

4070 Wallace

Name Kirby E. Wallace

4070

DESCRIPTION OF WATER RIGHT

By

Address Rt. 2, Box 163A

Milton-Freewater, OR 97862

Change in POA

Date filed Oct 11, 1978

Date of hearing

Place of hearing

Date of order 2-12-79 Vol. 31, page 168 *

Date for application of water completed

Proof mailed

Proof received

Certificate issued May 2, 1980 Vol. 43, page 49216

Name of stream a well

Trib. of County of Umatilla

Use

Quantity of water No. of acres 19.5

Name of ditch

Date of priority June 8, 1964

In name of Louis Swearingen

Adjudication, Vol. , page

App. No. G-2882 Per. No. G-2674 Cert. No. 45443

Certificate cancelled

Notation made on record by

FEES PAID

Date	Amount	Receipt No.
10-11-78	35-	6648
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

*Cancel Autho for G-8525 pending transfer approval.

See T-3783

W.R.I.S.

Assembled 4-5-80 by SKA

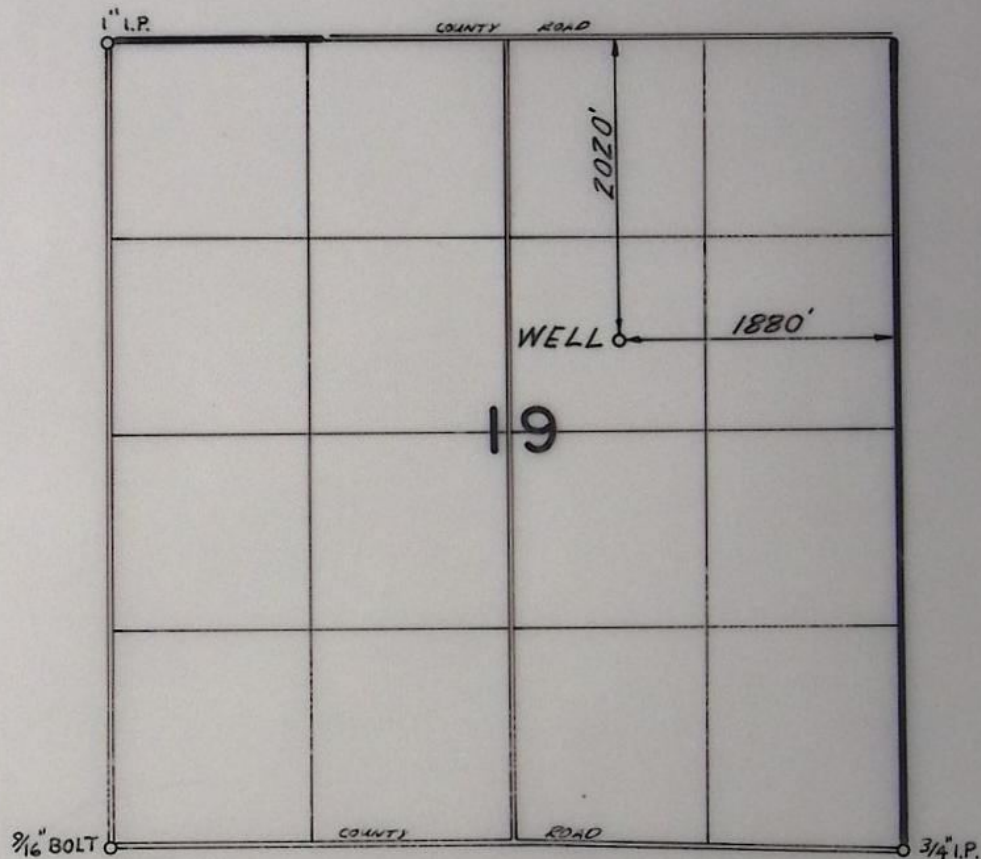
Entered by

Verified by

INDEX CARDS:

TO BE ENTERED WHERE CHECKED	Entered	Checked
<input checked="" type="checkbox"/> Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> CHECKED TO RECORDS:		
<input type="checkbox"/> Twp. & Rge.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Decree-vault	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Decree-safe	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Per. Folder	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Chainindex	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Power Claim	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Abstracts	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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



FINAL PROOF SURVEY
UNDER

TRANSFER 4070
Application No. Permit No.
IN NAME OF

.....**KIRBY E. WALLACE**.....

