

Name E. Duane Weinbach

By _____

Address Rt 2, Box 115
Milton-Freewater, OR 97862Change in PODDate filed Jan. 26, 1978Date of hearing March 28, 1978Place of hearing PendletonDate of order 4-5-78 Vol. 30, page 512Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued MAY 1 1978 Vol. _____, page 45583
DEC 22 1988 58939

3871

DESCRIPTION OF WATER RIGHT

Name of stream Pine CreekTrib. of _____ County of UmatillaUse IrrQuantity of water _____ No. of acres 150Name of ditch DickersonDate of priority 1900In name of F. E. MarchPine Creek Adjudication, Vol. 7, page 161App. No. _____ Per. No. _____ Cert. No. 5529

Certificate cancelled _____

Notation made on record by unob

FEES PAID

Date	Amount	Receipt No.
<u>1-26-78</u>	<u>\$ 85-</u>	<u>844</u>
TOTAL . . .		
<u>3-14-78</u>	<u>\$2- Cert. Fee</u>	<u>Trsf. from 844</u>
<u>Valley Herald # 19.12 pd 3-14-78 ch # 2041</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>3-14-78</u>	<u>\$28.88</u>	<u>2044</u>
<u>20.00 ex</u>	<u>80.00 deposit</u>	<u>35-</u>
<u>15.00 recording</u>	<u>- 19.12 PDN</u>	<u>19.12</u>
<u>35.00</u>	<u>- 2.00 cert fee</u>	<u>56.12</u>
	<u>28.88 refund</u>	

REMARKS

CARD FOR C DEC 26 1979
CARD FOR C DEC 26 1979

W.R.I.S.

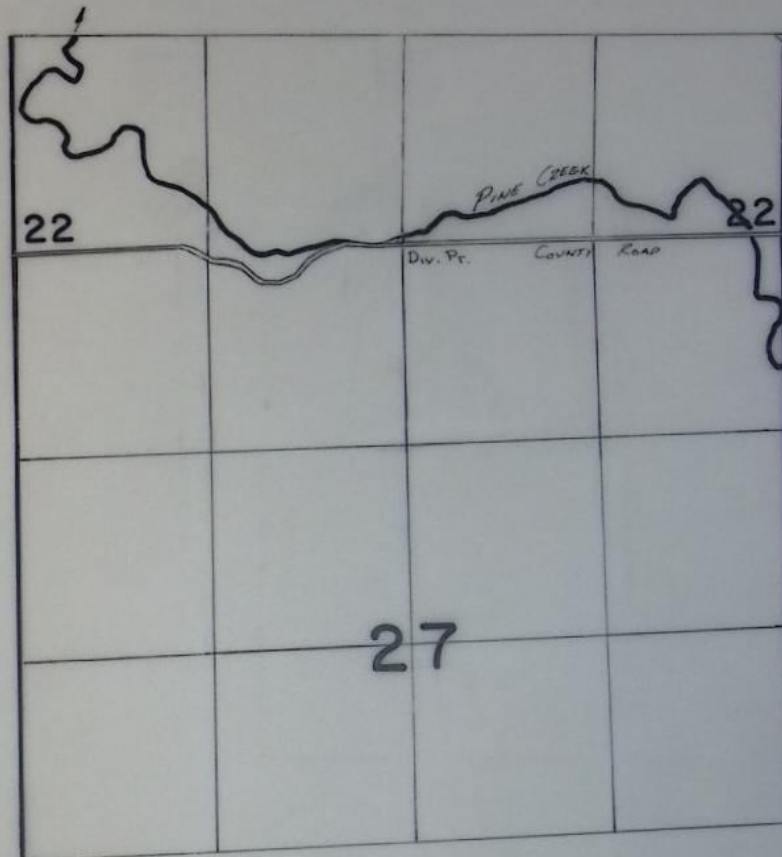
Assembled 7-1-85 by SA

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHEN CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>lg</u>	
<input checked="" type="checkbox"/>	Stream		<u>lg</u>	
<input type="checkbox"/>	Pt. of Div.			
<input checked="" type="checkbox"/>	Calendar		<u>lg</u>	
CHECKED TO RECORD:				
<input checked="" type="checkbox"/>	Twp. & Rce.		<u>lg</u>	
<input checked="" type="checkbox"/>	Decree-vault		<u>swd</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Decree-ml's		<u>lg</u>	
<input checked="" type="checkbox"/>	Cert. of W/R		<u>lg</u>	
<input type="checkbox"/>	Per. Folder			
<input type="checkbox"/>	Chaindex			
<input type="checkbox"/>	Cross Ref.			
<input type="checkbox"/>	Power Claim			
<input checked="" type="checkbox"/>	Abstracts		<u>lg</u>	

