

Name Walter R. Applegate

By _____

Address Star RoutePendleton, OR 97801Change in PODDate filed April 25, 1978Date of hearing July 12, 1978Place of hearing PendletonDate of order 7-27-78 Vol. 31, page 97Date for application of water completed

Proof mailed _____

Proof received _____

Certificate issued SEP 4 1980 Vol. 43, page 49480*to survey 7/78*

3941

DESCRIPTION OF WATER RIGHT

Name of stream Wild Horse CreekTrib. of _____ County of Umatilla

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority Apr. 20, 1915In name of G. W. Chamberlain

_____ Adjudication, Vol. _____, page _____

App. No. 4212 Per. No. 2430 Cert. No. 2749

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-25-78</u>	<u>80-</u>	<u>2465</u>
TOTAL . . .		
	<u>0 Cert. Fee</u>	

East Oregon \$33.77 pd 6-9-78 ck # 2317

FEES REFUNDED

Date	Amount	Check No.
<u>6-9-78</u>	<u>11.23</u>	<u>2322</u>

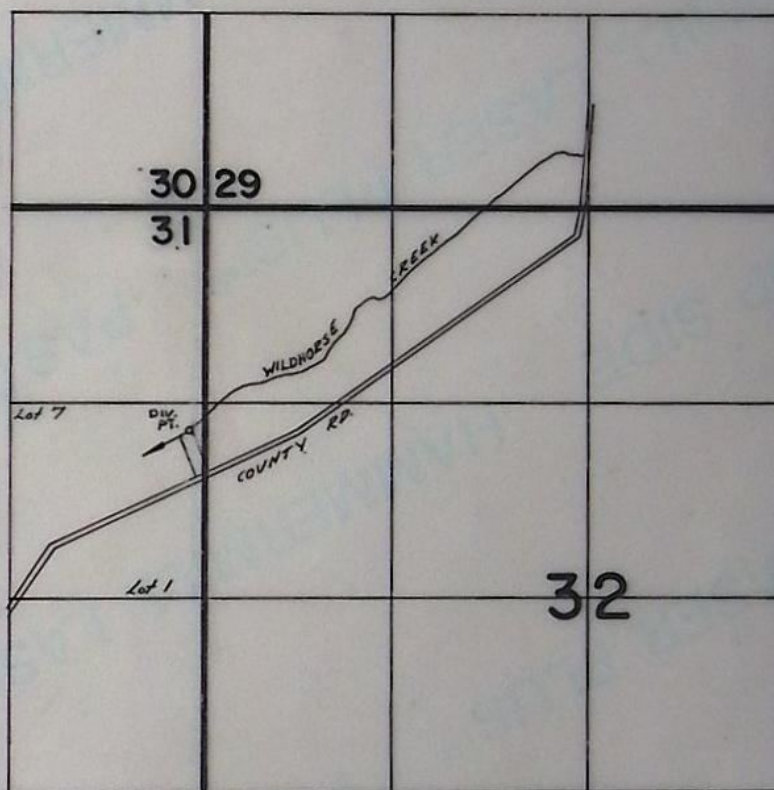
EX 20-
 POD 15-
 PON 33 27
68 27

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
☒ Name	<u>lgj</u>	<u> </u>
☒ Stream	<u>lgj</u>	<u> </u>
☒ Pt. of Div.	<u>lgj</u>	<u> </u>
☒ Calendar	<u>lgj</u>	<u> </u>
☐ Twp. & Rge.	<u>lgj</u>	<u> </u>
☐ Decree-vault	<u>lgj</u>	<u> </u>
☐ Decree-safe	<u>lgj</u>	<u> </u>
☐ Cert. of W/R	<u>lgj</u>	<u> </u>
☐ Per. Folder	<u>lgj</u>	<u> </u>
☐ Chainindex	<u>lgj</u>	<u> </u>
☐ Cross Ref.	<u>lgj</u>	<u> </u>
☒ Power Claim	<u>lgj</u>	<u> </u>
☐ Abstracts	<u>lgj</u>	<u> </u>

CCB

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



DIVERSION POINT LOCATED 1140' N. & 100' W. FROM E 1/4 COR SEC 31

FINAL PROOF SURVEY
UNDER

TRANSFER 3941

Application No. Permit No.
IN NAME OF

.....**WALTER R. APPLEGATE**.....

Surveyed 1-23 1979, by R. BARWIN

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF WALTER R. APPLGATE FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3941

On April 25, 1978, an application was filed in the office of the Water Resources Director by Walter R. Applegate for approval of a change in point of diversion of water from Wildhorse Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2749, Volume 4, State Record of Water Right Certificates, in the name of G. W. Chamberlain, describes a right which includes the use of not to exceed 0.006 cubic foot per second from Wildhorse Creek for irrigation of a certain 0.5 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 3 North, Range 33 East, W.M., with a date of priority of April 20, 1915.

