

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

Name of stream Willow Creek
Trib. of _____ County of Marion
Use irrigation
Quantity of water _____ No. of acres 42⁰
Name of ditch Dutton & Clark
Date of priority _____
In name of Hiram E Clark
Willow Creek Adjudication, Vol. 1, page 21
App. No. _____ Per. No. _____ Cert. No. 127, 2
Certificate cancelled _____
Notation made on record by _____

FEE PAID

Date	Amount	Receipt No.
4-23-75	43.00	46462
4-23-75	45.00 P.M.	46463
7-13-77	12.00 P.M.	62451
TOTAL . . .		
	No Cert. Fee	

Pl. Gazette Times Ch. # 1464 (\$117.00)
8/31/77

FEES REFUNDED

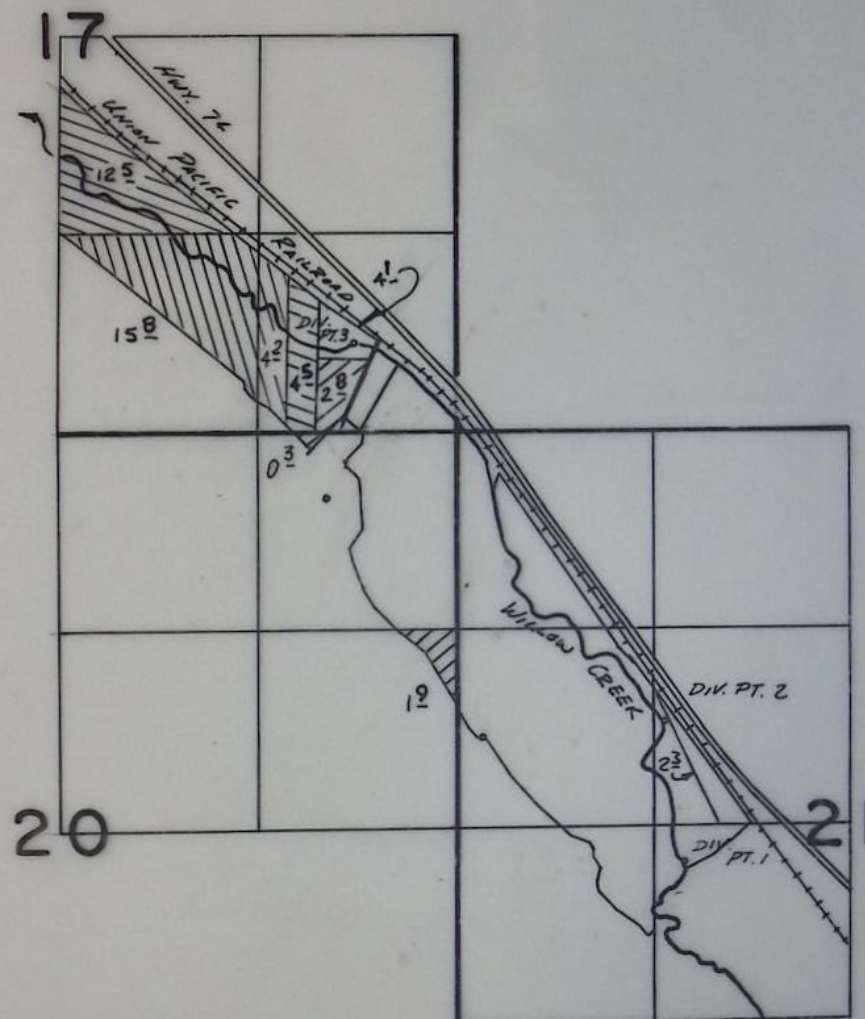
Date	Amount	Check No.
Recd		88 ⁰⁰
Exam	15-	
POU	13-	
POD	15-	
		(43 ⁰⁰)
PON		(117 ⁰⁰)
Need		72 ⁰⁰

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	lcj	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Stream	lcj	<input type="checkbox"/>
<input type="checkbox"/>	Pt. of Div.		<input type="checkbox"/>
<input type="checkbox"/>	Calendar	lcj	<input type="checkbox"/>
	CHECKED TO RECORDS:		
<input checked="" type="checkbox"/>	Top. & Hqs.	lcj	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-vault	xl lcj	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Decree-ads	xl lcj	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Cert. of W/R	lcj, li	<input type="checkbox"/>
<input type="checkbox"/>	Per. Folder		<input type="checkbox"/>
<input type="checkbox"/>	Chinides		<input type="checkbox"/>
<input type="checkbox"/>	Cross Ref.		<input type="checkbox"/>
<input type="checkbox"/>	Power Claim		<input type="checkbox"/>
<input checked="" type="checkbox"/>	Abstracts	lcj	<input type="checkbox"/>

SP*70822-119

T. 2S., R. 26E., W.M.



DIV. PT. 1 240'S & 1120'W FROM CENTER SEC. 21
 DIV. PT. 2 1950'S & 1490'E. FROM NW COR. SEC. 21
 DIV. PT. 3 600' N. & 680' W. FROM SE COR. SEC. 17