Surveyed ...**6-22**... 19..**79**.. by ..**V. SHURSH**.....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY.

IN THE MATTER OF THE APPLICATION)
OF KIRBY E. WALLACE FOR APPROVAL)
OF A CHANGE IN POINT OF APPRO-)
PRIATION FROM GROUND WATER)

ORDER APPROVING
TRANSFER NO. 4070

On October 11, 1978, an application was filed in the office of the Water Resources Director by Kirby E. Wallace for approval of a change in point of appropriation from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 45443, Volume 37, State Record of Water Right Certificates, in the name of Louis Swearingen, describes a right for the use of not to exceed 0.1 cubic foot per second of water from a certain ground water aquifer for irrigation of a certain 19.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 6 North, Range 35 East, W.M., with a date of priority of June 8, 1964.

Water for the said right is diverted from a well located 542 feet North and 58 feet West from the Southeast Corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation therefrom and, without loss of priority, hereafter appropriate water from a well located 660 feet North and 770 feet East from the Southwest Corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 6 North, Range 35 East, W.M.

Mr. William S. Bartholomew, Hydrogeologist, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

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

No objections having been filed and it appearing that the proposed change in point of appropriation 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 appropriation, as described herein, without loss of priority, is approved.

V31, P618

It is FURTHER ORDERED that the quantity of water diverted at the new well shall not exceed the quantity of water available at the old well under the subject right, and shall not exceed 0.1 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 measuring devices:

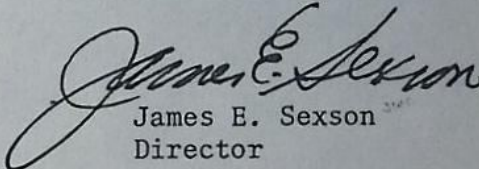
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 appropriation is completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 45443, Volume 37, 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.

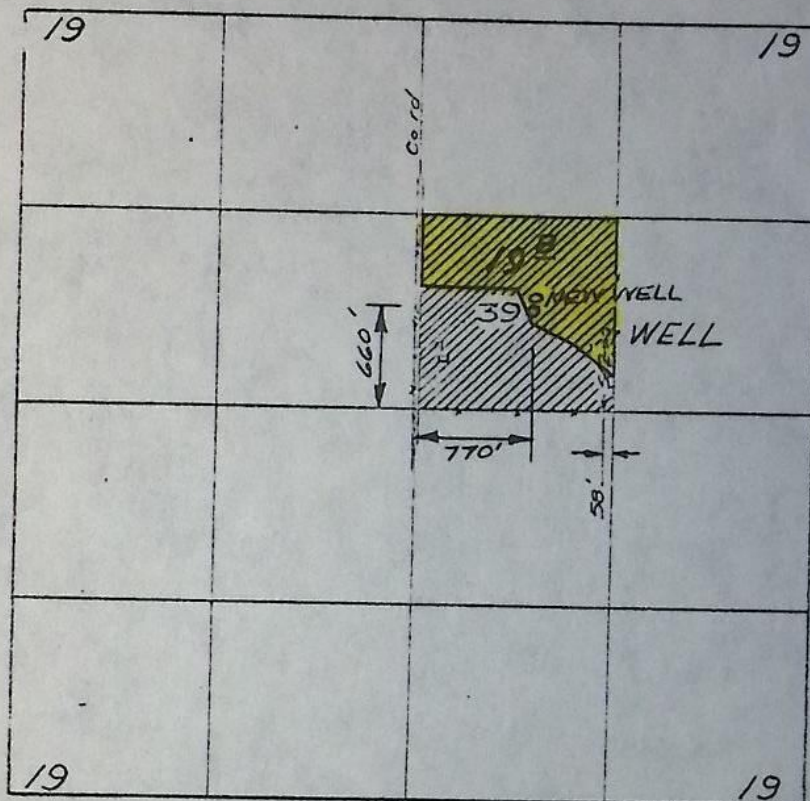
Dated at Salem, Oregon this 12th day of February, 1979.


