

3945 Huber

Name Harold S. Huber
By James E. Bloodsworth - Rt 2, Box 2445
Address Heppner - Lexington Highway
Heppner Or. 97836

Change in POD & POU
Date filed April 26, 1978
Date of hearing July 19, 1979
Place of hearing Heppner
Date of order 12-20-79 Vol. 32, page 585
Date for application of water 10-1-81
Proof mailed FEB 28 1989
Proof received _____
Certificate issued MAY 25 1990 Vol. _____, page 64311
80055

3945

DESCRIPTION OF WATER RIGHT

Name of stream Willow Creek
Trib. of _____ County of Morrow
Use irrigation
Quantity of water _____ No. of acres 90.35
30.0
Name of ditch _____
Date of priority 1890
In name of Eph Eskelson
Willow Cr. Adjudication, Vol. 1, page 22
App. No. _____ Per. No. _____ Cert. No. 135
Certificate cancelled _____
Notation made on record by 5-21-90

FEES PAID

Date	Amount	Receipt No.
<u>4-26-78</u>	<u>94.41</u>	<u>2488</u>
<u>1-22-79</u>	<u>80.84</u>	<u>8677</u>
<u>1-26-79</u>	<u><60.25></u>	<u>Trans to T 4141</u>
TOTAL	<u>7.22</u>	<u>15252</u>
	Cert. Fee	

Bozette Times \$71.20 pd 9/14/79 ck #3782

FEES REFUNDED

Date	Amount	Check No.
<u>exam</u>	<u>20.00</u>	
<u>POD</u>	<u>15.00</u>	
<u>POU</u>	<u>10.00</u>	
<u>POU</u>	<u>77.20</u>	
	<u>122.20</u>	

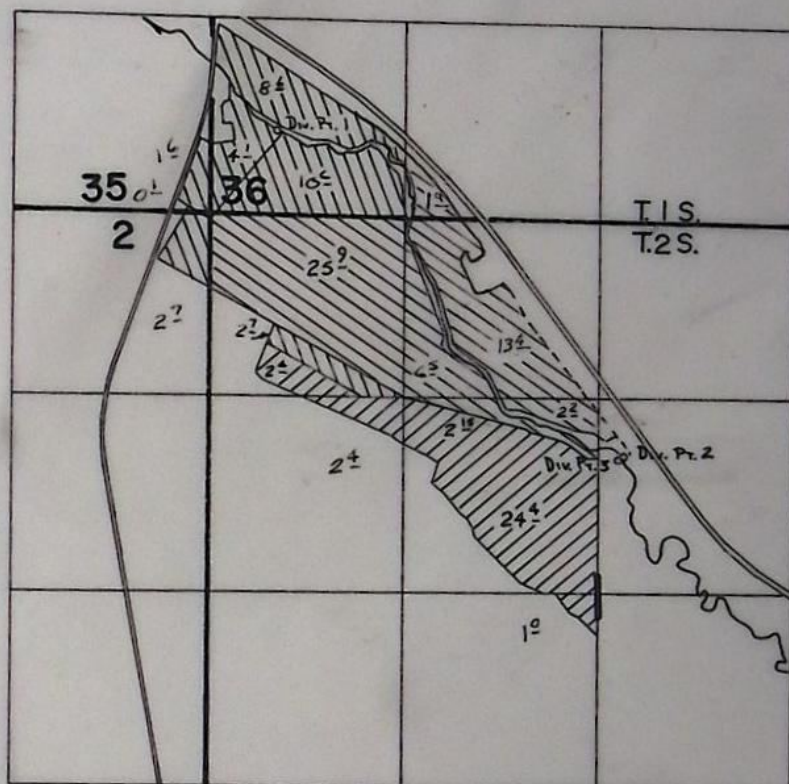
REMARKS

T-4141
March 20, 1990 PC sent
T-8627 v. 57 p. 496

W.R.I.S.	
Assembled	<u>6-3-85</u> by <u>SBA</u>
Entered	_____ by _____
Verified	_____ by _____

