

Name Glanville Farms, Inc.

By \_\_\_\_\_

Address Box 776Vale, Or 97918Change in Add'l PODDate filed Aug. 31, 1978Date of hearing Nov 29, 1978Place of hearing Vale✓ Date of order 11-29-78 Vol. 3, page 465Date for application of water 10-1-80

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued June 30, 1982 Vol. 45, page 51105

51105  
51106  
51107  
Summary  
1-78

Original Map in G-8938  
On file G-8938, 51053

4034

## DESCRIPTION OF WATER RIGHT

Name of stream Bully CreekTrib. of \_\_\_\_\_ County of MalheurUse IrrigationQuantity of water \_\_\_\_\_ No. of acres 92Name of ditch Desert DitchDate of priority 1886In name of John ZimmermanMalheur Riv. Adjudication, Vol. 8, page 319App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 7055 (D-118)

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

Assigned to. Lloyd M Hill Inc. Vol  
4355 Turner Rd SE 6  
Salem, Or. 97301

## REMARKS

original map in File G-8938FINAL PROOF MAP FILE E-44-21

## FEES PAID

Date	Amount	Receipt No.
8-31-78	65.50	5877
9-22-78	13 -	6268
TOTAL . . .		
	Cert. Fee	

Malheur Enterprise \$33.32 paid 11/16/78 Chk # 2844

## FEES REFUNDED

Date	Amount	Check No.
10-16-78	10 <sup>18</sup>	2843
Exam	20	
Rec POD	15	

PON  
35  
33.32  
68.32

Page  
990

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
✓	Name	✓
✓	Stream	✓
✓	Pt. of Div.	✓
✓	Calendar	✓
CHECKED TO RECORDS		
0	Twp. & Rge.	✓
✓	Deed-vault	✓
✓	Deed-sure	✓
✓	Cert. of W.R.	✓
✓	Per. Folder	✓
✓	Chained	✓
✓	Cross Ref.	✓
✓	Power Claim	✓
✓	Abstracts	✓

W.R.I.S.

Assembled 6-18-85 by SM

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_



Cert (X)

CANCELED

## STATE OF OREGON

Trib. Sp. Ct. v. 15 p. 461 ch. 7 of d v  
pl. of use

COUNTY OF MALHEUR

## CERTIFICATE OF WATER RIGHT

This is to Certify, That

GLANVILLE Farms, Inc  
JOHN ZILMERMAN

Box 776 Vale

of Westfall

, State of

Oregon 97918

has a right to the use of

the waters of

Bully Creek

Tr. b. of

Malheur River

for the purpose of

Irrigation of 70.0 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Malheur County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 8, at page 228; that the priority of the right thereby confirmed dates from 1886 for Tract #1; 1876 for Tract #2; 1887 for Tract #3;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1 1/2 acre feet per acre in any 30-day period prior to June 1st, 1 acre foot per acre in any 30-day period after June 1st, of each year, or 3 acre feet per acre in any season, diverted at a rate not to exceed one-twentieth of a cubic foot per second per acre;

The point of diversion is located in the NW 1/4 NW 1/4 Section 27, T. 18 S, R. 41 E, W. M. REEVES DITCH

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

40.0 acres NW 1/4 NE 1/4  
22.5 acres SE 1/4 NE 1/4  
4.0 acres NE 1/4 SE 1/4  
3.5 acres NW 1/4 SE 1/4  
Section 26  
T. 18 S, R. 41 E, W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 7055, Volume 7, State Record of Water Right Certificates, KOT modified by the provisions of orders of the Water Resources Director entered on MARCH 3, 1967 and 1/27/1978, approving transfer applications No. D-118 and 4034