James E. Sexson
Director

PL19

T-4074

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



FINAL PROOF SURVEY UNDER

Application No. G-2882 Permit No. G-2674
IN NAME OF

LOUIS SWEARINGEN

Surveyed OCT 27 1966, by V. GARNER

WELL,
WR T-0982-01*** OREGON WATER RESOURCES DEPARTMENT ***
*** WATER RIGHTS DIVISION ***
*** WATER RIGHT DATA INPUT FORM ***PAGE 1
RUN ON: 3/20/81 AT: 9:08WATER RIGHT NO. T000040701 PERMIT NO. 062674 CERTIF. NO. 0049216
ORIG. NO. G000028821 PREV. NO. G000028821 SUPER. NO.NAME: KIRBY E. WALLACEADDRESS: RT 2, BOX 163ACITY/STATE/ZIP/COUNTY: MILTON-FREEWATER, OR 97862

STREAM-ID

RIV. MI.

WM. DIST. 05 W.R. TYPE GA STATUS V

30

CANCEL YEAR--->

CONSTR. COMPLT---> 02 12 1979

YR. LAST USED-----> _____

NEXT ACTION DUE---> _____

PRIORITY-----> 06 08 1964PUT TO USE-----> 02 12 1979

LAST TRANS. DATE---> _____

LAST TRANS. TYPE---> _____

APPLICATION---> 10 11 1978SURVEYED-----> 06 22 1979EXAM. FEE-----> 20.00RECORDING FEE-----> 15.00PERMIT ISSUE---> 02 12 1979CONCURRENCE---> 06 22 1979

CYCLE STATUS-----> _____

REPORTED FLAG-----> _____

CONSTR. STRT.---> 02 12 1979CERTIFIED-----> 05 02 1980

CORRES. INIT.-----> _____

CORRES. DATE-----> _____

POINT-OF-DIVERSION DATA;
TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI. RATE

STATUS S OR P

060N 350E 19 A C0.100V S** REMARKS;----->
** DATED--->** POA: 2020' S of 1880' W FN NE** FOR S 19. CHANGES POA ALL** OF C-75443.PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P060N 350E 19 A C 30 1R 100 19.80 V S

W.R.I.S.

Assembled 4-5-85 by SPM

Entered _____ by _____

Verified _____ by _____

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

POD Well
POU
USE
Add'l POD

Transfer NO. 4070

County UMATILLA

Old Certificate NO. 45443

1. Name Kirby E. Wallace

Address Route 2, Box 163A, Milton-Freewater, OR 97862

2. Source of Supply ground water, Trib of

3. Use irrigation

4. Amount of Water 0.1 cfs Priority Date June 8, 1964

5. Proposed Point of Diversion 2020' S 1830' W NE
660 ft N & 770 ft E from SW Corner of SW 1/4 NE 1/4 of Sec
19, within SW 1/4 NE 1/4, Sec 19, T 6N, R 35E, W.M.

6. Completion Date COMPLETED

7. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
6N	35E	19	SW NE	19B
	CHECK		S.O. TO	MAKE SURE
	IT IS		SUPP'L	

V.I. P.117

37

D-115

S" BURIED MAIN
APPLE TREES AFL. MORNING GLORY
36 MAX.
DO 1850

INFO: KIRBY WALLACE

WELL: D = 155' C = 10"

PUMP &

30' SWL
300 gpm @ 93 ft DD
@ 4 hrs

MOTOR: BERKELEY SUBMERSIBLE 15 HP

PIPE: 1100' 5" PVC

1680' 3" ALUM

HEADS: 42 NELSON F 33's, $5\frac{1}{32}$ " x O, 42 MAX
3 NELSON F 33's, $3\frac{1}{16}$ " x O

LIFT: +0 to +10', +5' AVG

CROP: HAY, LAWN & GARDEN, FRUIT TREES

TIE: NZ-BMM-ZC

SEPT 25, 1978

Robert F. Edwards
FIELD ENGINEER

RECEIVED

OCT 6 1978

WATER RESOURCES DEPT.
SALEM, OREGON

JUNE 22, 1979

Vernon L. Church

ENGINEER TECH

T-4070

Application for Transfer of Water Right

RECEIVED

OCT 11 1978

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, KIRBY E. WALLACE
 of PO. BOX 598 RT. 2 BOX 163A, MILTON-FREEWATER
 (Mailing address) (City)
 State of OREGON, 97862, do hereby make application for change
 (Zip Code) (Phone number)
IN POINT OF APPROPRIATION OF GROUNDWATER
 (In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? LOUIS SWEARZEN
 (If not, give name)