The authorized point of diversion for said right is located 240 feet South and 1560 feet East from the Northwest Corner of Section 32, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, 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 a point located 1470 feet South and 150 feet West from the Northwest Corner of Section 32, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 3 North, Range 33 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), 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 May 17, 24 and 31, 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, and shall not exceed 0.006 cubic foot per second.

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 point of diversion is completed.

The order of the Water Resources Director entered July 27, 1978, approving transfer application No. 2393, provided for cancellation of the certificate of water right recorded at page 2749, Volume 4, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; therefore,

(B)

STATE OF OREGON

WATER DIVISION NO.

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

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

*Pod. - Lot 1 (SE 1/4 NE 1/4) Section 31, T.3N, R.33E, W.M. 1140
Left North and 100 feet West from the E 1/4 Corner
Section 31*

This is to Certify, That WALTER R. APPELATE
G. W. CHAMBERLAIN
of State Route Box 723, Pendleton, State of Oregon 97801, has made proof
to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the
waters of Wild Horse Creek, a tributary of Umatilla River
, for the purpose of the irrigation of 0.5 acre ~~14.84 acres of land~~
~~and stock use~~
under Permit No. 2430 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 20, 1915; 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 0.006 ~~0.19~~ cubic feet per second, if available at the original point of diversion.
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: 2.86 acres in the Southeast quarter of Northeast
quarter of Section Thirty-one; 2.94 acres in the Northeast quarter of Northwest
quarter; 6.05 acres in the Northwest quarter of Northwest quarter and 2.99 acres
in the Southwest quarter of Northwest quarter of Section Thirty-two, Township
Three North, Range Thirty-three East of Willamette Meridian, in Umatilla County,
Oregon.

0.5 acre
Lot 1 (SE 1/4 NE 1/4)
Section 31

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

This certificate is issued to confirm a change in point of diversion approved
by an order of the WRD entered July 27, 1978 and together with certificate of water right
recorded on Page 46361, Volume 39, and Page (A) Volume
SRWRC, and six orders of the WRD entered July 27, 1978
supersedes certificate of
water right recorded on Page 2749, Volume 4, SRWRC.

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

WATER BOARD affixed this 15th day
of April, 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 2749

C - 49479 80 T-3936 T-3933 T-3922 T#2393

*Lot 1 (NE 1/4 NW 1/4) Section 32 T.3N, R.33E, W.M. 2240 lot
South and 150 feet East from the NW Corner, Section 32*

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, Beverly Krosting 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 E0-717 Notice of Water Right Transfer Application
no. 3941

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

May 17, 24th & 31st., 1978

Beverly Krosting

Subscribed and sworn to before me this 31st day of

May, 19 78

Patricia Q. Carpenter
Notary Public of Oregon

MY COMMISSION EXPIRES
SEPT. 8, 1980

RECEIVED

JUN 2 1978

WATER RESOURCES DEPT.
SALEM, OREGON

EO-717
NOTICE OF WATER
RIGHT TRANSFER
APPLICATION NO. 3941
Notice is given hereby that an
application has been filed in the of-
fice of the Water Resources Direc-
tor by Walter R. Applegate for ap-
proval of a change in point of di-
version from Wild Horse Creek,
pursuant to the provisions of ORS
540.510 to 540.530.
The certificate recorded at page
2749, Volume 4, State Record of
Water Right Certificates, in the
name of G.W. Chamberlain, de-
scribes a right which includes the
use of not to exceed 0.006 cubic foot
per second from Wild Horse Creek
for irrigation of a certain 0.5 ac in
SE 1/4 NE 1/4 of Sec 31, T 3N, R 33E,
WM, with a date of priority of
April 20, 1915.
The authorized point of diver-
sion for said right is located 240 ft
S & 1560 ft E from the NW Corner
of Sec 32, being within the NE 1/4
NW 1/4 of Sec 32, T 3N, R 33E, WM.
The applicant herein, owner of
the lands above described, pro-
poses to change the point of diver-
sion therefrom, without loss of
priority, to a point located 1470 ft S
& 150 ft W from the NW Corner of
Sec 32, being within the SE 1/4 NE 1/4
of Sec 31, T 3N, R 33E, WM.
All persons interested are noti-
fied hereby that a hearing will be
held at the county courthouse at
Pendleton, Oregon, on July 12,
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 Walter R. App-
legate, Star Rt, 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 AP-
PROVED BY THE WATER RE-
SOURCE DIRECTOR WITHOUT
A HEARING. Instructions regard-
ing the filing of a protest will be
furnished by the Water Resources
Department upon request.
Dated at Salem, Oregon this 11th
day of May, 1978.
James E. Sexson
Director
May 17, 24, 31, 1978