

4020 Cheney Bros.

4020

Name Cheney Brothers
By Wayne Cheney, Partner
Address P.O. Box 759
Payette, Idaho 83661

Change in POD
Date filed Aug 9, 1978
Date of hearing Nov. 1, 1978
Place of hearing Vale
Date of order 11-6-78 Vol. 31, page 388
Date for application of water 10-1-80
Proof mailed _____
Proof received DEC 28 1982
Certificate issued _____ Vol. 46, page 51347

DESCRIPTION OF WATER RIGHT

Name of stream Snake River
Trib. of _____ County of Malheur
Use _____
Quantity of water _____ No. of acres _____
Name of ditch Domby Ditch
Date of priority Sept 16, 1968
In name of Cheney Brothers
_____ Adjudication, Vol. _____, page _____
App. No. 45390 Per. No. 33889 Cert. No. 41142
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-9-78</u>	<u>85-</u>	<u>5379</u>
TOTAL . . .		
	<u>OCert. Fee</u>	
<u>Daily Argus Observer #36.21 pd 10/31/78 ck #2751</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>10-31-78</u>	<u>13⁷⁹</u>	<u>2750</u>
<u>EX 20-</u> <u>POD 15-</u> <u>POD 36²¹</u> <u>71²¹</u>		

REMARKS

1-29-81 Now owned by: Paul S and Joyce FRIEDRICHSEN
P.O. Box 244
BURNS, OR 97720

T-11280 A POU v. 88 pg. 735-739

W.R.I.S.
Assembled 6-17-85 by SRD
Entered _____ by _____
Verified _____ by _____

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

Paul S. Friedrichsen

508

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF CHENEY BROTHERS FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM SNAKE RIVER)

ORDER APPROVING
TRANSFER NO. 4020

On August 9, 1978, an application was filed in the office of the Water Resources Director by Cheney Brothers, Wayne Cheney, Partner, for approval of a change in point of diversion from Snake River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 41142, Volume 33, State Record of Water Right Certificates, in the name of Cheney Brothers, describes a right for the use of not to exceed 0.92 cubic foot per second from Snake River for irrigation of a certain 36.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 15 South, Range 46 East, W.M., with a date of priority of September 16, 1968.

Water for the said right is diverted, through the Domby Ditch, from a point located 610 feet South and 1780 feet East from the Southeast Corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, being within Lot 3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, Township 15 South, Range 46 East, W.M.

The applicant herein proposes to change the point of diversion therefrom, without loss of priority, and to hereafter divert water from a point located 1020 feet South and 2450 feet West from the Southeast Corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, being within Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, Township 15 South, Range 46 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Daily Argus Observer, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of September 12, 19 and 26, 1978.

Mr. Frank Elfering, 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.

U31 P358

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.

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:

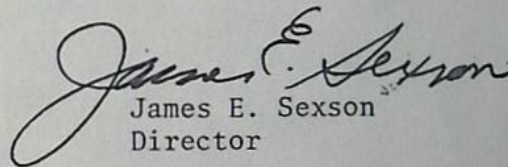
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 41142, Volume 33, 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 6th day of November, 1978.


James E. Sexson
Director

STATE OF OREGON
COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~CHENEY BROTHERS~~ *Paul S. & Joyce Friedrichsen*
P.O. Box 244 Burns OR 97720 83672
of 430 State Street, Weiser, State of Idaho, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Snake River

a tributary of Columbia River for the purpose of
irrigation of 36.8 acres

under Permit No. 33889 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from September 16, 1968

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
0.92 cubic foot per second, *if available at the original point of diversion;*

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the Lot 3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 16, T. 15 S., R. 46 E.,
W. M., 610 feet South and 1780 feet East from SE Corner, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16.

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-fortieth 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 4 acre feet per acre for each acre irrigated during
the irrigation season of each year;

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

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

36.8 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 17
T. 15 S., R. 46 E., W. M.

This certificate is issued to confirm a change in point of diversion approved
by an order of the Water Resources Director entered *Nov 6, 1978* and
supersedes certificate of water right recorded at page *41142*,
Volume *33*, 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.

State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 41142

5347

T#4020

POD: Lot 2 (SW NW) Sec 17, T15S R46E WM
1020' S & 2450' W from SE cor NE NW Sec 17

1-4020

no w/ other

21285

Affidavit of Publication

STATE OF OREGON,
COUNTY OF MALHEUR

SS.

Copy of Notice
(First Copy)

Notice of WaterRight Transfer

TITLE OF PUBLICATION

SPONSOR OR PLAINTIFF

Water Resources Dept.

PLAINTIFF OR LEGAL AGENT

I, Francis R. McLean, being first d
and say that I am the Publisher
"Argus-Observer," a newspaper of general circulat
Sections 1-509, 1-510, Oregon Code, printed and
City of Ontario in the aforesaid County and Stat
Water Right Transfer

a printed copy of which is hereto annexed, was
entire issue of said newspaper for 3 consec
following issues, to-wit: Sept. 12, 19, 2
1978, A. D. 19 7
of the issues in which same was published.