T. 6N., R. 34E., W.M.



Div. Pt. LOCATED 30' N. & 20' W. FROM $\frac{1}{4}$ COR. SEC 22

FINAL PROOF SURVEY
UNDER

TRANSFER 3871

IN NAME OF

E. DUANE LEINBACH

Surveyed June 22, 1983, by *R. L. Church*

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF E. DUANE LEINBACH FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
WATER FROM PINE CREEK)

ORDER APPROVING
TRANSFER NO. 3871

On January 26, 1978, an application was filed in the office of the Water Resources Director by E. Duane Leinbach for approval of a change in point of diversion from Pine Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 5529, Volume 6, State Record of Water Right Certificates, in the name of F. E. March, describes a right which includes the use of water from Pine Creek for irrigation of a certain 15.0 acres in E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 6 North, Range 34 East, W.M., with a date of priority of 1900.

The authorized point of diversion is located 430 feet North and 2640 feet East from the Center Corner of Section 34, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 6 North, Range 34 East, W.M. (Dickerson Ditch).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 20 feet North and 300 feet West from the North Quarter Corner of Section 27, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 6 North, Range 34 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 February 2, 9 and 16, 1978.

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

No objections 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, 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.

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:

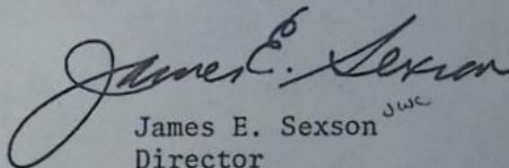
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 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 F. E. March and recorded at page 5529, Volume 6, 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 5th day of April, 1978.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF -UMATILLA-

CERTIFICATE OF WATER RIGHT

This is to Certify, That

F. E. MARCH

of Freewater, State of

Oregon

has a right to the use of

the waters of Pine Creek *trib Walla Walla River*
for the purpose of ~~the~~ Irrigation *of 55 acres*and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Umatilla County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 7, at page 148; that the priority
of the right thereby confirmed dates from 1900;that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed One acre foot per
acre during any thirty-day period, nor three acre feet per acre during the irri-
gation season beginning April 1st and ending October 1st. *if avail*A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

Twenty
~~Thirty-five (35) acres in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$)~~
~~and Thirty-five (35) acres in the Southwest Quarter of the Northeast Quarter~~
~~(SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-Seven (27), Township Six (6) North, Range Thirty-four~~
~~(34) East of the Willamette Meridian, containing 70 acres.~~
20 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27 T6N R34E WM

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 5529, Volume 6, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on April 5, 1978, approving transfer application No. 3871.The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

WITNESS the signature of the State Engineer,

affixed this *Yak* dayof November, 1975.

RHEA LUPER

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 6, page 5529.*58939*

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

(Title of Court and Cause)

No. _____
PROOF OF PUBLICATION OF
NOTICE

State of Oregon)
) ss.
County of Umatilla)

I, Dianne Zimmerman, being first duly sworn,
on oath say that I am the Principal Clerk
of The Valley Herald, a newspaper of general circulation, as defined
by ORS 193.010 and 193.020, printed and published at Milton-Free-
water, Oregon, and that the notice, a copy of which is annexed, was
published in the entire issue of said newspaper in the following _____
issues.

Feb. 2 Feb. 9 Feb. 16

Dianne Zimmerman

Subscribed and sworn to before me this 16 day of

February, 19 78

V. Hutton
Notary public for Oregon

My commission expires: July 5, 1981

**NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3871**

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The certificate recorded at page 5529, Volume 6, State Record of Water Right Certificates, in the name of F.E. March, describes a right which includes the use of water from Pine Creek for irrigation of a certain 15.0 acres in E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 27, T6N, R 34 E, WM, with a date of priority of 1900.

The authorized point of diversion is located 430 ft N and 2640 ft E from the Center Corner of Sec 34, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 34, T6N, R 34 E, WM (Dickerson Ditch).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 20 ft N and 300 ft W from the N $\frac{1}{4}$ Corner of Sec 27, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 22, T6N, R 34 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on March 28, 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 E. Duane Leinbach, Route 2, Box 115, Milton-Freewater, OR 97862 and one copy filed with the Water Resources Department, 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. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

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

James E. Sexson
Director

5-7-C

RECEIVED

MAR 2 1978

WATER RESOURCES DEPT.
SALEM, OREGON