FINAL PROOF SURVEY
 UNDER

TRANSFER 3207

IN NAME OF

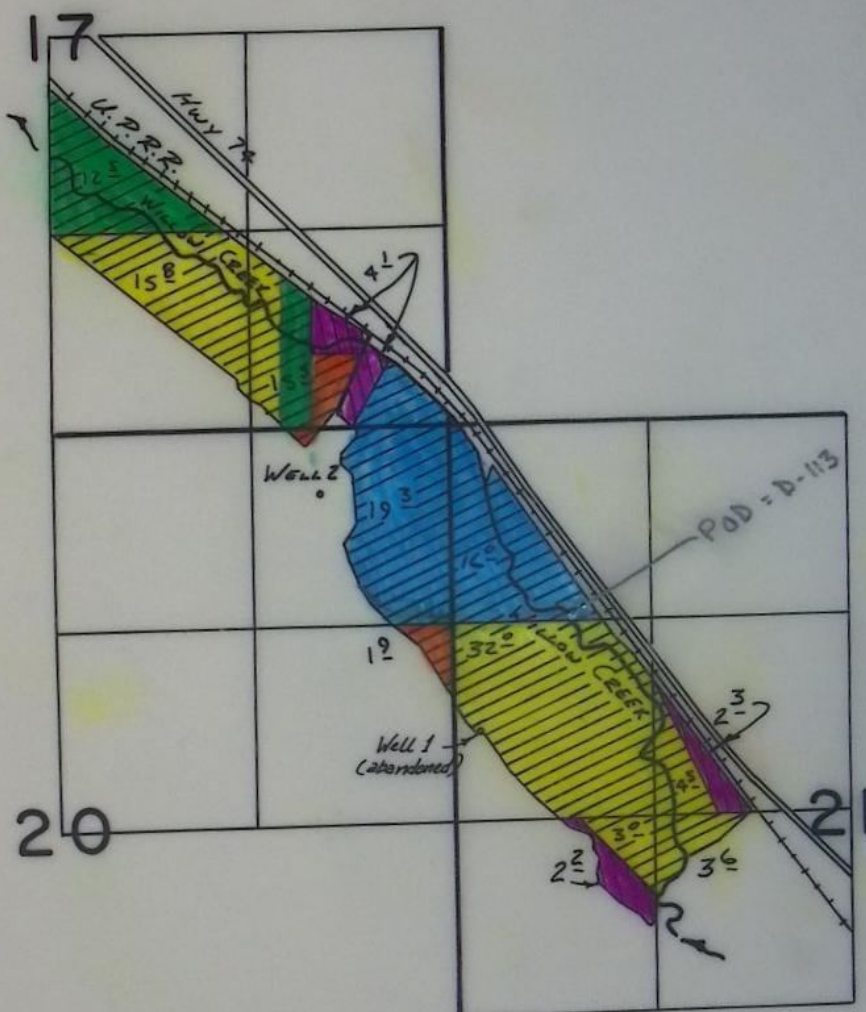
MRS. ANNA GRAHAM

Surveyed Oct. 11, 1982, by V.L. Church

1891
 1884
 1889

COPY

T. 2S., R. 26E., W.M.



- = D-127-1889
- = D-127-1891
- = D-204
- = D-113

Well 2 Loc: 440'S & 870'W. From NE Cor. Sec. 20

FINAL PROOF SURVEY
UNDER

G-8149 G-7210
Application No. G-5912 Permit No. G-7211
IN NAME OF

ANNA GRAHAM

Surveyed Oct. 11, 1982, by V.L. Church

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
MORROW COUNTY

IN THE MATTER OF THE APPLICATION OF)
CLAUDE AND ANNA GRAHAM FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND POINT)
OF DIVERSION OF WATER FROM WILLOW)
CREEK)

ORDER APPROVING
TRANSFER NO. 3207

On April 23, 1975, an application was filed in the office of the Water Resources Director by Claude and Anna Graham for changes in place of use and point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 127, Volume 1, State Record of Water Right Certificates, in the name of Hiram E. Clark, describes a right for the use of not to exceed 0.37 cubic foot per second from Willow Creek for irrigation of 4.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 18.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 2 South, Range 26 East, W.M., with dates of priority of 1889 for 0.08 cubic foot per second for irrigation of 5.0 acres and 1891 for 0.29 cubic foot per second for irrigation of 17.0 acres.

Water for the said right is diverted, through the Dutton and Clark Ditch, from a point located 1000 feet South and 1600 feet East from the Northwest corner of Section 27, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 2 South, Range 26 East, W.M.

The applicant herein, with power of attorney from the owner of the lands above described, proposes to change the place of use therefrom, and without loss of priority to irrigate a certain 14.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, with a date of priority of 1891; 3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20 with a date of priority of 1889.

