

Name Gerald J. Pinto  
 By \_\_\_\_\_  
 Address General Delivery  
Ironside, OR 97908

3912

DESCRIPTION OF WATER RIGHT

Change in POD  
 Date filed March 22, 1978  
 Date of hearing July 18, 1978  
 Place of hearing Vale  
 Date of order 7-20-78 Vol. 31, page 67  
 Date for application of water 10-1-79  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued AUG 24 1978 Vol. 38, page 46328  
APR 24 1987 Vol. 51, page 56142

Name of stream North Fork Willow Creek  
 Trib. of \_\_\_\_\_ County of Malheur  
 Use \_\_\_\_\_  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch \_\_\_\_\_  
 Date of priority 1878  
 In name of James E. Lawrence  
Willow Creek Adjudication, Vol. 3, page 293  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 1587  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
3-22-78	34. <sup>80</sup>	1726
4-13-78	50.-	2166
TOTAL . . .		
6-23-78	<sup>#</sup> 2 Cert. Fee	Transf. to 1726
<i>The Malheur Enterprise #33.32 pd 6/23/78 Chk #2406</i>		

FEES REFUNDED

Date	Amount	Check No.
6-23-78	14 <sup>40</sup>	2405
Ex 20 - POD 15 - Cert 2 - PON 33 <sup>33</sup> <hr/> 70 <sup>32</sup>		

*Surveyed 9/16/95*

REMARKS

W.R.I.S.