TO BE ENTERED WHEN CHECKED	INDEX CARDS:		Entered	Checked
	✓			
	✓	Name	<u>leg</u>	_____
	✓	Stream	<u>leg</u>	_____
	✓	Pt. of Div.	<u>leg</u>	_____
	✓	Calendar	<u>leg</u>	_____
	✓	CHANGED TO RECORDS:		
	✓	Twp. & Rge.	<u>SBA</u>	<u>SBA</u>
	✓	Deed-vault	<u>SBA</u>	<u>SBA</u>
	✓	Decree-safe	<u>SBA</u>	<u>SBA</u>
	✓	Cert. of W/R	<u>SBA</u>	<u>SBA</u>
		Per. Folder	_____	_____
		Chaindex	_____	_____
		Cross Ref.	_____	_____
	✓	Power Claim	<u>leg</u>	_____
	✓	Abstracts	<u>leg</u>	_____

T.1 & 2S., R. 25E., W. M.



Div. Pt. 1 Loc: 560' N. & 450' E. FROM SW COR. SEC. 36
 Div. Pt. 2 Loc: 920' N. & 160' E. FROM CENTER SEC. 1
 Div. Pt. 3 Loc: 910' N. & 140' E. FROM CENTER SEC. 1




FINAL PROOF SURVEY
 UNDER

TRANSFER 4141, 3945

IN NAME OF

HAROLD S. HUBER & JAMES S. BLOODSWORTH

Surveyed July 14, 1983, by *R. L. Chumak*

-  1883 (T-4141)
-  1890 (T-3945)
-  1902 (T-4141)

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION)
OF HAROLD S. HUBER & JAMES E.)
BLOODSWORTH FOR APPROVAL OF)
CHANGES IN PLACE OF USE & POINT)
OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3945

On April 26, 1978, an application was filed in the office of the Water Resources Director by Harold S. Huber and James E. Bloodsworth for approval of changes in place of use and point of diversion of water from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 135, Volume 1, State Record of Water Right Certificates, in the name of Eph Eskelson, describes a right for the use of not to exceed 0.5 cubic foot per second from Willow Creek for irrigation of a certain 28.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 1 South, Range 25 East, W.M., with a date of priority of 1890.

These lands also have a supplemental right described by the certificate recorded at page 13535, Volume 12 of said record, evidencing the right to use of water from Ditch Creek with a date of priority of July 10, 1939.

The authorized point of diversion from Willow Creek for the lands above described is located 1650 feet South and 2800 feet East from the Northwest Corner of Section 1, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 2 South, Range 25 East, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use from said lands in Section 36 and, without loss of priority, to irrigate in lieu thereof a certain 2.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, 25.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 1 South, Range 25 East, W.M. The applicants also propose to establish an additional point of diversion for irrigation of said 2.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35 and a certain 14.5 acres of said 25.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36 at a point located 640 feet North and 480 feet East from the Northwest Corner of Section 1, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 1 South, Range 25 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), 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 24 and 31 and June 7, 1979.

Mr. William I. 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 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:

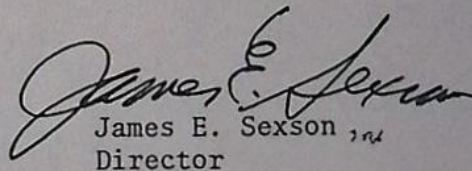
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 135, Volume 1, 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 applicants herein.

Dated at Salem, Oregon this 20th day of December, 1979.


James E. Sexson, Jr.
Director

STATE OF OREGON
COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HAROLD S. HUBER AND JAMES E. BLOODSWORTH
ROUTE 2, BOX 2145
HEPPNER, OREGON 97836

confirms the right to use the waters of WILLOW CREEK, a tributary of COLUMBIA RIVER, for the purpose of IRRIGATING 30.4 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for MORROW County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1, at page 73. The date of priority is 1890.

The right is limited to not more than 0.51 CUBIC FOOT PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, SW 1/4 NE 1/4, SECTION 1, T 2 S, R 25 E, W.M.