029
p263-764

The certificate recorded at page 204, Volume 1, State Record of Water Right Certificates, in the name of Wightman Bros., describes a right for the use of not to exceed 1.06 cubic feet per second from Willow Creek for irrigation of 32.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 24.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 2 South, Range 26 East, W.M., with a date of priority of 1884.

Water for the said right is diverted, through the said Dutton and Clark Ditch, and from two other points located (1) 247 feet South and 1310 feet West and (2) 1237 feet North and 1650 feet West from the center of Section 21, being within the (1) NE $\frac{1}{4}$ SW $\frac{1}{4}$ and (2) SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 2 South, Range 26 East, W.M.

The applicant herein, with power of attorney from the owner of the lands above described, proposes to change the place of use from a certain 20.0 acres in the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21 and, without loss of priority, to irrigate a certain 15.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 2 South, Range 26 East, W.M.

The applicant herein also proposes changes in point of diversion for all of the lands under both of said water rights to divert water from Willow Creek at three points located:

- (1) 247 feet South and 1310 feet West from the center of Section 21, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 2 South, Range 26 East, W.M.;
- (2) 1237 feet North and 1650 feet West from the center of Section 21, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 2 South, Range 26 East, W.M.; and
- (3) 577 feet North and 660 feet West from the Southeast corner of Section 17, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 2 South, Range 26 East, W.M.

for irrigation of 14.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, with a date of priority of 1891; 3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, with a date of priority of 1899; and 15.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, with a date of priority of 1884, all within Township 2 South, Range 26 East, W.M.

All of the above described lands also enjoy a right to use of the waters of Ditch Creek as a source of water to augment the flows of Willow Creek as described by the certificate recorded at page 13535, Volume 12, State Record of Water Right Certificates.

Notice of the application, pursuant to ORS 540.510, was published in the Gazette-Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of May 26, June 2 and 9, 1977.

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

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion as described herein, without loss of priority, are 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 rights.

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.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificates of water right heretofore issued to Hiram E. Clark and to Wightman Bros. and recorded at pages 127 and 204, Volume 1, State Record of Water Right Certificates, are 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 12th day of September, 1977.

/s/ James E. Sexson
Director

FINAL PROOF ON
SURFACE WATER

APPLICATION No. TRANSFER 3207 PERMIT No. _____

INFO NAME: _____
ADDRESS: _____

TALKED TO CLAUDE

SOURCES: WILLOW CR.

REMARKS: THEY MOVE THE REEL IN FROM DIV. TO DIV.

SYSTEM: A DIESEL ENGINE WITH A BERKELEY ON REEL IN SPRINKLER

DIV. PTS ARE SUCTION PIPE WITH DAM ACROSS CREEK

METER: N/A DIV. PT. 3 IRRIGATES NW OF ~~BRIDGE~~ ROAD

PUMP: MAKE: BERKELEY DIV. PT. 2 & 3 CAN SE OF ROAD

TYPE: _____

SUCTION SIZE: 5 EVERYTHING EXCEPT 19 IN SE 1/4 NE 1/4 SEC 20

DISCHARGE SIZE: 5 15' FROM DIV. PT. 3 12 13 FROM DIV. PT. 1

MODEL No.: _____ 10-13-82

RATING: _____ DEXTER MILES

MOTOR: MAKE: CUMMINS IT HAS ^{BEEN} THREE YEARS SINCE DIV. PT. 3

TYPE: _____ HAS BEEN USED 10-14-82

H.P.: 56

RPM: 2500

SPRINKLER SYSTEM: _____

MAINLINE No. FEET: _____

SIZE _____

TYPE _____

LATERALS No. FEET: 2000 3000

SIZE: 6 5/8

TYPE: _____

SPRINKLERS No. HEADS: 1

MAKE NELSON

NOZZLE SIZE 1.34

MAXIMUM ~~1~~ 1

IN OPERATION MEAN PRESSURE: _____

MAXIMUM No. OF HEADS: _____

LIST: SUCTION +10

DISCHARGE: +10

USE: PASTURE, HAY, WHEAT

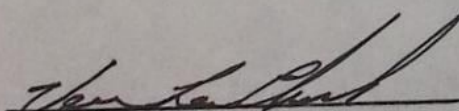
TIE: SURVEYED ON: 1094

CORNER _____

SURVEY COR. DES. _____

NOTE: THE NORTH OF CR. IN SEC 17 WAS NOT IRRIGATED THIS YEAR BECAUSE
PIPE WAS BROKEN.

NOTE NO RIGHTS ON 6 1/2 ACRES.


