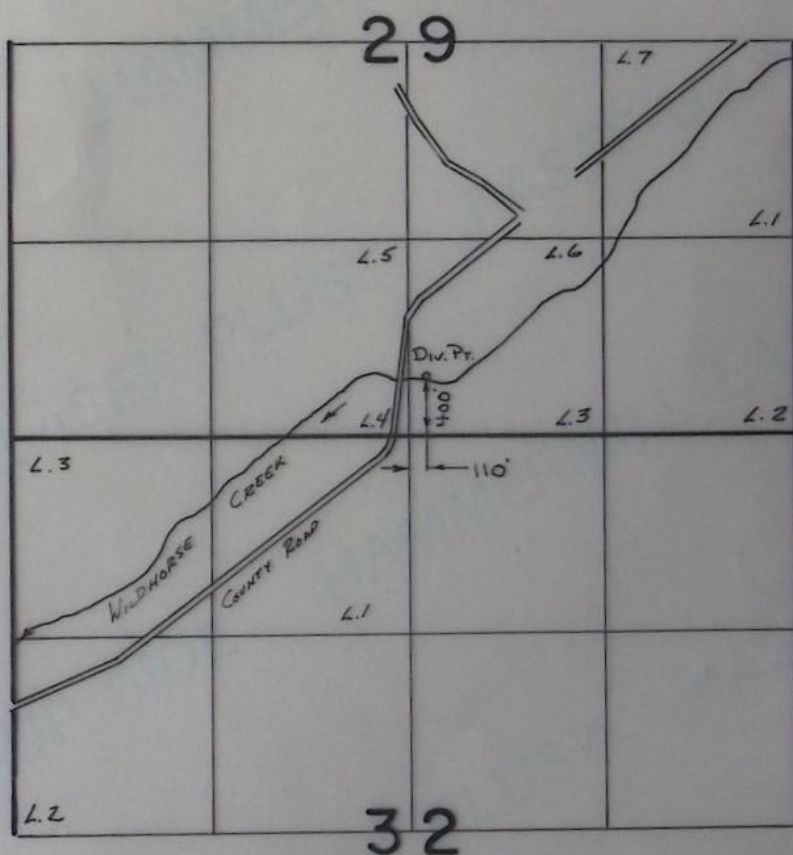


T. 3N., R. 33E., W.M..



SCALE 1" = 1320'

FINAL PROOF SURVEY
UNDER

TRANSFER 3873
IN NAME OF

RALPH A. TACHELLA, JR.

Surveyed 11-3 1988, by V.L. Church

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF RALPH A. TACHELLA, JR., FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3873

On February 1, 1978, an application was filed in the office of the Water Resources Director by Ralph A. Tachella, Jr., for approval of a change in points of diversion from Wildhorse Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2628, Volume 3, State Record of Water Right Certificates, in the name of Peter Tachela, describes a right for the use of not to exceed 0.19 cubic foot per second from Wildhorse Creek for irrigation of a certain 5.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 10.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, Township 3 North, Range 33 East, W.M., with a date of priority of June, 1884.

The authorized point of diversion, through the Tachella private ditch, is located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 3 North, Range 33 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to three points of diversion located: (1) 375 feet North and 180 feet East from the South Quarter Corner of Section 29, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29; and (2) 1060 feet North and 1300 feet East from the South Quarter Corner of Section 29, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29; and (3) 350 feet South and 350 feet West from the East Quarter Corner of Section 29, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, all being in Township 3 North, Range 33 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 March 15, 22 and 29, 1978.

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

No objections having been filed and it appearing that the proposed change

in points 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 points of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points 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:

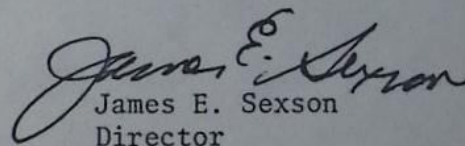
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in points of diversion is completed.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Peter Tachela and recorded at page 2628, Volume 3, State Record of Water Right Certificates, is canceled, 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 11th day of May, 1978.


James E. Sexson
Director

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That PETER TACHELA
of Pendleton State of Oregon has a right to the use of
the waters of Wild Horse Creek, a tributary of the Umatilla River,

for the purpose of the irrigation of 15 acres of land, domestic and stock use,

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 WATER BOARD} ~~State of Oregon~~ of the State of Oregon, in Volume-4, at
page 127 ; that the priority of the right hereby confirmed dates from June 1884

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 pur-
pose s, and shall not exceed 0.19 cubic feet per second, subject to the provisions
of paragraph 33 of said decree and all other conditions and limitations contained
in said decree.

A description of the lands irrigated under such right, and to which the water
hereby confirmed is appurtenant, or, if for other purposes, the place where such water
is put to beneficial use, is as follows: 5 acres in the Northeast quarter of Southeast
quarter and 10 acres in the Southwest quarter of Southeast quarter of Section Twenty-
nine, Township Three North, Range Thirty-three East of Willamette Meridian, in
Umatilla County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the
lands or place of use herein described.

WITNESS the seal and signature of the ^{State}
Water Board
~~State of Oregon~~, affixed this 29th day

of December , 1919 .

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By Percy A. Cupper
State Engineer, President

Attest:

R. W. Potter,
Secretary

Recorded in State Record of Water Right Certificates, Volume ³ ~~4~~, page 2628 .

T-3673

RECEIVED

APR 7 1978

WATER RESOURCES DEPT
SALEM, OREGON

IN THE _____ COURT OF THE
STATE OF OREGON FOR UMATILLA COUNTY

AFFIDAVIT OF
PUBLICATION OF

Equity } No. _____
Law }

STATE OF OREGON, } ss.
County of Umatilla }

I, Connie Ford 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 EO-521 Notice of Water Right Transfer Application

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

March 15, 22, 29, 19 78

Connie Ford

Subscribed and sworn to before me this 5th day of

April, 19 78

Patricia A. Carpenter
Notary Public of Oregon

MY COMMISSION EXPIRES
SEPT. 8, 1980

NOTICES

EO-521
NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3873

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Ralph A. Tachella, Jr. for approval of a change in point of diversion from Wildhorse Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2628, Volume 3, State Record of Water Right Certificates, in the name of Peter Tachella, describes a right for the use of not to exceed 0.19 cubic foot per second from Wildhorse Creek for irrigation of 5.0 acres in NE 1/4 SE 1/4 and 10.0 acres in SW 1/4 SE 1/4 of Sec. 29, T 3 N, R 33 E, WM, with a date of priority of June, 1884.

The authorized point of diversion, through the Tachella private ditch, is located within the SW 1/4 NW 1/4 of Sec 28, T 3 N, R 33 E, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to three points of diversion located: (1) 375 ft N & 180 ft E from the S 1/4 Corner of Sec 29, being within the SW 1/4 SE 1/4 of Sec 29; (2) 1060 ft N & 1300 ft E from the S 1/4 Corner of Sec 29, being within the SW 1/4 SE 1/4 of Sec 29; and (3) 350 ft S & 350 ft W from the E 1/4 Corner of Sec 29, being within the NE 1/4 SE 1/4 of Sec 29, all being in T 3 N, R 33 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on May 10, 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 Ralph A. Tachella, Jr., Box 699, Pendleton, OR 97801; 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. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 10th day of March, 1978.
James E. Sexson
Director
March 15, 22, 29, 1978