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date

, 19

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume

, page

51105



Cont 2

CANCELED

## STATE OF OREGON

Trib. Sp. Ct. v. 15 p. 461 ch p. 1 of use

COUNTY OF MALHEUR

## CERTIFICATE OF WATER RIGHT

This is to Certify, That GLANVILLE FARMS, Inc.  
JOHN ZIMMERMAN  
Box 776 Vale  
 of Westfall, State of Oregon 97918 has a right to the use of  
 the waters of Bully Creek Trib. Malheur River  
 for the purpose of Irrigation of 92.0 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Malheur County, and the said decree entered of record at Salem, in the Order  
 Record of the STATE ENGINEER, in Volume 8, at page 228; that the priority  
 of the right thereby confirmed dates from 1886 for Tract #1; 1876 for Tract #2;  
1887 for Tract #3;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
 amount actually beneficially used for said purposes, and shall not exceed 1 1/2 acre feet per acre  
in any 30-day period prior to June 1st, 1 acre foot per acre in any 30-day period  
after June 1st, of each year, or 3 acre feet per acre in any season, diverted at a  
rate not to exceed one-twentieth of a cubic foot per second per acre;

The point of diversion is located in the NE 1/4 NW 1/4, Section 27, NW 1/4 SE 1/4 Section 26, T. 18 S,  
R. 41 E, W. M., 1120 feet South and 2130 feet East from NW Corner  
Section 27, 1400 feet North and 2030 feet West from SE Corner Section 26

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

34.0 acres SE 1/4 SE 1/4  
Section 26

3.0 acres SW 1/4 NW 1/4  
4.0 acres SE 1/4 NW 1/4  
26.5 acres NW 1/4 SW 1/4  
24.5 acres SW 1/4 SW 1/4

Section 25  
T. 18 S, R. 41 E, W. M.

This certificate is issued to confirm an additional point of diversion approved  
 by an order of the WRD entered November 29, 1978 and together with certificates of water  
 right recorded on Pages (X), (Y), Volume       , SRWRC supersedes certificate  
 of water right recorded on Page 7055, Volume 7, SRWRC.

The issuance of this superseding certificate does not confirm the status of  
 the water right in reference to ORS 540.610.

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume

, page

51107



Cet (Y)

at  
1-22-82  
10

CANCELED

## STATE OF OREGON

Tia. Sp. Or. v. 15 p. 461 ch. p. 5 d. v.  
pl of use

COUNTY OF MALHEUR

## CERTIFICATE OF WATER RIGHT

This is to Certify, That GLANVILLE Farms, Inc  
JOHN ZIMMERMAN  
Box 776 Vale, State of Oregon 97918 has a right to the use of  
of Westfall, State of Oregon 97918 has a right to the use of  
the waters of Bully Creek trib. of Malheur River  
for the purpose of Irrigation of 67.0 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Malheur County, and the said decree entered of record at Salem, in the Order  
Record of the STATE ENGINEER, in Volume 8, at page 228; that the priority  
of the right thereby confirmed dates from 1886 for Tract #1, 1876 for Tract #2;  
1883 for Tract #3;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed 1 1/2 acre feet per acre  
in any 30-day period prior to June 1st, 1 acre foot per acre in any 30-day period  
after June 1st, of each year, or 3 acre feet per acre in any season, diverted at a  
rate not to exceed one-twentieth of a cubic foot per second per acre; if available

The point of diversion is located in the SE 1/4 NE 1/4 Section 25, T. 18S, R. 41E, W.M.  
1860 feet South and 410 feet West from NE Corner Section 25

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

TRACT #2  
18.0 acres NE 1/4 NE 1/4  
Section 25  
T. 18S, R. 41E, W.M.

TRACT #3  
3.9 acres NE 1/4 NE 1/4  
10.6 acres NW 1/4 NE 1/4  
19.5 acres SW 1/4 NE 1/4  
15.0 acres SE 1/4 NE 1/4  
Section 25  
T. 18S, R. 41E, 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  
MARCH 3 1967 and together with certificates of water right recorded at pages (X)  
(2), Volume       , SRWRC supersedes certificate of water right recorded on at  
page 7055, Volume 7, SRWRC.

THE ISSUANCE . . . . . ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree.  
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date       , 19       

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume       

, page       

51106

at the original point of diversion NW 1/4 NW 1/4 Section 27  
T. 18S, R. 41E, W.M. - REEVE'S DITCH



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION )  
OF GLANVILLE FARMS, INC., FOR )  
APPROVAL OF AN ADDITIONAL POINT )  
OF DIVERSION OF WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 4034

On August 31, 1978, an application was filed in the office of the Water Resources Director by Glanville Farms, Inc., for approval of an additional point of diversion from Bully Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 7055, Volume 7, State Record of Water Right Certificates, in the name of John Zimmerman, canceled by an order entered March 9, 1967, at page 461, Volume 15, Special Order Record, described a right which includes the use of water from Bully Creek for irrigation of 34.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 26; 3.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 4.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 26.5 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 24.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 25, Township 18 South, Range 41 East, W.M., with a date of priority of 1886.