WATER RIGHTS EXAMINER

DATE: 10-11-82

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN:

POD
POU
USE
Add'l POD

Transfer NO. 3207

County Morrow

Old Certificate NO. 127; 204

1. Name Mrs. Anna Graham

Address Box 2135 Heppner, OR 97836

2. Source of Supply Willow Creek, Trib of Columbia River

3. Use Irrigation

4. Amount of Water 0.37 cfs; 1.06 cfs Priority Date 1889 & 1891; 1884

5. Proposed Point of Diversion (1) ²⁴⁰ 247 ft. South and ¹¹²⁰ 1310 ft. West from Center of Sec. 21, w/i NE¹/₄SW¹/₄, Sec. 21; (2) ¹⁹⁵⁰ 1237 ft. North and ¹⁴⁹⁰ 1650 ft. West from Center Sec. 21, w/i SW¹/₄NW¹/₄, Sec. 21; (3) ⁶⁰⁰ 577 ft. North and ⁶⁸⁰ 660 ft. West from SE Corner of Sec. 17, w/i SE¹/₄SE¹/₄, Sec. 17, all in Township 2 South, Range 26 East, W.M.

6. Completion Date October 1, 1979

7. Place of Use:

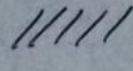
Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
2S	26E	17	SW ¹ / ₄ SE ¹ / ₄	15.8 15.0 } C #204
			SE ¹ / ₄ SE ¹ / ₄	4.2 5.0 } 1884
		17	SE ¹ / ₄ SE ¹ / ₄	2.8 1889
2S	26E	17	NW ¹ / ₄ NE ¹ / ₄	12.3 14.0 } 1891
			SE ¹ / ₄ SE ¹ / ₄	4.5 3.0 }
		20	NE ¹ / ₄ NE ¹ / ₄	0.3 3.0 } 1889
			SE ¹ / ₄ NE ¹ / ₄	1.9 2.0 }

