

Name William Hulse

3934

By

Address

Dufur, OR 97021

Change in POD

Date filed April 18, 1978

Date of hearing March 28, 1980

Place of hearing The Dalles

Date of order 4-5-80 Vol. 33, page 116

Date for application of water 10-1-81

Proof mailed

Proof received

Certificate issued FEB 11 1987 Vol. 51, page 3

DESCRIPTION OF WATER RIGHT

Name of stream Fifteenmile Creek

Trib. of _____ County of Wesco

Use

Quantity of water No. of acres

Name of ditch

Date of priority 1885

In name of Melvin Sigan & Alex Strache

Fifteen Mile Cr. Adjudication, Vol. 7, page 431

App. No. _____ Per. No. _____ Cert. No. 5669

Certificate cancelled

Notation made on record by

FEES PAID

| Date | Amount | Receipt No. |
|--------------|-----------|-------------|
| 4-18-78 | 85 - | 2262 |
| 11-23-79 | 65.00 | 15110 |
| TOTAL. . . . | | |
| | Cert. Fee | |

The Dallas Chronicle #31.17 pd 3/31/80 cl#4110

FEES REFUNDED

| Date | Amount | Check No. |
|----------|--------|-----------|
| 3-31-80 | 18.83 | 4111 |
| 11-14-79 | 65.00 | 3894 |

See T-3678

EX 20-

21 4

66-

85-

18 83

REMARKS

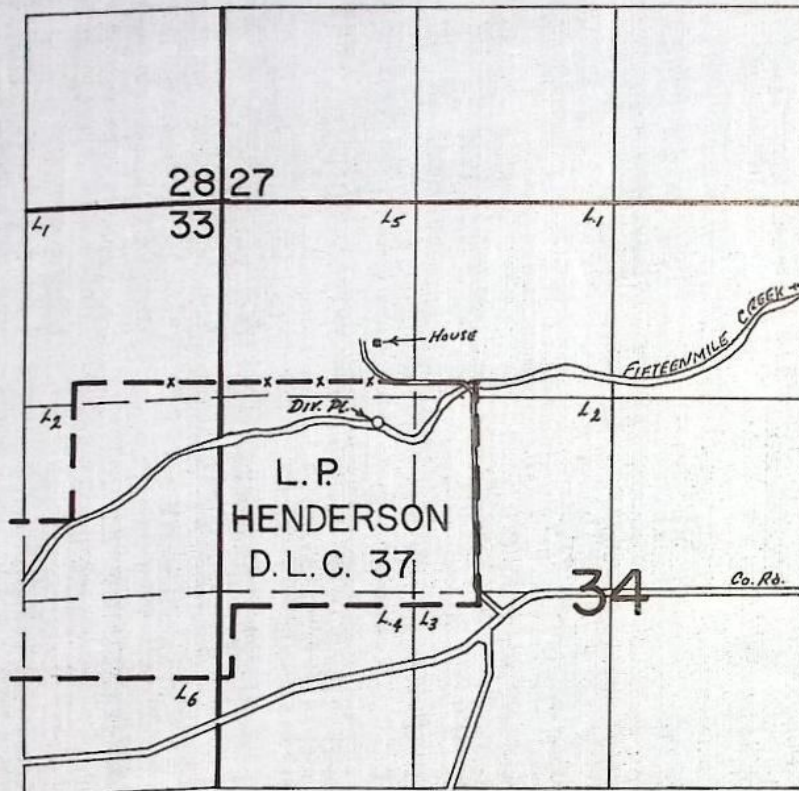
See T#3678 Re other portion of right under C#5665, which order canceled C#5665

Cert 5669 - Cancelled SpOr. V. 32, P. 539

WRIS
Assembled 5-15-88 by 300
Entered _____ by _____
Verified _____ by _____

| TO BE ENTERED WHERE CHECKED | INDEX CARDS: | Entered | Checked |
|-------------------------------------|---------------------|-------------------|-------------------|
| <input checked="" type="checkbox"/> | Name | <u>SRB</u> | <u> </u> |
| <input checked="" type="checkbox"/> | Stream | <u>SRB</u> | <u> </u> |
| <input checked="" type="checkbox"/> | Pt. of Div. | <u> </u> | <u> </u> |
| <input checked="" type="checkbox"/> | Calendar | <u> </u> | <u> </u> |
| <input checked="" type="checkbox"/> | CHECKED TO RECORDS: | <u> </u> | <u> </u> |
| <input checked="" type="checkbox"/> | Twp. & Pge. | <u>SRB</u> | <u> </u> |
| <input checked="" type="checkbox"/> | Decree-v. tit | <u>SRB</u> | <u> </u> |
| <input checked="" type="checkbox"/> | Decree-sale | <u>SRB</u> | <u> </u> |
| <input checked="" type="checkbox"/> | Cert. of W/R | <u> </u> | <u> </u> |
| <input type="checkbox"/> | Per. Folder | <u> </u> | <u> </u> |
| <input type="checkbox"/> | Chaindex | <u> </u> | <u> </u> |
| <input type="checkbox"/> | Cross Ref. | <u> </u> | <u> </u> |
| <input checked="" type="checkbox"/> | Power Claim | <u> </u> | <u> </u> |
| <input type="checkbox"/> | Abstracts | <u> </u> | <u> </u> |

T.1S. R.13E. W.M.



