, and a right to the use of 0.1 cubic foot per second from East Branch Mud Creek for the irrigation of, among other lands, 2.5 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, Sec. 21, T. 6 N., R. 35 E., with a date of priority of 1892.

These lands are irrigated by means of the Conrad ditch from a point of diversion located 1400 feet N. and 1000 ft. W. from the E. <sup>1</sup>/<sub>4</sub> corner of Sec. 21, being within the NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Sec. 21, T. 6 N., R. 35 E., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point to be located 680 feet N. and 430 ft. E. from the S. <sup>1</sup>/<sub>4</sub> corner of Sec. 16, being within the SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Sec. 16, T. 6 N., R. 35 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on August 5, 1976, 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 Roy E. Wilkinson, Rt. 2, Box 257, Milton-Freewater, Or. 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 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 1st day of June, 1976.  
James E. Sexson  
Director  
June 14, 21, 28, 1976

MY COMMISSION EXPIRES  
APRIL 22, 1978

RECEIVED

JUN 20 1976

WATER RESOURCES DEPT  
SALEM, OREGON



STATE OF OREGON

INTEROFFICE MEMO

TO: Trevor Jones

DATE: June 4, 1976

FROM: Mike Ladd

SUBJECT: T-3399

To my knowledge transfer #T-3399 can be made without injury to any other existing right.

If I can be of further help in this matter, please do not hesitate to contact me.

dmw

**RECEIVED**  
JUN - 7 1976  
WATER RESOURCES DEPT  
SALEM, OREGON



RECEIVED  
MAY 13 1976  
WATER RESOURCES DEPT  
SALEM, OREGON

Rt. 2, Box 257  
Milton Freewater, Oregon  
May 11, 1976

Water Resources Department  
1178 Chemeketa Street N. E.  
Salem, Oregon 97310

ATTENTION: Wayne Overcash

RE: P.O.D. change for Roy Wilkinson

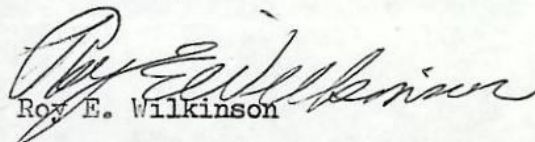
Dear Mr. Overcash:

This is to verify acreage, priority date and duty of water on the land involved in my point of diversion change.

There are 12 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of section 16 T 6N R 35E and 4 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of section 21 for a total of 16 acres with a priority date of 1870 and duty of water in the amount of 0.25 c.f.s. Also in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of section 21 T 6N R 35E there are 4 acres with a priority date of 1892 and duty of water in the amount of 0.10 c.f.s.

I hope this clears up any questions.

Sincerely,

  
Roy E. Wilkinson