

Name Perry H. Price

4095

DESCRIPTION OF WATER RIGHT

By _____

Address Route 3, Box 147 R
Milton-Freewater, OR 97132Change in POADate filed Nov 21, 1978

Date of hearing _____

Place of hearing _____

Date of order 2-26-79 Vol. 31, page 658Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued MAR 30 1979 Vol. 41, page 47768
DEC 19 1986 50 55322Surveyed 3/25/82
See 58111 for FP mapName of stream a wellTrib. of _____ County of UmatillaUse irrigationQuantity of water _____ No. of acres 2.0

Name of ditch _____

Date of priority June 29, 1949In name of Ralph R. Clark

_____ Adjudication, Vol. _____, page _____

App. No. U-314 Per. No. U-288 Cert. No. 27123

Certificate cancelled _____

Notation made on record by _____

to Survey 1/81Surveyed 3-25-80See 58111 for FP map

REMARKS

CARD FOR C NOV 4 1980

T-9215 A POW/POA V.61 p.41

W.R. I S.

Assembled 4-8-85 by SP

Entered _____ by _____

Verified _____ by _____

FEES PAID

Date	Amount	Receipt No.
<u>11-21-78</u>	<u>35 -</u>	<u>7578</u>
TOTAL . . .		
<u>2-20-79</u>	<u>2 Cert. Fee</u>	<u>9189</u>

FEES REFUNDED

Date	Amount	Check No.

INDEX CARDS:

Entered

Checked

Name

Stream

Pl. of Div.

Calendar

CHECKED TO RECORDS:

Twp. College

Deeds-vault

Deeds-safe

Cert. of W/R

Per. Folder

Ch. Index

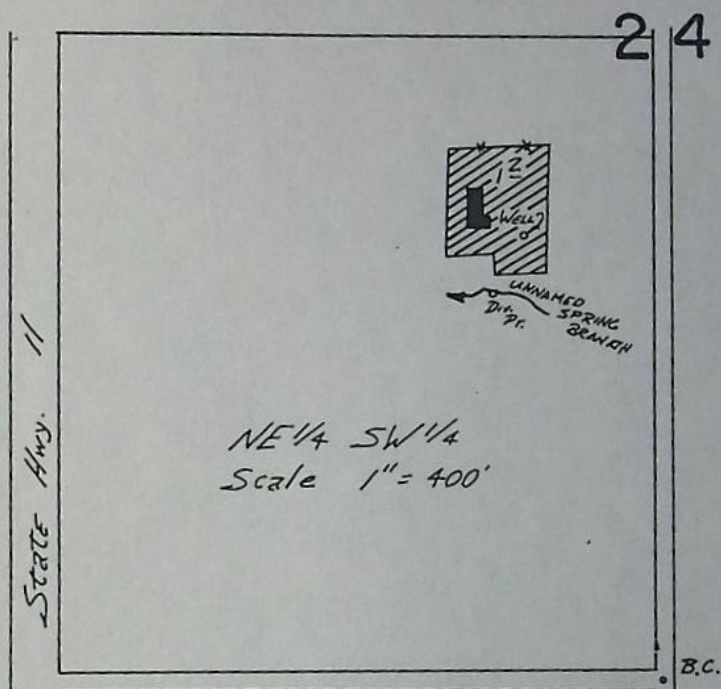
Crest Ref.

Power Claim

Abstracts

TO BE ENTERED WHERE CHECKED

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



Div. Pt. 790' N. & 360' W. FROM SE COR. OF NE 1/4 SW 1/4 SEC 24
Well 810' N. & 290' W. FROM SE COR. OF NE 1/4 SW 1/4 SEC. 24

FINAL PROOF SURVEY
UNDER

TRANSFER 4095

Application No. 58111 Permit No. 43774
IN NAME OF

PERRY H. PRICE

Surveyed March 25, 1982, by *V.L. Church*

T-4095

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN PLACE OF USE
AND POINT OF APPROPRIATION

Pursuant to ORS 537.705, 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 9215 submitted by

CECIL AND MARILYN ZERBA
P.O. BOX 682
MILTON-FREEWATER, OREGON 97862.

The right to be modified, as evidenced by a PORTION of Certificate 47768, was perfected under Permit U-288 with a date of priority of JUNE 29, 1949. The right allows the use of A WELL, in the A BRANCH OF COLD SPRING CREEK BASIN, for IRRIGATION OF 3.44 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the original well; NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 24, T 6 N, R 35 E, W.M.; 10 CHAINS NORTH AND 9.3 CHAINS WEST FROM SE CORNER, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 24, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

The authorized place of use is as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3.44 ACRES
SECTION 24
TOWNSHIP 6 NORTH, RANGE 35 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.

The applicant proposes to change the place of use/point of appropriation to:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 24, T 6 N, R 35 E, W.M.; 135 FEET NORTH AND 970 FEET WEST FROM SE CORNER, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 24.