Water for the said right is diverted, through the Desert Ditch, from a point located 1120 feet South and 2130 feet East from the Northwest Corner of Section 27, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 27, Township 18 South, Range 41 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located South 19 degrees 28 minutes East, 3626 feet from the North Quarter Corner of Section 26, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 26, Township 18 South, Range 41 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Malheur Enterprise, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of October 4, 11 and 18, 1978.

Mr. Frank Elfering, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed additional point of diversion may be made without injury to existing rights, the

1131, P465



application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested additional point of diversion of water from Bully Creek, as herein described, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old 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 carried out prior to the diverting of water at the new point of diversion as herein confirmed:

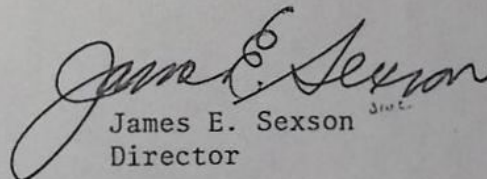
That the diversion shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 additional point of diversion of water made on or before October 1, 1980.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the said order entered March 9, 1967, approving transfer application No. D-118; 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 29th day of November, 1978.

  
James E. Sexson  
Director



# AFFIDAVIT OF PUBLICATION

Vale, Oregon October 18 19 78

**RECEIVED**

OCT 23 1978

WATER RESOURCES DEPT.  
SALEM OREGON

● Legal

## TO MALHEUR ENTERPRISE, Dr.

To publishing attached Legal Notice In 3 issues \$ 33.32

STATE OF OREGON )  
County of Malheur ) ss.

I, Warren G. Auyer being first duly sworn, depose and say that I am the Foreman Publisher of the printers of The Malheur Enterprise, which is a weekly newspaper of general circulation, printed and published in Vale in said county and state that such newspaper is made up of at least four pages of eight columns each and at least 21 inches in depth of matter; that such newspaper was regularly and uninterruptedly published each week for at least twelve consecutive months immediately

preceding the first publication of attached Legal Notice and has more than 200

bona fide subscribers within said county; that the Legal Notice of which the one hereto attached is a true and correct copy as printed, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, once

each week for 3 successive and consecutive weeks, being published 3

times commencing with the issue dated the 4th day of October, 19 78

and ending with the issue dated the 18th day of October, 19 78

That the amount of charge actually made and to be collected for such newspaper for such publication is \$ 33.32

Warren G. Auyer  
Foreman Publisher of the Printers

Subscribed and sworn to before me this 18th day of October, 19 78

Gordon Auyer  
Notary Public for Oregon

My commission expires August 11, 19 82

#4034

### NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4034

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Glanville Farms, Inc., for approval of an additional point of diversion from Bully Creek, pursuant to the provisions of ORS 540.510 to 540.530

The certificate recorded at page 7055, Volume 7, State Record of Water Right Certificates, in the name of John Zimmerman, describes a right which includes the use of water from Bully Creek for irrigation of 34.0 ac in SE 1/4 SE 1/4 of Sec. 26; 3.0 ac in SW 1/4 NW 1/4, 4.0 ac in SE 1/4 NW 1/4, 26.5 ac in NW 1/4 SW 1/4 and 24.5 ac in SW 1/4 SW 1/4 of Sec 25, T18S, R 41E, WM, with a date of priority of 1886.

Water for the said right is diverted, through the Desert Ditch, from a point located 1120 ft S & 2130 ft E from the NW Corner of Sec 27, being within the NE 1/4 NW 1/4 of Sec 27, T 18S, R 41E, WM.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located S 19° 28' East, 3626 ft from the N 1/4 Corner of Sec. 26, being within the NW 1/4 SE 1/4 of Sec 26, T 18S, R 41E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Vale, Oregon, on November 29, 1978, at 9:30 a.m. All objections 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 copy to be served on Glanville Farms, Inc., Box 776, Vale, OR 97918; 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 Department upon request.

