

Name Burlingame Land & Livestock, Inc.
By E. C. Burlingame
Address Box 60
Touchet, Washington 99360

3838

DESCRIPTION OF WATER RIGHT

Change in POU
Date filed 11-17-77
Date of hearing _____
Place of hearing _____
Date of order 1-3-78 Vol. 30, page 222
Date for application of water 10-1-79
Proof mailed AUG 17 1992
Proof received _____
Certificate issued MAR 17 1978 Vol. 37, page 45332
Confirming OCT 26 1992 67905

Name of stream Dugger Creek
Trib. of _____ County of UMATILLA
Use IRRIGATION
Quantity of water 0.11 cfs No. of acres 8.7
Name of ditch Kirk Ditch
Date of priority April 28, 1916
In name of D. J. Kirk
_____ Adjudication, Vol. _____, page _____
App. No. 4883 Per. No. 2923 Cert. No. 2764
Certificate cancelled _____
Notation made on record by _____

FEES PAID		
Date	Amount	Receipt No.
<u>11-17-77</u>	<u>30.00</u>	<u>65081</u>
TOTAL . . .		
<u>12-6-77</u>	<u>\$2 Cert. Fee</u>	<u>99</u>

FEES REFUNDED		
Date	Amount	Check No.

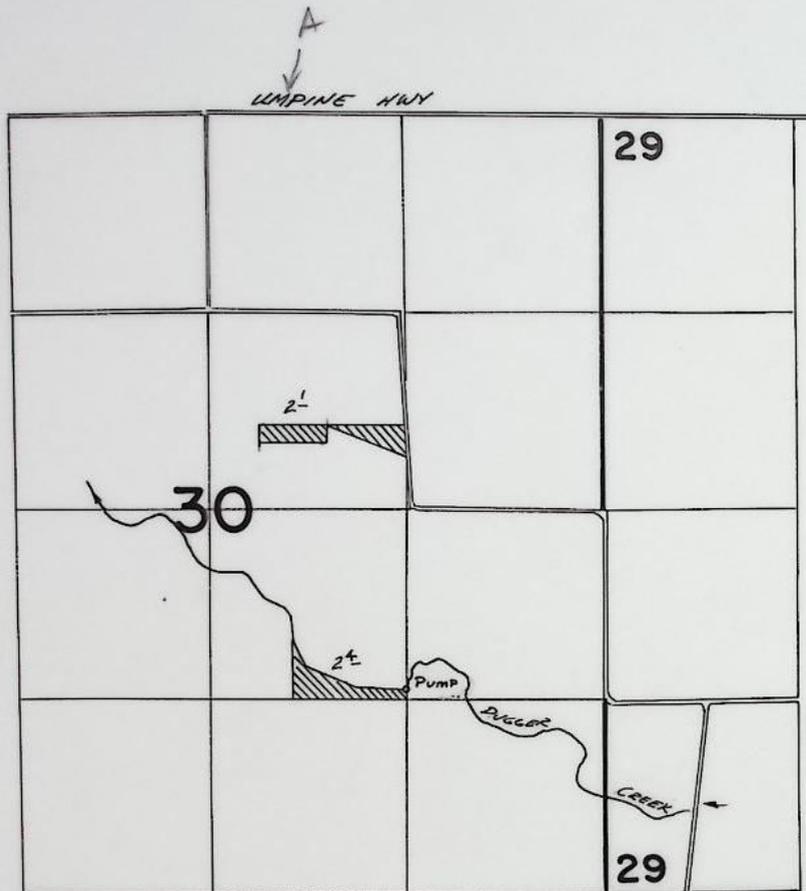
REMARKS

to survey

W.R.I.S.	
Assembled <u>6-26-85</u> by <u>SOA</u>	
Entered _____ by _____	
Verified _____ by _____	

TO BE ENTERED WHEN CHECKED	INDEX CARDS:	
	Indexed	Checked
<input checked="" type="checkbox"/> Name	<u>lej</u>	_____
<input checked="" type="checkbox"/> Stream	<u>lej</u>	_____
<input type="checkbox"/> Pt. of Div.	_____	_____
<input checked="" type="checkbox"/> Calendar	<u>lej</u>	_____
CHECKED TO RECORD:		
<input checked="" type="checkbox"/> Twp. & Loc.	<u>lej</u>	_____
<input type="checkbox"/> Decree-1888	_____	_____
<input type="checkbox"/> Decree-1896	_____	_____
<input checked="" type="checkbox"/> Cert. of W/R	<u>lej</u>	_____
<input checked="" type="checkbox"/> Per. Poster	<u>lej</u>	_____
<input type="checkbox"/> Charter	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim	<u>lej</u>	_____
<input type="checkbox"/> Abstracts	_____	_____