2. Was your water right determined by Decree of Court? NO If so, give title of proceedings
 (Yes or No)
 number of certificate

3. Was your water right acquired by Water Right Permit? YES If so, give number
 (Yes or No)
 of permit G 2674 Number of certificate 45443
 A G-2882

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is A WELL

5. What is the date of priority of your water right? JUNE 8, 1964

See F.P. map →

6. The authorized point of diversion is located 550 ft. N and 50 ft. W from the SE
 (N. or S.) (E. or W.)
 corner of SW 1/4 NE 1/4 being within the SE 1/4 NE 1/4 of Section 19 Tp. 6N R. 35E W. M.,
 (No. N. or S.) (No. E. or W.)
 in the county of UMATILLA The name of the ditch used is N.A.

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 660 ft. N and 770 ft. E from the SW
 (N. or S.) (E. or W.)
 corner of SW 1/4 NE 1/4 being within the SW 1/4 NE 1/4 of Section 19 Tp. 6N R. 35E W. M.,
 (No. N. or S.) (No. E. or W.)
 in the county of UMATILLA The name of the ditch to be used is N.A.

8. The use to which the water is applied is SUPPLEMENTAL IRRIGATION
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
6N	35E	19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	19 ⁸

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? YES
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? NO
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are THE OLD WELL NOW PRODUCES TOO LITTLE WATER TO ADEQUATELY IRRIGATE THE 19th ACRES.

15. Construction work will be completed on or before COMPLETED

16. The water will be completely applied to the proposed use on or before COMPLETED

Remarks Upon approval of a transfer to change the point of appropriation of groundwater under Cert. 45443 from a well located 550' N and 40' W from the SE corner of SW $\frac{1}{4}$ NE $\frac{1}{4}$ being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 19 T 6N, R 35E, WM to a well located 660' N and 770' E from the SW corner of SW $\frac{1}{4}$ NE $\frac{1}{4}$ being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 19, T 6N R 35E, WM, I hereby surrender my interest to irrigate under application G-8525, permit G-8039.

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, KIRBY E. WALLACE, 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 4th day of October, 1978

Kirby E. Wallace
(Name of applicant)

Subscribed and sworn to before me this 4 day of October, 1978

[Notarial Seal]

Michael J. Ladd

NOTARY PUBLIC FOR OREGON

My commission expires 4-13-1981





STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: January 11, 1979FROM: ** William I. Porfily, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. T-4070IN THE NAME OF Kirby E. Wallace

RECEIVED
JAN 16 1979
WATER RESOURCES DEPT.
SALEM, OREGON

In my opinion the proposed change in point of appropriation of groundwater
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~ to an existing water right.

Headgate notices ~~XXXX~~ HAVE NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? NO
(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
XX (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

** William I. Porfily
Watermaster's signature or initials



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: _____, 19__.

FROM: ** Groundwater DivisionSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. T-4070IN THE NAME OF Kirby E. Wallace

10/20/78
WSB
✓ In my opinion the proposed change in point of appropriation of groundwater
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY*~~ to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which serves this right.

If for change in point of diversion, is there any intervening point of diversion between the authorized and the proposed points of diversion? none shown on plat map of area.
(yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- ____ (1) PRIOR to the diverting of water at the new point of diversion . . .
✓ (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water rights because _____

We have two well logs 1) LN/35E - 19 ac in Name of Louis Swearingen dated 5/30/72 Depth 175 ft dia. 10" yield 293 gpm.
(acd) old well
2) LN/35E - 19 ac in Name of Kirby E. Wallace dated 10/9/77 Depth 157 ft dia. 10" yield 303 gpm.
(aca) new well
Both wells in sand & gravel and appropriate GW from same aquifer.
* NO undue interference expected from change in diversion pt. WSB ✓ 10/20/78
W.S. Bartholomew

**

Wm. S. Bartholomew

Watermaster's signature or initials