Assembled 5-10-85 by SDA

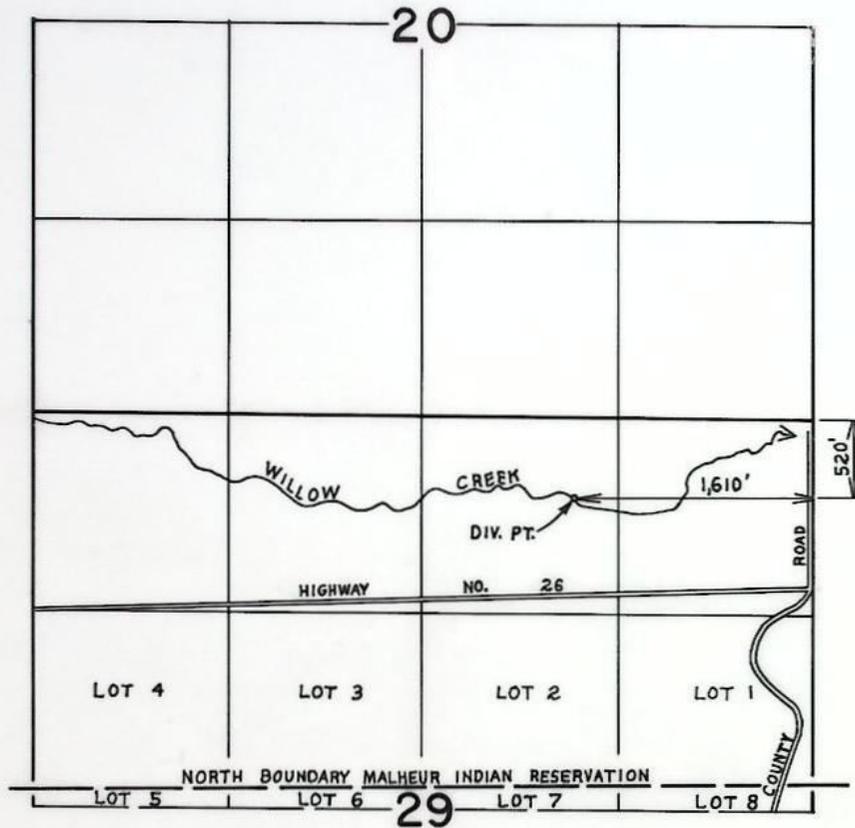
Entered \_\_\_\_\_ by \_\_\_\_\_

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

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	<i>lg</i>	_____
<input checked="" type="checkbox"/> Stream	<i>lg</i>	_____
<input type="checkbox"/> Pt. of Div.	_____	_____
<input checked="" type="checkbox"/> Calendar	<i>lg</i>	_____
CHECKED TO RECORDS:		
<input checked="" type="checkbox"/> Two 5 Rgs.	<i>lg</i>	_____
<input checked="" type="checkbox"/> Decree-vault	<i>lg</i>	_____
<input checked="" type="checkbox"/> Decree-safe	<i>lg</i>	_____
<input checked="" type="checkbox"/> Cert. of W.R.	<i>lg</i>	_____
<input type="checkbox"/> Per. Folder	_____	_____
<input type="checkbox"/> Chainindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____
<input checked="" type="checkbox"/> Power Claim Abstracts	<i>lg</i>	_____

T. 14S., R. 39 E., W. M.



SCALE: 4" = 1 mile

**FINAL PROOF SURVEY**  
UNDER

TRANSFER NO. 3912

Application No. .... Permit No. ....

IN NAME OF

..... **GERALD J. PINTO** .....

Surveyed SEPT. 16, 1985, by L. TOLL .....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION )  
OF GERALD J. PINTO FOR APPROVAL )  
OF AN ADDITIONAL POINT OF DIVER- )  
SION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 3912

On March 22, 1978, an application was filed in the office of the Water Resources Director by Gerald J. Pinto for approval of an additional point of diversion from North Fork Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 1587, Volume 2, State Record of Water Right Certificates, in the name of James E. Lawrence & heirs of Geo. Lawrence, describes a right which includes the use of water from North Fork Willow Creek for irrigation of 18.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 16.5 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 11.1 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 29, Township 14 South, Range 39 East, W.M., with a date of priority of 1878.

Water for the said right is diverted, through the South Lawrence Ditch, from a point located 210 feet South and 735.3 feet West from the Northeast Corner of Section 30, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, Township 14 South, Range 39 East, W.M.

The applicant herein proposes to establish an additional point of diversion, without loss of priority, at a point located 1682.5 feet South 71 degrees 19 minutes West from the Northeast Corner of Section 29, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 14 South, Range 39 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 May 24 and 31; and June 7, 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 application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested additional point of diversion, as described herein, 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:

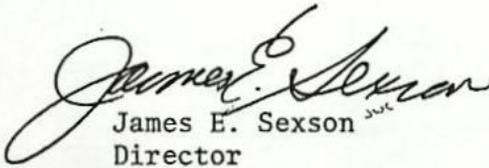
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 additional point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right recorded at page 1587, Volume 2, 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 20th day of July, 1978.

  
James E. Sexson  
Director

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That JAMES E. LAWRENCE et al and Heirs of Geo. Lawrence, to-wit: Georgia Lawrence, Frank Lawrence, Tracy Lawrence, Carl Lawrence, Mildred Lawrence, wife, Martha Lawrence, c/o Jas. E. Lawrence of Vale, State of Oregon has a right to the use of the waters of North Fork of Willow Creek, a tributary of Willow Creek,

for the purpose of the irrigation of 176 acres of land, domestic and stock use, 130.4

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 WATER BOARD of the State of Oregon, in Volume B at page 258 ; that the priority of the right hereby confirmed dates from the year 1878 ;

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 a rate of flow of 3.26 4.45 sec. ft. from April 1st to May 1st and 2.20 sec. ft. from May 1st to September 1st of each year, or the equivalent in case of rotation; the total quantity diverted during each irrigation season not to exceed 528 acre feet;

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 40 acres in NE 1/4 NE 1/4; 40 acres in NW 1/4 NE 1/4; 6 acres in SW 1/4 NE 1/4; 2 acres in SE 1/4 NE 1/4; 39 acres in NE 1/4 NW 1/4; 31.5 acres in NW 1/4 NW 1/4; 1 acre in SE 1/4 SW 1/4 of Section 29, 9 acres in SW 1/4 SW 1/4; 3.5 acres in SE 1/4 SW 1/4; 4 acres in SW 1/4 SE 1/4 of Section 20, Tp. 14 S. R. 39 E. W. M., in Malheur County, Oregon.

Handwritten scribble in left margin.

