

3891 WHITE

Name Walter White

3891

DESCRIPTION OF WATER RIGHT

By _____

Address Rt 2, Box 308Milton-Freewater
OR 97862Change in PODDate filed March 2, 1978Date of hearing May 31, 1978Place of hearing PendletonDate of order 5-31-78 Vol. 30, page 1692Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

Name of stream Dugger CreekTrib. of _____ County of UmatillaUse Irr

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1890, 1895, 1910 & 12-28-26In name of Overman, Hughes & Gordon *Dugger Creek Adjudication, Vol. 3, page 122 & 124App. No. _____ Per. No. 7717 Cert. No. 1691, 1702, 7635

Certificate cancelled _____

Notation made on record by _____

REMARKS

* C# 1691, W. E. Gordon, 1895 & 1910, M-F & Hudson Bay's Ditches, Vol. 3, page 122 0.25 cfs

- C# 1702, Mrs. Overman, 1890, Gallaher Ditch Vol. 3, page 124 0.05 cfs

✓ C# 7635, Mrs K. F. Hughes, 12-28-26, Kirk Ditch No. 4. (A# 11245, P# 7717) 0.99 cfs

FINIS

See Transfer No 4192 - POD for all of the three rights

CARD FOR C DEC 26 1979

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W.R.I.S.

Assembled 5-6-85 by SW

Entered _____ by _____

Verified _____ by _____

FEES PAID

Date	Amount	Receipt No.
3-2-78	105.00	1361
TOTAL . . .		
	No. Cert. Fee	

Valley Herald #42.60 pd 5/10/78 check #2196

FEES REFUNDED

Date	Amount	Check No.
5-10-78	\$27.40	2195
excess 20.00	refund 27.40	
POD 15.00		
POH 42.60		
77.60		

INDEX CARDS:

Entered

Checked

TO BE ENTERED WHEN CHECKED

☒ Name
☒ Stream
☒ Pt. of Div.
☒ Calendar
☒ Top & Bottom
☒ Description
☒ Description
☒ Cont. of W/R
☒ Per. Power
☒ Changes
☒ Cross Ref.
☒ Power Claim
☒ Abstracts

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NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3891

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Walter White for approval of changes in point of diversion from Dugger Creek, pursuant to the provisions of ORS 540.510 to 540.530, for certain rights as follows:

Irrigation of a certain 3.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec 30, T 6 N, R 35 E, WM, by diversion of water from Dugger Creek, through the Gallaher Ditch, with a date of priority of 1890, as described by the certificate issued to Mrs. M.A. Overman and recorded at page 1702, Volume 3, State Record of Water Right Certificates;

Irrigation of a certain 20.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 30, T 6 N, R 35 E, WM, by diversion from Dugger Creek, through the Milton-Freewater & Hudson Bay's Ditch, with dates of priority of 1895 for 4.0 acres and 1910 for 16.0 acres, as described by the certificate issued to W.E. Gordon and recorded at page 1691, Volume 2 of said records;

Irrigation of a certain 5.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 34.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 30, T 6 N, R 35 E, WM, by diversion of water from Dugger Creek, through Kirk Ditch #4, with a date of priority of December 28, 1926, as described by the certificate issued to Mrs. K.F. Hughes and recorded at page 7635, Volume 7 of said records.

The point of diversion for the Gallaher Ditch is located 220 ft S & 770 ft W from the Center Corner of Sec 30, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 30 T 6 N, R 35 E, WM.

The point of diversion for the Milton-Freewater & Hudson Bay's Ditch is located 970 ft S & 590 ft E from the Center Corner of Sec 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 30, T 6 N, 35 E, WM.

The point of diversion for Kirk Ditch #4 is located 300 ft N & 700 ft E from the SE Corner of Sec 30, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 29, T 6 N, R 35 E, WM.

The applicant herein, owner of the lands above described, proposes to change from the above described points of diversion, without loss of priority, to divert water for said rights from a point of diversion located 1280 ft S & 1240 ft E from the Center Corner of Sec 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 30, T 6 N, R 35 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on May 31, 1978, at 9:30 a.m. All objections to the proposed changes, 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 White, Rt 2, Box 308, Milton-Freewater, OR 97862; 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 the hearing. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 29th day of March, 1978.

James E. Sexson
Director

14-16-C

Form 4. Proof of Publication. ORS 111,215(3).

(Title of Court and Cause)

No. _____
PROOF OF PUBLICATION OF
NOTICE

State of Oregon)
) ss.
County of Umatilla)

I, Dianne Zimmerman, being first duly sworn,
on oath say that I am the Principal Clerk
of The Valley Herald, a newspaper of general circulation, as defined
by ORS 193.010 and 193.020, printed and published at Milton-Free-
water, Oregon, and that the notice, a copy of which is annexed, was
published in the entire issue of said newspaper in the following _____
issues.

April 6 April 13 April 20 *dey*

Dianne Zimmerman
Subscribed and sworn to before me this 20 day of

April, 19 78

Vi Helton
Notary public for Oregon

My commission expires: July 5, 1981

RECEIVED

MAY 1 1978

WATER RESOURCES DEPT.
SALEM, OREGON



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF WALTER WHITE FOR APPROVAL OF)
CHANGES IN POINT OF DIVERSION OF)
WATER FROM DUGGER CREEK)

ORDER APPROVING
TRANSFER NO. 3891

On March 2, 1978, an application was filed in the office of the Water Resources Director by Walter White for approval of changes in point of diversion from Dugger Creek, pursuant to the provisions of ORS 540.510 to 540.530, for certain rights as follows:

Irrigation of a certain 3.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M., by diversion of water from Dugger Creek, through the Gallaher Ditch, with a date of priority of 1890, as described by the certificate issued to Mrs. M. A. Overman and recorded at page 1702, Volume 3, State Record of Water Right Certificates;

Irrigation of a certain 20.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M., by diversion from Dugger Creek, through the Milton-Freewater & Hudson Bay's Ditch, with dates of priority of 1895 for 4.0 acres and 1910 for 16.0 acres, as described by the certificate issued to W. E. Gordon and recorded at page 1691, Volume 2 of said records;

Irrigation of a certain 5.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 34.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M., by diversion of water from Dugger Creek, through Kirk Ditch No. 4, with a date of priority of December 28, 1926, as described by the certificate issued to Mrs. K. F. Hughes and recorded at page 7635, Volume 7 of said records.

The point of diversion for Gallaher Ditch is located 220 feet South and 770 feet West from the Center Corner of Section 30, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

The point of diversion for the Milton-Freewater & Hudson Bay's Ditch is located 970 feet South and 590 feet East from the Center Corner of Section 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

The point of diversion for Kirk Ditch No. 4 is located 300 feet North and 700 feet East from the Southeast Corner of Section 30, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to change from the above described points of diversion, without loss of priority, to divert water for said rights from a point of diversion located 1280 feet South and 1240 feet East from the Center Corner of Section 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Valley Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of April 6, 13 and 20, 1978.

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

No objections having been filed and it appearing that the proposed changes 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 changes in 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 point of diversion shall not exceed the quantity of water available at the old points of diversion under the subject rights.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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;

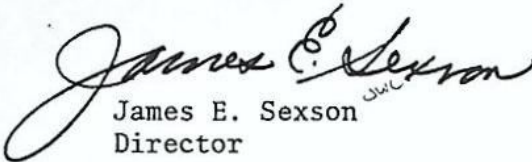
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificates of water right recorded at page 1691, Volume 2; page 1702, Volume 3; and page 7635, Volume 7; State Record of Water Right Certificates, are 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 31st day of May, 1978.


James E. Sexson
Director