The points of diversion are located as follows:

SW 1/4 SW 1/4, SECTION 36, T 1 S, R 25 E, W.M., SW 1/4 NE 1/4, SECTION 1, T 2 S, R 25 E, W.M.; POINT 1 - 560 FEET NORTH & 450 FEET EAST FROM SW CORNER SECTION 36; POINT 3 - 910 FEET NORTH & 140 FEET EAST FROM CENTER SECTION 1.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-SIXTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season March 1 to September 1 of each year.

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

SEE NEXT PAGE

	<u>DIVERSION POINT 1</u>	<u>DIVERSION POINT 3</u>
SE 1/4 SE 1/4 SECTION 35	1.6 ACRES	0.1 ACRE
SW 1/4 SW 1/4 SECTION 36 TOWNSHIP 1 SOUTH, RANGE 25 EAST, W.M.	12.7 ACRES	10.6 ACRES
NW 1/4 NW 1/4 SECTION 1		2.7 ACRES
NE 1/4 NE 1/4 SECTION 2 TOWNSHIP 2 SOUTH, RANGE 25 EAST, W.M.		2.7 ACRES

This certificate is issued to confirm an ADDITIONAL POINT OF DIVERSION and a change in PLACE OF USE approved by an order of the Water Resources Director entered DECEMBER 20, 1979, and supersedes certificate 135, 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 the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed this date MAY 25, 1990.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 64311

T-3945.BE

STATE OF OREGON
COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HAROLD S. HUBER AND JAMES S. BLOODSWORTH
ROUTE 2, BOX 2145
HEPPNER, OREGON 97836

confirms the right to use the waters of WILLOW CREEK, a tributary of COLUMBIA RIVER, for the purpose of IRRIGATING 82.25 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for MORROW County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1, at page 73. The date of priority is 1883 FOR TRACT 1 AND 1902 FOR TRACT 2.

The right is limited to not more than 1.37 CUBIC FEET PER SECOND BEING 1883 FOR 0.76 CFS AND 1902 FOR 0.61 CFS, IF AVAILABLE AT THE ORIGINAL POINTS OF DIVERSION; SW 1/4 NE 1/4 & SE 1/4 SE 1/4, SECTION 1, T 2 S, R 25 E, W.M.

The points of diversion are located as follows:

SW 1/4 NE 1/4, SECTION 1, T 2 S, R 25 E, W.M.;
POINT 2 - 920 FEET NORTH & 160 FEET EAST; POINT 3 - 910 FEET NORTH & 140 FEET EAST BOTH FROM CENTER 1/4 CORNER SECTION 1.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-SIXTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

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

SEE NEXT PAGE

	¹⁹⁸³ <u>TRACT 1</u>	¹⁹⁰² <u>TRACT 2</u>
SE 1/4 SW 1/4	1.9 ACRES	
SECTION 36		
TOWNSHIP 1 SOUTH, RANGE 2 EAST, W.M.		
NE 1/4 NW 1/4	19.9 ACRES	
NW 1/4 NW 1/4	25.9 ACRES	2.4 ACRES
SW 1/4 NW 1/4		2.4 ACRES
SE 1/4 NW 1/4	4.35 ACRES	24.4 ACRES
NE 1/4 SW 1/4		1.0 ACRE
SECTION 1		
TOWNSHIP 2 SOUTH, RANGE 25 EAST, W.M.		

This certificate is issued to confirm a change in PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered DECEMBER 20, 1979 and supersedes certificate 202, 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 the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed this date MAY 25, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 64312

T-4141.BE

T-3945

STATE OF OREGON

COUNTY OF MORROW

ORDER APPROVING A CHANGE IN PLACE OF USE,
A CHANGE IN POINT OF DIVERSION,
AND A CORRECTION OF A WATER RIGHT CERTIFICATE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8627 submitted by

HAROLD S. HUBER
P.O. BOX 758
HEPPNER, OREGON 97836.

The right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for MORROW County as evidenced by a PORTION of Certificate 64311. The decree is recorded in the Order Record of the Water Resources Director in Volume 1, at Page 73. The date of priority is 1890.