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

/s/ James E. Sexson  
Director

Publish: Oct. 4, 11, 18, 1978

ok  
by



BEFORE THE STATE ENGINEER OF OREGON

Malheur County

IN THE MATTER OF THE APPLICATION  
OF G. L. AND THELMA DAHLE FOR THE  
APPROVAL OF A CHANGE IN POINT OF  
DIVERSION AND PLACE OF USE OF WATER  
FROM BULLY CREEK AND AN ADDITIONAL  
POINT OF DIVERSION OF WATER FROM  
CLOVER CREEK  
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ORDER APPROVING  
TRANSFER NO. D-118

On January 28, 1966, water right transfer application numbered D-118 was filed in the name of G. L. and Thelma Dahle for the approval of an additional point of diversion of water from Clover Creek and a change in point of diversion and place of use of water from Bully Creek, pursuant to the provisions of ORS 540.510 to 540.530.

On February 28, 1966, a protest by Grady Romans, Martha Romans and Grady Romans and Son, on grounds that allowance of the proposed transfer would injure the protestants existing water rights, was filed in the office of the State Engineer. On April 4, 1966, a protest in the name of Val Dice on grounds that allowance of the proposed transfer would injure his existing water right, was filed in the office of the State Engineer, also on April 4, 1966, a protest in the name of James Corrigan, on the grounds that allowance of the proposed transfer would injure his existing rights, was filed in the office of the State Engineer.

Transfer Application No. D-118 and the protests against approval of it was brought to a hearing before James W. Carver, Jr., Deputy State Engineer, at the Malheur County Courthouse in Vale, Oregon, on April 14, 1966. In a pre-hearing conference held immediately before commencement of the hearing, it was determined that the issues of concern to the protestants are confined to that part of the transfer application which proposes the use of additional points of diversion from Clover Creek for those rights described in



paragraphs 6 and 7.

At the hearing, protestants James Corrigan, Val Dice and Grady Romans appeared and were represented by counsel, Mr. W. F. Schroeder, Attorney at Law of Vale, Oregon. The applicant, Mr. Gilbert L. Dahle, appeared without counsel. In the course of the hearing it became apparent that the issues might be resolved by stipulation between parties. Therefore, the hearing was recessed for the purpose of developing a possible stipulation.

After the recess the hearing was reconvened and a stipulation signed by protestants James W. Corrigan, Grady Romans and Val Gene Dice, and by the applicant Gilbert L. Dahle, on April 14, 1966, at Vale, Oregon, was submitted and read into the record. There being no further testimony or evidence to be presented, the hearing was adjourned.

By Decree of the Circuit Court of Malheur County, entered May 13, 1925, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Malheur River and its Tributaries, water rights were established in the name of Warren Jordan for the irrigation of 40.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 37.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , with a date of priority of 1886, and 16.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , with a date of priority of 1898, all being within Section 21, Township 18 South, Range 41 East, W.M., confirmed by certificate recorded at page 6950, Volume 7, State Record of Water Right Certificates; in the name of Ben F. Jordan for the irrigation of, among other lands, 40.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 40.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and 40.0 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22, and 5.0 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 27, Township 18 South, Range 41 East, W.M., with a date of priority of 1886, confirmed by certificate recorded at page 6948, Volume 7, State Record of Water Right Certificates; and in the name of Pacific Livestock Company for the irrigation of, among other lands, 7.5 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 40.0 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 40.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 22.0 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 40.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 7.5 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 20.0 acres



in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 22, Township 18 South, Range 41 East, W.M., with a date of priority of 1884, confirmed by certificate recorded at page 6989, Volume 7, State Record of Water Right Certificates. These lands are all irrigated from a point of diversion located 95 feet north and 2870 feet east from the W $\frac{1}{4}$  corner of Section 16, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 16, Township 18 South, Range 41 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish additional points of diversion to be located: a) south 89° 20' east, 1157 feet from the N $\frac{1}{4}$  corner of Section 21, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, and b) south 1° 09' east, 2579 feet from the E $\frac{1}{4}$  corner of Section 21, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 22, both points being within Township 18 South, Range 41 East, W.M.