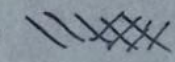
APPLICATION OF ANNA GRAHAM

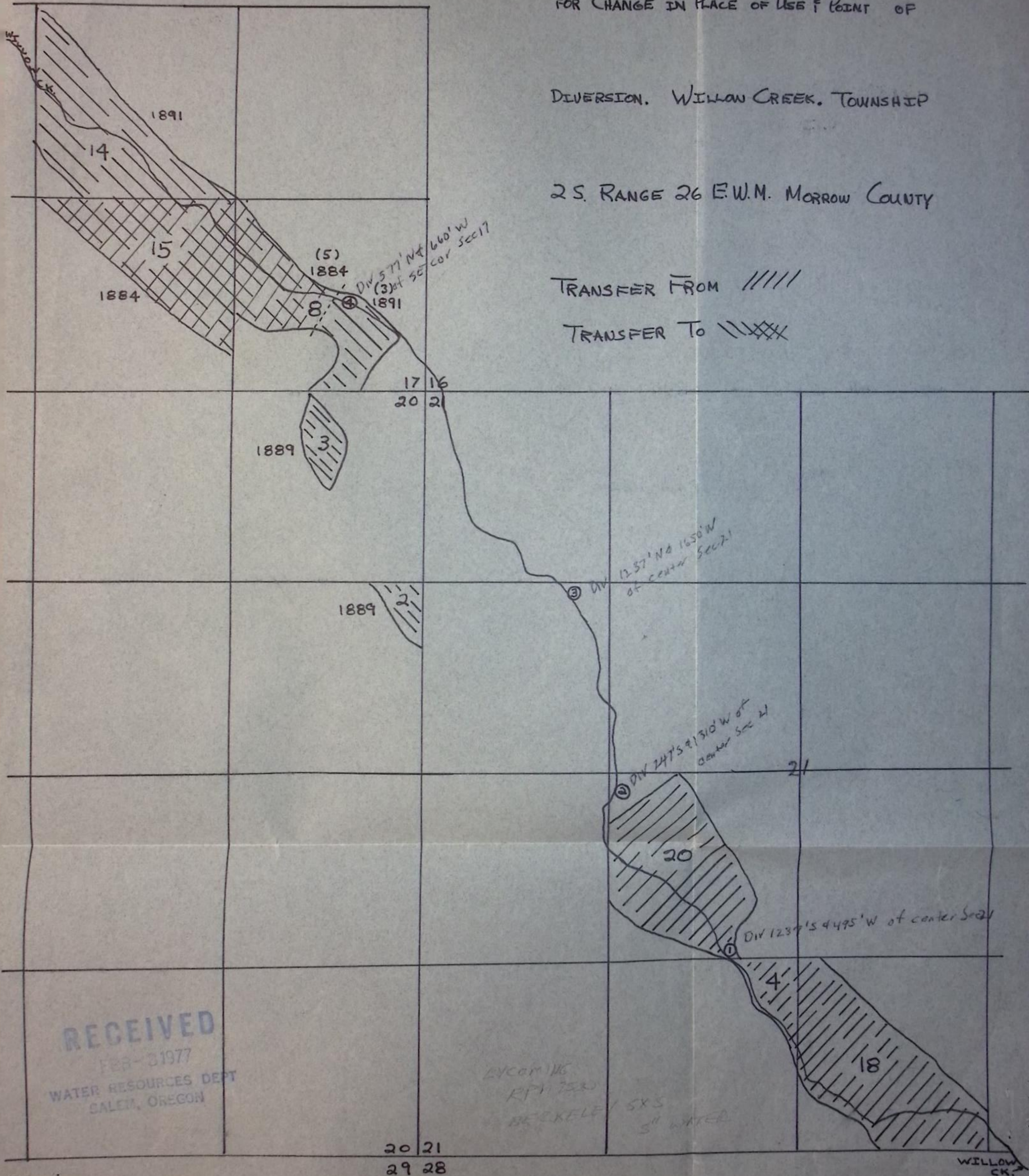
FOR CHANGE IN PLACE OF USE & POINT OF

DIVERSION. WILLOW CREEK. TOWNSHIP

2 S. RANGE 26 E.W.M. MORROW COUNTY

TRANSFER FROM 

TRANSFER TO 



RECEIVED

FEB-3-1977

WATER RESOURCES DEPT
SALEM, OREGON

EXCOMING
RPH 750

BECKLEY 5X5
SH WATER

WILLOW
CK.

Township
Tp 2 S, R. 26 E

Proposed
Div #5

Dam
6' deep

Proposed
Div #4

To be Transferred
Existing to
remain
proposed place
of use

Div #2

8' deep

Cert
129

Appl-
13408
(Cert 129/171)

C-170
3-DHs

Dam
Dam

Wm. J. L. France
Elmer Slocum
Percy Hughes
Andy Stephens
Garthude Walbridge

Garthude Walbridge 1/2 ac.
W.L. French 1/2 ac.
Cummings Nursery Co. 6 1/2

HEPPNER

1st deep

2 ac. 2 ac.

4 ac.

Form C (690-9-77)

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. T-3207

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Anna Graham

the holder of Permit No. T-3207

to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 13th day of October, 1979.

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this December 13, 1979.

Anna Graham

(Signature of Applicant)

Star Route 2, Heppner, Oregon 97836

(Address)

RECEIVED

DEC 12 1979

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

NOV 16 1978

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN
place of use and point of diversion of water from Willow Creek

PURSUANT TO TRANSFER APPLICATION NO. 3207

I, ANNA GRAHAM, 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 said water
right transfer application was accomplished by ~~JUNE~~ - JULY - AUG., 1978

11/14/78
Date

Anna Graham
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

OK
10
10

RECEIVED

FEB - 3 1977

WATER RESOURCES DEPT

SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

We, Claude Graham and Anna Graham

(Name of applicant)

of Heppner 97836

(Postoffice)

County of Morrow

State of Oregon

, do hereby make application for change in points of diversion

and place of use

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

1. The source of present water right is Willow Creek and Ditch Creek (supplemental)

(Name of stream)

2. The use to which the water is applied is irrigation and supplemental irrigation

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

3. The name of the ditch, canal or pipe line is Dutton and Clark

4. The point of diversion is located 1000 ft. S and 1600 ft. E from the NW

(N. or S.)

(E. or W.)

corner of Section 27

(Section or subdivision)

being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 27 Tp. 2S R. 26 E W. M., in the County of Morrow

(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				C-204 SW 1-4 C-127				SE 1-4 C-127			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
2S	26E	21									20			4			18	
			change P.t. div. only C-204								4°	3°	32°	45				
			Supplemental Certificate 13535								20			4			18	
																		Total 42

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? Sold recently to Kinzua

(If not owner, explain your interest)

Corporation. See attached Power of Attorney

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? Cert. 204-1884; Cert. 127-1889

(5 acres) and 1891 (17 acres)

9. 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 127 and 204
(Yes or No) Willow Cr. Ditch Cr. C# 13535

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

Yes If so, give title of proceedings Willow Creek Decree
(Yes or No)

12. Is the water right recorded in your name? No - Hiram Clark C-127; Wightman Bros. C-204
(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 $\frac{1}{4}$
2S	26E	17														(1891)	(1884)	
																14	15	
																	8	5 (1884)
																		3 (1891)
		20	3	(1889)		2	(1889)											
																		Total 42

(Attach separate sheet if necessary)

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

See Exhibit A

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? See Exhibit A

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

20. Reasons for the proposed changes are recent sale of land which will be used for non-farming use.

EXHIBIT A

Four points of diversion are shown on the attached map by numbers 1 through 4 which numbers are placed inside circles. The following are the locations for the points of diversion:

<u>Number</u>	<u>Location</u> (all in T2S, R 26, E.W.M. in Morrow County)
1.	Approximately 1,237 feet S and 495 feet W of the center of Section 21 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21.
2.	Approximately 247 feet S and 1,310 feet W of the center of Section 21 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21.
3.	Approximately 1,237 feet N and 1,650 feet W of the center of Section 21 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21.
4.	Approximately 577 feet N and 660 feet W of the SE corner of Section 17 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17.

New div
pts.