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



Pump Loc: 1390' N. & 1320' W. FROM SE COR. SEC. 30

FINAL PROOF SURVEY
UNDER

TRANSFER 3838

IN NAME OF

BURLINGAME... LAND... LIVESTOCK...

Surveyed *April 5* 19*32*, by *V. L. Church*

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BURLINGAME LAND AND LIVESTOCK, INC.
BY E.C. BURLINGAME
BOX 60
TOUCHET, WASHINGTON 99360

confirms the right to use the waters of DUGGER CREEK in the WALLA WALLA BASIN for the purpose of IRRIGATING 4.5 ACRES.

This right has been perfected under Permit 2923. The date of priority is APRIL 28, 1916. This right is limited to 0.06 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured from the source at the point of diversion.

The point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 30, T 6 N, R 35 E, W.M.; 1390 FEET NORTH AND 1320 FEET WEST FROM THE SE CORNER OF SECTION 30.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3 acre-feet for each acre irrigated during the irrigation season of each year.

This right shall conform to any reasonable rotation system ordered by the proper state officer.

A description of the place of use under this right, and to which this right is appurtenant, is as follows:

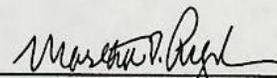
SW 1/4 NE 1/4 2.1 ACRES
NW 1/4 SE 1/4 2.4 ACRES
SECTION 30
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered JANUARY 3, 1978, and together with Certificate 45332, supersedes Certificate 2764, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed OCTOBER 26, 1992.



Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 67905.

T-3838.DSM

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF)
BURLINGAME LAND & LIVESTOCK, INC.)
FOR APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM DUGGER CREEK)

ORDER APPROVING
TRANSFER NO. 3838

On November 17, 1977, an application was filed in the office of the Water Resources Director by Burlingame Land & Livestock, Inc. for approval of a change in place of use from Dugger Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2764, Volume 4, State Record of Water Right Certificates, in the name of D. J. Kirk, describes a right which includes the use of not to exceed 0.08 cubic foot per second from Dugger Creek for irrigation of a certain 6.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 6 North, Range 35 East, W.M., with a date of priority of April 28, 1916.

Water for the said right is diverted, through the Kirk Ditch, from a point located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate, in lieu thereof, a certain 2.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

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

No objections 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.

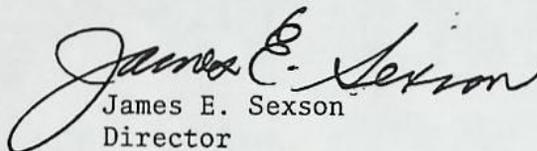
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to D. J. Kirk and recorded at page 2764, Volume 4, 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 3rd day of January, 1978.


James E. Sexson
Director

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STATE OF OREGON

WATER DIVISION NO.

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That D. J. KIRK

of Route 2, Freewater, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the

waters of Dugger Creek, a tributary of Walla Walla River

, for the purpose of the irrigation of 8.7 acres of land

under Permit No. 2923 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1

at page 351, on the 14th day of April, 1920; that the priority of

the right hereby confirmed dates from April 28, 1916; 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 0.11 cubic feet per second, or its equivalent in case of rotation. The use

hereunder shall conform to any reasonable rotation system ordered by the proper State Officer.

A description of the lands 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: 2.7 acres in the Southwest quarter of Southwest

quarter and 6 acres in the Southeast quarter of Southwest quarter of Section twenty-

nine, Township Six North, Range Thirty-five East of Willamette Meridian, in Umatilla

County, Oregon.

100/3

97862

22

0.03

2.7 acres - SW+SW+

6.0 acres in SW+SW+

Section 29

T6N, R35E, W4W

1-3828

0.08

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 2764, Volume 4, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on January 3, 1978, approving transfer application No. 3838.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

the seal and signature of the STATE

WATER BOARD affixed this 15th day

of August, 1920.

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 4, Page 2764

T#3835