Handwritten list of land parcels with acreage and section numbers. Includes circled '2nd' and '1st' and a note: 'should this be SE 1/4 SW 1/4 of Section 29 dated [unclear] way. lg. No.'

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 1587, Volume 2, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 20, 1978, approving transfer application No. 3912.

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

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS State Engineer, President

Attest: M. F. MERS Secretary

Recorded in State Record of Water Right Certificates, Volume 2, page 1587.

T-3912

**AFFIDAVIT OF PUBLICATION**

Vale, Oregon June 7

**RECEIVED**

JUN 12 1978

**TO MALHEUR ENTERPRISE, D WATER RESOURCES DEPT.  
SALEM, OREGON**

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

ok times commencing with the issue dated the 21th day of May, 19 78

and ending with the issue dated the 7th day of June, 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 7th day of June, 19 78

Warren G. Auyer  
Notary Public for Oregon

My commission expires August 11, 19 78

**Legal**

**NOTICE OF WATER RIGHT  
TRANSFER APPLICATION NO. 3912**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Gerald J. Pinto for approval of an additional point of diversion from North Fork Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 1587, Volume 2, State Record of Water Right Certificates, in the names of James E. Lawrence & heirs of Geo. Lawrence, describes a right which includes the use of water from North Fork Willow Creek for irrigation of 18.0 ac in NE 1/4 NE 1/4, 16.5 ac in NW 1/4 NE 1/4 & 11.1 ac in NE 1/4 NW 1/4 of Sec 29, T 14S, R 39E, WM, with a date of priority of 1878.

Water for the said right is diverted, through the South Lawrence Ditch, from a point located 210 Ft S & 735.3 ft W from the NE Corner of Sec 30, being within the NE 1/4 NE 1/4 of Sec 30, T 14S, R 39E, WM.

The applicant herein proposes to establish an additional point of diversion, without loss of priority, at a point located 1682.5 ft S 71° 19' W from the NE Corner of Sec 29, being within the NW 1/4 NE 1/4 of Sec 29, T 14S, R 39E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Vale, Oregon, on July 18, 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 Gerald J. Pinto, Gen. Del., Ironside, OR 97908; 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. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon this 15th day of May, 1978.

/s/ James E. Sexson  
Director

Publish: May 24, May 31, June 7, 1978

ok  
dy

STATE OF OREGON

COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JAMES E. LAWRENCE ET. AL.

of Vale, State of Oregon, 97918, has a right to the use of the waters of North Fork of Willow Creek

a tributary of Willow Creek for the purpose of the irrigation of 130.4 acres, domestic, and stock use.

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 WATER RESOURCES DIRECTOR, in Volume 3, at page 258; that the priority of the right thereby confirmed dates from 1878

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 3.26 cubic feet per second from April 1st to May 1st and 1.63 c.f.s. from May 1st to September 1st of each year, or the equivalent in case of rotation; the total quantity diverted during each irrigation season not to exceed 391.2 acre feet

The point of diversion is located in the

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

9.0 acres SW 1/4 SW 1/4
3.5 acres SE 1/4 SW 1/4
4.0 acres SW 1/4 SE 1/4
Section 20

22.0 acres NE 1/4 NE 1/4
23.5 acres NW 1/4 NE 1/4
6.0 acres SW 1/4 NE 1/4
2.0 acres SE 1/4 NE 1/4
27.9 acres NE 1/4 NW 1/4
31.5 acres NW 1/4 NW 1/4
1.0 acre SE 1/4 SW 1/4
Section 29

T. 14 S., R. 39 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 1587, Volume 2, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 20, 1978, approving transfer application No. 3912.

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.

STATE OF OREGON
County of Malheur

Inst. No. 52959 I certify that the within instrument of writing was received for record on the day of OCT 6 1978 at 11:00 O'clock A.M.

Witness the signature of the Water Resources Director, affixed this date August 24, 1978. James E. Sisson Water Resources Director

ROBERT L. MORCOM, County Clerk

COMPARED By: [Signature] Deputy

Recorded in State Record of Water Right Certificates, Volume 38, page 46328

James Lawrence
Vale, Or.

RECORDED