RECEIVED
FEB - 3 1977
WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT A

Five points of diversion are shown on the attached map by numbers 1 through 5 which numbers are placed inside circles. The following are the locations for the points of diversion:

<u>Number</u>	<u>Location</u> (all in T2S, Range 26, E.W.M. in Morrow County)
1.	Approximately 1,237 feet S and 495 feet W of the center of Section 21 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21.
2.	Approximately 247 feet S and 1,310 feet W of the center of Section 21 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21.
3.	Approximately 1,237 feet N and 1,650 feet W of the center of Section 21 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21.
4.	Approximately 577 feet N and 660 feet W of the SE corner of Section 17 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17.
5.	Approximately 495 feet N and 660 feet W of the SE corner of Section 7 being within the SE$\frac{1}{4}$SE$\frac{1}{4}$ of Section 7.

Point of diversion No. 1 will be abandoned. Points of diversion 2 and 3 are presently in existence and will be maintained. Points of diversion 4 ~~and 5~~ will be constructed and will probably be pump station located on the Creek.

~~Another party has a diversion between the first four points of diversion and point of diversion No. 5.~~

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

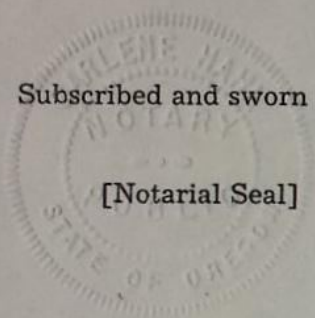
County of Morrow Umatilla } ss.

I, Anna Graham, 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 2nd day of February, 1977.

✓ Anna Graham
(Name of applicant)

Subscribed and sworn to before me this 2nd day of February, 1977.



[Notarial Seal]

Carolene Hahn
NOTARY PUBLIC FOR OREGON

My commission expires 2-5-80

Remarks Item #5: The Supplemental Certificate 13535 is only being
changed in the place of use.

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.

RECEIVED

JUL - 7 1977

WATER RESOURCES DEPT
SALEM, OREGON

AFFIDAVIT OF PUBLICATION

NOTICE OF WATER
RIGHT TRANSFER
APPLICATION NO.
3207

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Claude and Anna Graham for approval of a change in place of use and point of diversion from Willow Creek.

The certificate recorded at Page 127, Vol. 1, State Record of Water Right Certificates, in the name of Hiram E. Clark, describes a right for the use of not to exceed 0.37 cubic foot per second from Willow Creek for irrigation of 4.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 18.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 21, T.2S., R.26E., W.M., with dates of priority of 1889 for 0.08 c.f.s. for irrigation of 5.0 acres and 1891 for 0.29 c.f.s. for irrigation of 17.0 acres.

The certificate recorded at Page 204, Vol. 1, State Record of Water Right Certificates, in the name of Wightman Bros. describes a right for the use of not to exceed 1.06 c.f.s. from Willow Creek for irrigation of 32.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 24.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 21, T.2S., R.26E., W.M., with a date of priority of 1884.

All of the above described lands also enjoy a right to use of waters of Ditch Creek as a source of water to augment the flows of Willow Creek as described by the certificate recorded at Page 13535, Vol. 12, State Record of Water Right Certificates.

Water for the said rights is diverted through the Dutton & Clark ditch, from a point located 1000 ft. S. and 1600 ft. E. from the NW corner of Sec. 27, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 27, T.2S., R.26E., W.M., and from two other points located (2) 247 ft. S. and 1310 ft. W. and (3) 1237 ft. N. and 1650 ft. W. from the center of Sec. 21, being within the (2) NE $\frac{1}{4}$ SW $\frac{1}{4}$ and (3) SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 21, T.2S., R.26E., W.M.

The applicant herein, with power of attorney from the owner of the lands above described, proposes to change the place of use from a portion of the said lands and also proposes changes in point of di-

version for all of the lands under both of said water rights to divert water from Willow Creek at three points located:

(1) 247 ft. S. and 1310 ft. W. from the center of Sec. 21, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 21, T.2S., R.26E., W.M.

(2) 1237 ft. N. and 1650 ft. W. from the center of Sec. 21, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 21, T.2S., R.26E., W.M.; and

(3) 577 ft. N. and 660 ft. W. from the SE corner of Sec. 17, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 17, T.2N., R.26E., W.M.

for irrigation of 14.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 17, with a date of priority of 1891; 3.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 20, with a date of priority of 1899; and 15.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 17, with a date of priority of 1884, all within Township 2 South, Range 26 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at

Heppner, Oregon on July 19, 1977, 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 Claude and Anna Graham, c-o Robert E. O'Rourke, P.O. Box 490, Pendleton, Oregon 97801, 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 OBJECTION IS 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 12th day of May, 1977.

JAMES E. SEXSON
Director
Published May 26, June 2, 9, 1977.