POINT OF APPROPRIATION
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.44 ACRES
SECTION 24
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

POINT OF APPROPRIATION AND PLACE OF USE
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.0 ACRE
SECTION 24
TOWNSHIP 6 NORTH, RANGE 35 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 change shall be completed on or before October 1, 2005.
2. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available from the original point of appropriation.
3. When required by the Department the water user shall install

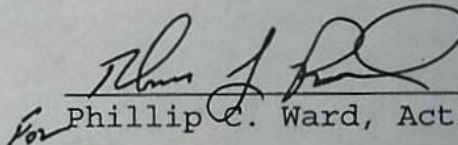
an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

4. Water shall be acquired from the same aquifer as the original point of appropriation.
5. The former place of use shall no longer be irrigated as part of this water right.

Certificate 47768 is canceled. A new certificate will be issued to describe 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 AUGUST 9, 2004.


For Phillip C. Ward, Acting Director

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

RALPH R. CLARK
RT. 1, BOX 133
MILTON-FREEWATER, OREGON 97862

confirms the right to use the waters of A WELL within a BRANCH OF COLD SPRING CREEK BASIN for IRRIGATION OF 26.96 ACRES.

This right was perfected under Permit U-288. The date of priority is JUNE 29, 1949. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.335 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 24, T 6 N, R 35 E, W.M.; 10 CHAINS NORTH AND 9.3 CHAINS WEST FROM SE CORNER, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 24.

The amount of water used for irrigation, 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 for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

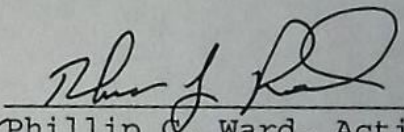
NE¼ SW¼ 26.96 ACRES
SECTION 24
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 47768, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 09 2004, approving Transfer Application 9215.

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.

WITNESS the signature of the Water Resources Director,
affixed August 9, 2004.


for Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80886.

7-4895
RECEIVED

NOV 22 1982

**WATER RESOURCES DEPT.
SALEM, OREGON**

Description of works

Info: (Name, address, special remarks from the appl.) PERRY H. PRICE

Use: _____ If the use is supp'l does he use the primary? _____ If not,
Has it gone for five or more years without being used? _____

Well: D: 100 C: 6" SWL: 30 DD: _____ GPM MAX.: _____

Art. Flow: _____ Measurement port, airline or other _____

Flow meter: _____ reading _____

Electric _____ reading _____

Pump and motor: Make _____ Hp _____ Rpm _____ Booster Pump _____

Make _____ Intake _____ Discharge _____

Rating: GPM _____ Head _____ Pressure at pump: _____

Pipe: Main line-Size 4 Length 250 Kind of pipe PVC

Lateral lines: Size 3" Length 240 Kind of pipe HANDLINE

Remarks: _____

Sprinkler Heads: Make RB Size of Nozzles 5/32 x 0

Number of heads used _____ Discharge capacity of each _____ gpm

Operating pressure _____ Max at one time 6

Crop: FRUIT TREE / CROWN Lift: 410 Tie: PTS-1982-P-A

Remarks by appl. _____

Applicant's Signature _____

Remarks by Examiner: _____

5-25-82
Date

[Signature]
Water Right Examiner

POB
POU
USE
Add'l POD

Add'l POD

Transfer No. 4095

County *Umatilla*

Old Certificate No. 27123

1. Name Terres H. Price

Address R3, Box 147R, Milton-Freewater, OR 97862

2. Source of Supply G/w, Trib of

3. Use $m/2ac$

4. Amount of Water

5. Priority Date 6-29-1949

6. Proposed Point of Diversion 440' S & 330' W from Center, S 24,
w/in NE SW, S 24, T6N, R 35E, Wm

7. Completion Date 10-1-80

8. Place of Use:

[illegible]

6-5995
u-314

T-4095

RECEIVED

NOV 21 1978

WATER RESOURCES DEPT.
SALEM, OREGON

T.6N. R. 35E WM.



Well New 320 ft W. 440' S. from ctr. Sec 24
P.O.D. from Spring Branch.
630 ft. S. 350 ft E. from ctr Sec 24

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF PERRY H. PRICE FOR APPROVAL OF)
A CHANGE IN POINT OF APPROPRIA-)
TION FROM GROUND WATER)

ORDER APPROVING
TRANSFER NO. 4095

On November 21, 1978, an application was filed in the office of the Water Resources Director by Perry H. Price 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 27123, Volume 19, State Record of Water Right Certificates, in the name of Ralph R. Clark, describes a right which includes the use of not to exceed 0.025 cubic foot per second from a certain ground water aquifer for irrigation of a certain 2.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 6 North, Range 35 East, W.M., with a date of priority of June 29, 1949.