The right allows the use of WILLOW CREEK, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 2.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.045 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 1, T 2 S, R 25 E, W.M.; 910 FEET NORTH AND 140 FEET EAST FROM THE CENTER $\frac{1}{4}$ CORNER OF SECTION 1, or its equivalent in case of rotation, measured at the point of diversion from the source.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to ONE-SIXTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of March 1 to September 1 of each year.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.7 ACRES
SECTION 2

TOWNSHIP 2 SOUTH, RANGE 25 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to change the place of use to:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.4 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.3 ACRE
SECTION 1

TOWNSHIP 2 SOUTH, RANGE 25 EAST, W.M.

The applicant proposes to change the point of diversion to:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 1, T 2 S, R 25 E, W.M.; 920 FEET NORTH AND 160 FEET EAST FROM THE C $\frac{1}{4}$ CORNER OF SECTION 1.

Water right Certificate 64311 confirmed a change in place of use and additional points of diversion approved by Transfer T-3945, entered December 20, 1979 at Special Order Volume 32, page 585. Certificate 64311 was incorrectly issued with more total acres than what was authorized under the original Certificate 135. Certificate 64311 was issued with a total of 30.4 acres and Certificate 135 had a total of 30.0 acres.

This order correctly describes the acreage amount for the portion of the right not modified by this transfer and will be identified in the remaining right certificate.

The correct place of use for the water right not affected by this transfer is:

	<u>POD 1</u>	<u>POD 3</u>
SE¼ SE¼	1.6 ACRES	0.1 ACRE
SECTION 35		

SW¼ SW¼	12.5 ACRES	10.4 ACRES
SECTION 36		

TOWNSHIP 1 SOUTH, RANGE 25 EAST, W.M.

NW¼ NW¼	2.7 ACRES
SECTION 1	

TOWNSHIP 2 SOUTH, RANGE 25 EAST, W.M.

THESE CHANGES TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2004.
2. The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. Water shall be acquired from the same surface water source as the original point of diversion.
5. The former place of use shall no longer be irrigated as a part of this water right.

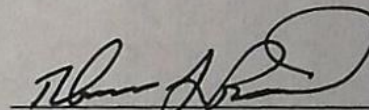
6. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificate 64311 is cancelled. A new certificate will be issued to correct and confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed APR 23 2003.


Paul R. Cleary, Director

STATE OF OREGON
COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HAROLD S. HUBER AND JAMES E. BLOODSWORTH
P.O. BOX 758
HEPPNER, OREGON 97836

confirms the right to use the waters of WILLOW CREEK, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 27.3 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for MORROW County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1, at Page 73. The date of priority is 1890.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.455 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 36, T 1 S, R 25 E, W.M., SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 1, T 2 S, R 25 E, W.M.; POD 1 - 560 FEET NORTH AND 450 FEET EAST FROM SW CORNER SECTION 36; POD 3 - 910 FEET NORTH AND 140 FEET EAST FROM THE CENTER $\frac{1}{4}$ CORNER OF SECTION 1.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-SIXTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season March 1 to September 1 of each year.

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

	<u>POD 1</u>	<u>POD 3</u>
SE¼ SE¼	1.6 ACRES	0.1 ACRE
SECTION 35		

SW¼ SW¼	12.5 ACRES	10.4 ACRES
SECTION 36		

TOWNSHIP 1 SOUTH, RANGE 25 EAST, W.M.

NW¼ NW¼	2.7 ACRES
SECTION 1	

TOWNSHIP 2 SOUTH, RANGE 25 EAST, W.M.

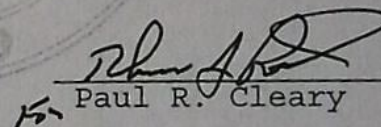
Certificate 64311 was issued for 0.4 acre more than was allowed under Certificate 135. The issuance of this superseding certificate correctly describes the place of use and acreage amounts.

This certificate correctly describes that portion of the water right confirmed by Certificate 64311, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 23 2003, approving Transfer Application 8627.