STATE OF OREGON }
County of Morrow } ss:

I, Terry Hager

being first duly sworn, depose and say that I am the General Mgr. of the HEPPNER GAZETTE-TIMES, a newspaper of general circulation, as defined by O.R.S. 193.010 and 193.020; printed and published at Heppner, Oregon: that the Notice of Water Right Transfer Application # 3207

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 successive and consecutive weeks in the following issues: May 26, June 2,

June 9, 1977

Subscribed and sworn before me this 1 day of July, 1977

Arthur Ray Boyce
Notary Public for Oregon

My Commission Expires: 3-22-79

(SEAL)

S T A T E O F O R E G O N

C O U N T Y O F M O R R O W

C E R T I F I C A T E O F W A T E R R I G H T

THIS IS TO CERTIFY, That MORROW COUNTY, OREGON, a municipal corporation, whose address is Heppner, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of DITCH CREEK, a tributary of the North Fork of the John Day River for the purpose of IRRIGATION under Permit No. 14006 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 July 10, 1939; 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 the quantity available at the point of diversion from Ditch Creek, pursuant to the provisions of Chapter 324, Oregon Laws of 1939.

The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 5 South, Range 28 East, W. M.

The water described in this certificate is to be diverted to the channel of Willow Creek, a tributary of the Columbia River, to be used for irrigation throughout the Willow Creek Valley by augmenting the flow of Willow Creek to supply existing rights, for such time as its use shall be for the public interest; provided that if the water shall not be used under this certificate for a period of five years, the certificate shall expire, pursuant to the provisions of Chapter 324, Oregon Laws of 1939.

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 1st day of May, 1941.

CHAS. E. STRICKLIN

RECEIVED

FEB 10 1975

STATE ENGINEER
SALEM, OREGON

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS that the undersigned, KINZUA CORPORATION, a corporation, has made, constituted and appointed, and by these presents does hereby make, constitute and appoint CLAUDE R. GRAHAM and ANNA J. GRAHAM, husband and wife, of Heppner, Morrow County, Oregon, or either of them (that is jointly and severally) the true and lawful attorney for the undersigned, and in the name, place and stead of the undersigned, and with full authority of the board of directors of the undersigned, to sign and execute for the undersigned, and in the name of the undersigned, any certificate, application or other form of written document necessary or required by any governmental agency, including without limitation the state engineer of the State of Oregon, to change or amend the place of use or purpose of use, of any and all water rights, certificates or licenses presently registered in the name of said Claude R. Graham and/or Anna J. Graham, to other property owned by said persons, and to change or relocate any existing point of diversion and irrigation ditch, from Willow Creek, on the real property in Morrow County, Oregon described in the attached Exhibit "A" (pages 1-3), which, by this reference, is made a part hereof as fully as if set forth verbatim herein, and to do any and all things required in connection with such change or transfer of said water rights, point of diversion and irrigation ditch as the undersigned might do in its own name, giving and granting unto said attorneys full power and authority to do and perform any and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes, as the undersigned might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that the said attorney or attorneys shall lawfully do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF the undersigned has hereunto executed
this power on this 19th day of APRIL, 1974.



(Corporate Seal)

KINZUA CORPORATION

By: [Signature]
President

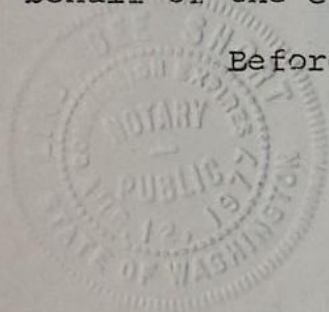
By: [Signature]
Secretary

WASHINGTON
STATE OF OREGON)
KING) ss.
County of Morrow)

April 19, 1974.

Personally appeared H.W. Stuchell, who, being
sworn, stated the he is the president of Kinzua Corporation, and
that the seal affixed hereto is the seal of the corporation, and
that this power of attorney was voluntarily signed and sealed in
behalf of the corporation by authority of its board of directors.

Before me:



Linda Lee Short
Notary Public for Oregon Washington

My commission expires: Aug. 12, 1977

Area 1

Beginning at a point on the East Right-of-Way of the Bunker Hill-Heppner Section of the Heppner Highway, said point being a railroad tie used as a fence corner and being N 47° 52' 26" W of the Southeast Corner of Section 21, T2S, R26E, W.M., a distance of 3,902.66 feet, said point being the True Point of Beginning of this description.

Thence N 49° 22' E a distance of 244.1 feet to a point marked by an iron peg.

Thence S 38° 28' E a distance of 313.4 feet to a point on the property line between Claude and Anna Graham and Kinzua Corporation, marked by an iron peg.

Thence as previously platted N 80° 45' W a distance of 76.5 feet on said property line.

Thence as previously platted, S 52° 50' W, a distance of 67.0 feet on said property line.

Thence as previously platted, N 39° 10' W, a distance of 40.0 feet on said property line.

Thence as previously platted, S 29° 20' W, a distance of 40.0 feet on said property line.

Thence as previously platted, S 35° 45' E, a distance of 172.0 feet on said property line.

Thence as previously platted, S 55° 53' W, a distance of 80.0 feet on said property line to a point on the East Right-of-Way line of the State Highway.