Water for the said right is diverted from a well located 10 chains North and 9.3 chains West from the Southeast Corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, 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, without loss of priority, to a well located 440 feet South and 320 feet West from the Center Corner of Section 24, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 6 North, Range 35 East, W.M.

Mr. William S. Bartholomew, Hydrogeologist, Water Resources Department, 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.

V21, P658

It is FURTHER ORDERED that the quantity of water diverted at the new point of appropriation shall not exceed the quantity of water available at the old point of appropriation 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 measuring devices:

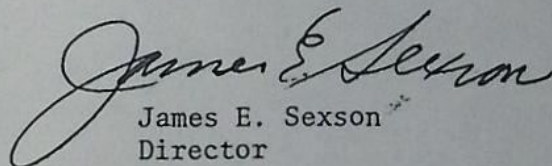
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 appropriation of water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 27123, Volume 19, 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 26th day of February, 1979.


James E. Sexson
Director

1009

WELL

WRT-0982-01

*** OREGON WATER RESOURCES DEPARTMENT ***
 *** WATER RIGHTS DIVISION ***
 *** WATER RIGHT DATA INPUT FORM ***

PAGE 1
 RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. 100040951 PERMIT NO. 000288 CERTIF. NO.
 ORIG. NO. 000003141 PREV. NO. 000003141 SUPER. NO.

NAME: PERRY H. PRICEADDRESS: RT3, BOX 147RCITY/STATE/ZIP/COUNTY: MILTON-FREEWATER, OR 97862

STREAM-ID

RIV.MI.

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

CANCEL YEAR----

CONSTR.COMPLT--> 10 01 1980YR.LAST USED-----> NEXT ACTION DUE--> PRIORITY-----> 06 29 1949PUT TO USE-----> 10 01 1980LAST TRANS.DATE--> LAST TRANS.TYPE--> APPLICATION-----> 11 21 1978SURVEYED-----> EXAM.FEE-----> 20.00RECORDING FEE-----> 15.00PERMIT ISSUE--> 02 26 1979CONCURRENCE-----> CYCLE STATUS-----> REPORTED FLAG-----> CONSTR.STRT.--> 02 26 1979CERTIFIED-----> CORRES.INIT.-----> CORRES.DATE----->

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

RIV.MI.

RATE

STATUS S OR P

060N 350E 24 C A0.025V P

** REMARKS; - - - - ->
 ** DATED-->

** POA: 440'S E 320'W FM CENTER** S 24. CHANGES POA PART OF** C-27123. RRC-47768.

PLACE-OF-USE DATA:
 TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

060N 350E 24 C A 30 1R 100 2.00 V P

47768

W.R.I.S.

Assembled 7-8-85 by SAK

Entered _____ by _____

Verified _____ by _____

T-4095
RECEIVED

NOV 21 1978

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Perry H. Price

(Name of applicant)

Of Route 3, Box 147 R

(Mailing address)

Milton Freewater

(City)

State of Oregon

97862

(Zip Code)

938-3004

(Phone number)

do hereby make application for change

Point of Diversion

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

1. Is the water right recorded in your name? No, Ralph R. Clark

(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 U-288 Number of certificate 27123

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 29, 1949

Ch.

Ch.

6. The authorized point of diversion is located 10 ft. N and 9.3 ft. W from the SE

(N. or S.)

(E. or W.)

corner of NE 1/4 SW 1/4 being within the NE 1/4 SW 1/4 of Section 24 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

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

7. The proposed point of diversion is located 440 ft. S and 320 ft. W from the Center

(N. or S.)

(E. or W.)

corner of Sec. 24 being within the NE 1/4 SW 1/4 of Section 24 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

8. The use to which the water is applied is 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	24	NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 Ac.

(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.? Yes
(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 To retain older priority date of my
neighbors well to my new well.

15. Construction work will be completed on or before _____

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

Remarks _____

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, Perry H. Price, 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 17 day of Nov, 1978

Perry H. Price
(Name of applicant)

Subscribed and sworn to before me this 17 day of Nov, 1978

[Notarial Seal]



William L. Poffly
NOTARY PUBLIC FOR OREGON

My commission expires JAN. 7, 1978



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: December 7, 1978.

FROM: ** William I. Porfily, Watermaster

RECEIVED
DEC 8 1978
WATER RESOURCES DEPT.
SALEM, OREGON

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4095

IN THE NAME OF Perry H. Price

In my opinion the proposed change in point of appropriation from ground water
MAY BE MADE WITHOUT INJURY ~~XXXXXXXXXXXXXXXXXXXX~~ 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? 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: Nov. 27th, 1978.FROM: ** William S. Bartholomew, HydrogeologistSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4095IN THE NAME OF Perry H. Price

In my opinion the proposed change in point of appropriation from ground water
☒ 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? _____
(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 N/A

**

Wm. S. Bartholomew

Watermaster's signature or initials