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 the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,
affixed APR 23 2003.


Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 80055.

NOTICE OF WATER RIGHT
TRANSFER APPLICATIONS
NOS. 3945 & 4141

Notice is given hereby that applications have been filed in the office of the Water Resources Director by Harold S. Huber & James E. Bloodsworth for approval of changes in place of use & points of diversion of water from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 135, Volume 1, State Record of Water Right Certificates, in the name of Eph Eskelson, describes a right for the use of not to exceed 0.5 cubic foot per second from Willow Cr. for irrigation of 28.0 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ & 2.0 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 36, T 1S, R 25E, WM, with a date of priority of 1890.

These lands also have a supplemental right described by certificate recorded at page 13535, Volume 12 of said record, evidencing the right to use of water from Ditch Cr. with a date of priority of July 10, 1939.

The authorized point of diversion on Willow Creek for the lands above described is located 1650 ft S & 2800 ft E from the NW Corner of Sec 1, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 1, T 2S, R 25E, WM.

By transfer application No. 3945, the applicants herein propose to change the place of use from said lands in Sec 36 and, without loss of priority, to irrigate in lieu thereof a certain 2.2 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 35, 25.8 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ & 2.0 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 36, T 1S, R 25E, WM. The applicants herein also propose to establish an additional p.o.d. for irrigation of said 2.2 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 35; & a certain 14.5 ac of said 25.8 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 36 at a point located 640 ft N & 480 ft E from the NW Corner of Sec 1, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 36, T 1S, R 25E, WM.

The certificate recorded at page 202, Volume 1 of said record, in the name of E.C. Ward, describes a right for use of water from Willow Cr., being 0.76 c.f.s. with a date of priority of 1883 for irrigation of 45.35 ac and 0.75 c.f.s. with a date of priority of 1902, for irrigation of 45.0 ac, said lands being 23.9 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 36.22 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.23 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$ & 29.0 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 1, T 2S, R 25E, WM. These lands also have the supplemental right described by said certificates 13535.

The authorized point of diversion on Willow Cr. for said right with the date of priority of 1883 is located 1650 ft S & 2800 ft E from the NW

Corner of said Sec 1, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec 1; and the authorized p.o.d. for said right with the date of priority of 1902 is located 2100 ft S & 2720 ft E from the Center Corner of said Sec 1, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 1.

By transfer application No. 4141, the applicants herein propose to change the place of use from 45.35 ac of lands above described in said Sec 1, with the date of priority of 1883 and, without loss of priority, to irrigate in lieu thereof a certain 21.6 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 19.55 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$ & 4.2 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec 1. The applicants herein also propose to change the place of use from 45.0 ac of the lands above described in said Sec 1 with the date of priority of 1902 and, without loss of priority, to irrigate in lieu thereof a certain 1.1 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 16.67 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.0 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20.43 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 1 and 4.8 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 2, T 2S, R 25E, WM. The applicants herein also propose to establish an additional p.o.d. for irrigation of this 45.0 ac at the point located 1650 ft S & 2800 ft E from the NW Corner of said Sec 1, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec 1.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Heppner, Oregon on July 19, 1979 at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time & place. Any and all objections shall be prepared in writing: one copy to be served on Harold S. Huber & James E. Bloodsworth, Heppner-Lexington Hwy, Heppner, OR 97836; 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. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Dept. upon request.

Dated at Salem, Oregon this 14th day of May, 1979.

James E. Sexson, Director

Published May 24, 31, June 7, 1979

AFFIDAVIT OF PUBLICATION

STATE OF OREGON }
County of Morrow } ss:

I, Terry M. Hager

being first duly sworn, depose and say that I am the Managing Editor 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 Applications Nos. 3945 & 4141

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues: May 24, 31, June 7, 1979

Subscribed and sworn before me this 8th day of June, 1979.

Edwin K. Salting
Notary Public for Oregon

My Commission Expires: May 25, 1982
(SEAL)

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WATER RESOURCES DEPT.
SALEM, OREGON