In the same proceedings, a water right was established in the name of Emma Zimmerman for the irrigation of 30.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and 29.5 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 30, Township 18 South, Range 42 East, W.M., with a date of priority of 1883, confirmed by certificate recorded at page 7054, Volume 7, State Record of Water Right Certificates. These lands are irrigated through the Osborn Ditch, the point of diversion being located 650 feet south and 1900 feet west from the E $\frac{1}{4}$  corner of Section 26, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 26, Township 18 South, Range 41 East, W.M.

Certificate of water right issued to John Zimmerman and recorded at page 960, Volume 2, State Record of Water Right Certificates, confirms a right to the use of the waters of Bully Creek for the irrigation of 7.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 7.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 25, Township 18 South, Range 41 East, W.M., with a date of priority of February 7, 1912. These lands are irrigated through the Reeves Ditch, the point of diversion being located 70 feet south and 350 feet east from the NW corner of Section 27, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 27, Township 18 South, Range 41 East, W.M.



In the Malheur River adjudication proceedings, a water right was established in the name of John Zimmerman for the irrigation of, among other lands, 18.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 26, Township 18 South, Range 41 East, W.M., with a date of priority of 1876, irrigated from a point of diversion located 70 feet south and 350 feet east from the NW corner of Section 27, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 27, Township 18 South, Range 41 East, W.M.; 19.5 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 15.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 3.5 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and 11.0 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, Township 18 South, Range 41 East, W.M., with a date of priority of 1883, confirmed by certificate recorded at page 7055, Volume 7, State Record of Water Right Certificates, these lands being irrigated from a point of diversion located 650 feet south and 1900 feet west from the E $\frac{1}{4}$  corner of Section 26, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 26, Township 18 South, Range 41 East, W.M.

The applicant herein proposes to transfer the water right from the irrigation of 18.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 26, with a date of priority of 1876, 3.5 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and 11.0 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, Township 18 South, Range 41 East, W.M., with a date of priority of 1883, as confirmed by certificate recorded at page 7055, without loss of priority, to 18.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 14.5 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 25, Township 18 South, Range 41 East, W.M., and to irrigate these lands together with 7.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 7.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 25, with a date of priority of February 7, 1912, as confirmed by certificate recorded at page 960; 19.5 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 15.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 25, Township 18 South, Range 41 East, W.M., with a date of priority of 1883, as confirmed by certificate recorded at page 7055; and 30.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and 29.5 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 30, Township 18 South, Range 42 East, W.M., as confirmed by certificate recorded at page 7054, with a date of priority of 1883,



from a point of diversion to be located north 16° 27' west, 693 feet from the E $\frac{1}{4}$  corner of Section 25, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 25, Township 18 South, Range 41 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed additional point of diversion and change in place of use and point of diversion of water, if any there were, namely: at the county courthouse in Vale, Oregon, on April 12, 1966, at 9:30 a.m. The notice was published in the Malheur Enterprise, a newspaper printed and having general circulation in Malheur County, Oregon for a period of three weeks in the issues of February 16, 23, and March 2, 1966. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Frank Elfering, Watermaster of District No. 9, has filed a report to the effect that the proposed changes may be made without injury to existing rights.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 18.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 26, with a date of priority of 1876, and 3.5 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and 11.0 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, Township 18 South, Range 41 East, W.M., with a date of priority of 1883, be severed therefrom and simultaneously and without loss of priority transferred to 18.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , with a date of priority of 1876, and 14.5 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , with a date of priority of 1883, Section 25, Township 18 South, Range 41 East, W.M.