Subscribed and sworn to before me this 16
October, A. D. 19 78

Notary Public for th

My Commission Expires August 23, 1981

NOTICE OF WATER
RIGHT TRANSFER AP-
PLICATION NO. 4020

Corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of
Sec. 17, being within Lot 2
(SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Sec. 17, T
15S, R 46E, WM.

Notice is given hereby that
an application has been filed
in the office of the Water
Resources Director by
Cheney Brothers, Wayne
Cheney, Partner, for ap-
proval of a change in point of
diversion from Snake River,
pursuant to the provisions of
ORS 540.510 to 540.530.

The certificate recorded at
page 41142, Volume 33, State
Record of Water Right
Certificates, in the name of
Cheney Brothers, describes
a right for the use of not to
exceed 0.92 cubic foot per
second from Snake River for
irrigation of 36.8 ac. in SW $\frac{1}{4}$
NE $\frac{1}{4}$ of Sec. 17, T 15S, R
46E, WM, with a date of
priority of Sept. 16, 1968.

Water for the said right is
diverted, through the Dombay
Ditch, from a point located
610 ft. S & 1780 ft. E from the
SE Corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$
of Sec. 16, being within Lot 3
(SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Sec. 16, T
15S, R 46E, WM.

The applicant herein
proposes to change the point
of diversion therefrom,
without loss of priority, and
to hereafter divert water
from a point located 1020 ft. S
& 2450 ft. W from the SE

All persons interested are
notified hereby that a
hearing will be held at the
county courthouse at Vale,
Oregon, on November 1,
1978, at 9:30 a.m. All ob-
jections 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 to be served on Cheney
Bros., Wayne Cheney,
Partner, P.O. Box 759,
Payette, ID 83661; 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 OB-
JECTIONS 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
Department upon request.

Dated at Salem, Oregon
this 8th day of Sep-
tember, 1978.

James E. Sexson
Director

L-837

Sept. 12, 19, 26

STATEMENT

Daily Argus Observer
ONTARIO, OREGON

Number of Lines 82

Number of Insertions 3

82 Lines @ 17 2/3¢ \$ 14.18

2 x 82 Lines @ 13 1/4¢ \$ 21.73

TOTAL COST 36.21
WILL BE \$

RECEIVED

OCT 13 1978

WATER RESOURCES DEPT.
SALEM, OREGON



No 837

Affidavit of Publication

STATE OF OREGON,
COUNTY OF MALHEUR } ss.

Notice of WaterRight Transfer

TITLE OF PUBLICATION

SPONSOR OR PLAINTIFF

Water Resources Dept.

PLAINTIFF OR LEGAL AGENT

I, Francis R. McLean, being first duly sworn, depose
and say that I am the Publisher of "The Daily
Argus-Observer," a newspaper of general circulation as defined by
Sections 1-509, 1-510, Oregon Code, printed and published at the
City of Ontario in the aforesaid County and State; that Notice of
Water Right Transfer

a printed copy of which is hereto annexed, was published in the
entire issue of said newspaper for 3 consecutive weeks in the
following issues, to-wit: Sept. 12, 19, 26
ok. , A. D. 19 78, being the dates
of the issues in which same was published.

Francis R. McLean
Subscribed and sworn to before me this 19 day of
October, A. D. 19 78

Walter L. Field
Notary Public for the State of Oregon
My Commission Expires August 23, 1981

STATEMENT

Daily Argus Observer
ONTARIO, OREGON

Number of Lines 82
Number of Insertions 3
82 Lines @ 17 2/3¢ \$ 14.18
2 x 82 Lines @ 13 1/4¢ \$ 21.73
TOTAL COST 36.21
WILL BE \$

Girl Scout
volunteers
needed

For more information
about the Zenga and Nanga
exhibit, call the Portland Art
Museum at 226-2811.

FRUITLAND
An organizational meeting for
Girl Scout volunteers of
Payette County will be held
tonight at 7:30 in the
Fruitland High School
library. Anyone interested
in working with girls or
adults is encouraged to at-
tend. More information can
be obtained by calling 452-
3370.

Nanga and Zenga
flourished in Japan during
the Tokugawa era or Edo
Period (1615-1867), which
began the move of the capital
of Japan from Kyoto to Edo
(now Tokyo.)
Zenga refers to paintings
and calligraphy painted by
Zen Buddhist monks. Nanga,
meaning "Southern School
painting," reflects the taste
of Chinese scholar-painters
as interpreted by Japanese
artists. One of the highlights
of the exhibition is a group of
five paintings by Hakuin
Ekaku (1685-1768), the
greatest Zenga artist, as well
as the most important figure
in Japanese Zen for the past
500 years.
The Zen monks and Nanga
scholars responsible for
much of the master painting
of the Edo Period were often
poet-artists, by