Thence as previously platted N 45° 57' W, a distance of 408.0 feet along the Eastside of the State Highway Right-of-way.

Thence N 49° 22' E a distance of 37.0 feet to the point of beginning.

All being in Morrow County, State of Oregon

Containing 1.98 acres more or less.

Area 2

Beginning at Station 2278+83.9 on the centerline of the Union Pacific Railroad, said point being N50° 57' 47" W of the Southeast Corner, a distance of 3,311.84 feet, Section 21, T2S, R26E.W.M. Thence N 50° 19' E a distance of 50.16 feet to a point on the East side of the Union Pacific Right-of-way, said point marked by an iron peg and being the True Point of beginning of this description.

Thence N 50° 19' E a distance of 54.9 feet to the West Right-of-way of the Bunker Hill-Heppner Section of the Heppner Highway.

Thence S 45° 11' E a distance of 329.8 feet along the West Right-of-way of the State Highway to a point on the property boundary between Claude and Anna Graham and Donover Co. et al.

Thence along said property boundary as previously platted, S 57° 46' W a distance of 151.1 feet to a point on the East Right-of-way of the Union Pacific Railroad.

Thence N 35° 07' 05" W a distance of 315.0 feet to the point of beginning.

All being in Morrow County, Oregon.

Containing 0.68 acres more or less.

Area 3

Beginning at Station 2278+83.9 on the Centerline of the Union Pacific Railroad, said point being N50° 57' 47" W of the Southeast Corner of Section 21, T2S R26E, W.M., a distance of 3,311.64 feet.

Thence S55°15'W a distance of 50.0 feet to a point on the West side of the Union Pacific Right-of-way, said point marked by an iron peg and being the True Point of beginning of this description.

Thence S 55° 15'W a distance of 442.8 feet to an iron peg; which is 15 feet South of a sprinkler head riser.

Thence S43° 13'W a distance of 400.2 feet to an iron peg.

Thence S 8° 17'E a distance of 518.2 feet to an iron peg.

Thence S44° 37'E a distance of 152.6 feet along a barbwire fence to an iron peg.

Thence S42° 56'E a distance of 233.1 feet following said fence to an iron peg.

Thence S27° 40'E a distance of 132.3 feet following said fence to an iron peg.

Thence N45° 58'E a distance of 19.1 feet along the property line between Claude and Anna Graham and Kinzua Corporation.

Thence S30° 58'E a distance of 130.0 feet along said property line.

Thence S30° 58'W a distance of 150.0 feet along said property line.

Thence S51° 06'E a distance of 1,215.6 feet to an iron peg.

Thence S60° 24'E a distance of 527.2 feet to an iron peg.

Thence S71° 48'E a distance of 820.9 feet to an iron peg.

Thence S65° 14'E a distance of 190.3 feet along a fence to an iron peg.

Thence N 0° 21' W a distance of 440.6 feet along a fence to an iron peg.

Thence N 35° 07' W a distance of 68.8 feet along a fence to an iron peg.

Thence along a fence with a right hand curve. The long chord of which bears N 79° 01' E a distance of 210.3 feet to a point on the Northwest side of Union Pacific Railroad Right-of-way. Distances from chord to fence are:

Station 0+50	13.7 feet
Station 1+00	10.4 feet
Station 1+50	0.0 feet

Thence in a Northwest direction along the Union Pacific Railroad Right-of-way a distance of 938.8 feet, and being parallel and (50) fifty feet from the center line of the Railroad, to the switch for the Railroad Wye at Union Pacific Station 2302+72.2

Thence in a Northwest direction along the Railroad Wye Right-of-way a distance of 804.6 feet.

Thence S35° 20'E a distance of 100.0 feet to a corner common to the Claude and Anna Graham, Kinzua Corporation, and Union Pacific Railroad Wye property.

Thence, as previously platted, S54° 40'W a distance of 133.6 feet to a point in the center of Willow Creek, Thence downstream and in a Northwesterly direction 700 feet, more or less to a point in the center of said Willow Creek. Said point is N23° 30'W, 409.0 feet and thence N 44° 30'W, 258.0 feet from the point first hereinafter described.

Thence as previously platted S89° 30' E, a distance of 45.0 feet.

Thence as previously platted, N26° 27'W, a distance of 261.0 feet.

Thence as previously platted, N53° 33'E, a distance of 166.6 feet.

Thence as previously platted, N 33° 02'W, a distance of 546.0 feet.

Thence as previously platted, N53° 30'E, a distance of 462.0 feet to the West Right-of-way of the Union Pacific Railroad and 30.0 feet from the center line of the Track.

Thence N35° 07'W, a distance of 371.1 feet along the West Right-of-way of the Union Pacific Railroad.

Thence S54° 53'W, a distance of 20.0 feet along the Railroad Right-of-way.

Thence N35° 07'W, a distance of 10.0 feet to the point of beginning for this description.

All being in Morrow County, Oregon.

Containing 58.95 acres more or less.