It is FURTHER ORDERED that the applicant may maintain the following point of diversion from Clover Creek:

95 feet north and 2870 feet east from the W $\frac{1}{4}$  corner of Section 16, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 16, Township 18 South, Range 41 East, W.M.



and may establish and maintain the additional points of diversion to be located as follows:

South 89° 20' east, 1157 feet from the NW corner of Section 21, being within the NW NE of Section 21, and

South 1° 09' east, 2579 feet from the E corner of Section 21, being within the SW SW of Section 22, Township 18 South, Range 41 East, W.M.

for the irrigation of 40.0 acres in NE NE, and 37.0 acres in SE NE, Section 21; 40.0 acres in the NW SW, 40.0 acres in the SW SW, and 40.0 acres in the SE SW, Section 22; and 5.0 acres in the NW NW, Section 27, with a date of priority of 1886; 7.5 acres in NE NW, 40.0 acres in NW NW, 40.0 acres in SW NW, 22.0 acres in SE NW, 40.0 acres in NE SW, 7.5 acres in NW SE, 20.0 acres in SW SE, Section 22, Township 18 South, Range 41 East, W.M., with a date of priority of 1884; and 16.0 acres in NW NE, Section 21, Township 18 South, Range 41 East, W.M., with a date of priority of 1898.

It is FURTHER ORDERED that the proposed change in points of diversion of water from Bully Creek, to-wit:

From a point located 70 feet south and 350 feet east from the NW corner of Section 27, being within the NW NW of Section 27, and

From a point located 650 feet south and 1900 feet west from the E corner of Section 26, being within the NW SE of Section 26, Township 18 South, Range 41 East, W.M.

To a point to be located north 16° 27' west, 693 feet from the E corner of Section 25, being within the SE NE of Section 25, Township 18 South, Range 41 East, W.M.

for the irrigation of 7.0 acres in NE NE, and 7.0 acres in NW NE, Section 25, with a date of priority of February 7, 1912; 19.5 acres in SW NE, 15.0 acres in SE NE, Section 25, Township 18 South, Range 41 East, W.M., with a date of priority of 1883; and 30.0 acres in SW NW, and 29.5 acres in SE NW,



Section 30, Township 18 South, Range 42 East, W.M., with a date of priority of 1883; 18.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 25, with a date of priority of 1876; and 14.5 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 25, Township 18 South, Range 41 East, W.M., with a date of priority of 1883, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the changes in points of diversion made on or before October 1, 1967.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old points of diversion.

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 a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 certificate of water right heretofore issued to Pacific Livestock Company and recorded at page 6989, Volume 7, State Record of Water Right Certificates, is canceled, and in lieu thereof, a certificate shall be issued covering the balance of the lands not involved in this proceeding and confirming prior changes, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized additional point of diversion, certificate of water right shall be issued to G. L. and Thelma Dahle confirming the authorized point of diversion.

It is FURTHER ORDERED that certificate of water right heretofore issued to Steve Woodward, Successor in interest to Warren Jordan, and recorded at page 6950, Volume 7, State Record of Water Right Certificates, is canceled,



and upon receipt of proof satisfactory to the State Engineer of completion of the authorized additional point of diversion, a certificate of water right shall be issued to G. L. and Thelma Dahle confirming the additional point of diversion of water.

It is FURTHER ORDERED that certificate of water right heretofore issued to Dan Jordan, Successor in interest to Ben F. Jordan, and recorded at page 6948, Volume 7, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized additional point of diversion, a certificate of water right shall be issued to G. L. and Thelma Dahle confirming the additional point of diversion and covering the balance of the lands not involved in this proceeding.

It is FURTHER ORDERED that certificate of water right heretofore issued to Emma Zimmerman and recorded at page 7054, Volume 7, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to G. L. and Thelma Dahle confirming said change in point of diversion.

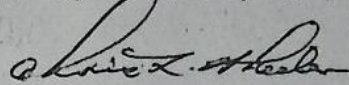
It is FURTHER ORDERED that certificate of water right heretofore issued to John Zimmerman and recorded at page 960, Volume 2, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to G. L. and Thelma Dahle confirming said change in point of diversion of water.

It is FURTHER ORDERED that certificate of water right heretofore issued to John Zimmerman and recorded at page 7055, Volume 7, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion and place of use of water, a certificate of water right shall be



issued to G. L. and Thelma Dahle confirming the change in point of diversion and the extent to which the water has been applied beneficially, and covering the balance of the lands not involved in this proceeding.

Dated at Salem, Oregon, this 9th day of March, 1967.



CHRIS L. WHEELER  
State Engineer