Div. Pt. Loc. 260' S & 690' W. From The NE. Cor. DLC 37

FINAL PROOF SURVEY
UNDER

Transfer No. 3934
Application No. _____ Permit No. _____
IN NAME OF

WILLIAM HULSE

Surveyed June 29 1982, by T. Paul

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION)
OF WILLIAM HULSE FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM FIFTEENMILE CREEK)

ORDER APPROVING
TRANSFER NO. 3934

On April 18, 1978, an application was filed in the office of the Water Resources Director by William Hulse for approval of a change in point of diversion from Fifteenmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The decree of the Circuit Court for Wasco County, Oregon, entered July 3, 1978, confirmed the right described by the certificate recorded at page 5665, Volume 6, State Record of Water Right Certificates, for the use of water from Fifteenmile Creek for irrigation of, among other lands, a certain 8.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 1 South, Range 13 East, W.M., with a date of priority of 1885.

Water for the said right is diverted, through the Strachan Ditch, from a point located 1720 feet North and 1830 feet West from the Southeast Corner of Section 32, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 1 South, Range 13 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1450 feet South and 1080 feet East from the Northwest Corner of Section 34, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 1 South, Range 13 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Dalles Chronicle, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of February 13, 20 and 27, 1980.

Mr. Thomas J. Paul, 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.

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;

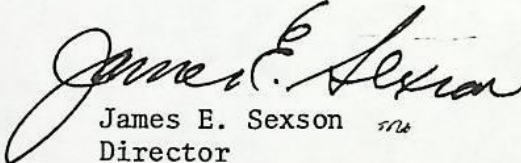
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 1981.

The order of the Water Resources Director entered March 30, 1979, approving transfer No. 3678, provided for cancellation of the certificate recorded at page 5665, Volume 6, State Record of Water Right Certificates; therefore,

It is FURTHER ORDERED that 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 8th day of April, 1980.


James E. Sexson
Director

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASCO

In the Matter of the Water Rights of
GENE UNDERHILL,

Petitioner,

No. 11904

ORDER

IN THE MATTER OF THE CORRECTION OF
CERTAIN WATER RIGHTS RECORDED IN THE NAME
OF MELVIN SIGMAN, TO THE WATER OF 15 MILE
CREEK, A TRIBUTARY OF THE COLUMBIA RIVER
SAID CREEK BEING LOCATED IN WASCO COUNTY,
STATE OF OREGON AND SAID RIGHTS HAVING BEEN
PREVIOUSLY DETERMINED BY DECREE OF CIRCUIT
COURT DATED MARCH 19, 1924.

This matter came to be heard before this Court upon the petition of GENE UNDERHILL to correct the decree entered in connection with the adjudication of water rights to Fifteen Mile Creek, a tributary of the Columbia River, dated March 19, 1924. As shown by the petition and affidavit on file herein, an error in description was made, necessitating a change in said decree. The Court having reviewed said petition and affidavit as they appear on file herein, and it appearing that an erroneous description has been shown as to the place of use of said water rights, and it further appearing that the said adjudicated water rights have always been used and applied upon the acreage as described below, and it further appearing that the description should be conformed to the facts presented to the Court, the Court having jurisdiction to correct said description, and being full advised,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the decree in the above entitled proceedings dated March 19, 1924 be, and it now hereby is corrected and amended in the following particulars:

1. The following is hereby stricken from the original decree dated March 19, 1924, on file in the office of the Clerk of Wasco County, relative to the adjudication of water rights to Fifteen Mile Creek, a tributary of the Columbia River, with description of place of use as follows:

Those water rights with a relative date of priority of 1856, situated in Township 1 South, Range 13 East of the Willamette Meridian in Section 33, being 14.2 acres in the Southwest quarter of the Northeast quarter; 24.6 acres in the Southeast quarter of the Northeast quarter; 5.4 acres in the Southeast quarter of the Northwest quarter; 4.4 acres in the Northeast quarter of the Southwest quarter; 14.0 acres in the Northeast quarter of the Southeast quarter; 16.7 acres in the Northwest quarter of the Southeast quarter; and in Section 34, Township 1 South, Range 13 East of the Willamette Meridian, 1.6 acres in the Northeast quarter of the Northwest quarter; 38.3 acres in the Southwest quarter of the Northwest quarter; 11.7 acres in the Southeast quarter of the Northwest quarter; 3.4 acres in the Northwest quarter of the Southwest quarter, a total 134.3 acres. Further, these water rights with a

date of relative priority of 1885, in Section 33, being 0.4 acres in the Northeast quarter of the Northeast quarter; 10.1 acres in the Southwest quarter of the Northeast quarter; 9.6 acres in the Southeast quarter of the Northeast quarter; and in Section 34, 1.3 acres in the Northeast quarter of the Northwest quarter; 1.7 acres in the Southwest quarter of the Northwest quarter; 1.3 acres in the Southeast quarter of the Northwest quarter, and the William L/ Hulse water right, being 8.0 acres in the Northwest quarter of the Northwest quarter, all in Township 1 South, Range 13 East of the Willamette Meridian, a total for the 1885 water right of 34.4 acres, the total for the two water rights being 166.7 acres.

2. Added in lieu of the foregoing is the following description of place of use:

In Township 1 South, Range 13 East of the Willamette Meridian, under a relative priority date of 1856, in Section 33, 18.5 acres in the Southwest quarter of the Northeast quarter; 19.2 acres in the Southeast quarter of the Northeast quarter; 6.5 acres in the Southeast quarter of the Northwest quarter; 2.5 acres in the Northeast quarter of the Southwest quarter; 15.7 acres in the Northeast quarter of the Southeast quarter; 17.8 acres in the Northwest quarter of the Southeast quarter; and in Section 34, Township 1 South, Range 13 East of the Willamette Meridian, 0.2 acres in the Northeast quarter of the Northwest quarter; 33.4 acres in the Southwest quarter of the Northwest quarter; 12.7 acres in the Southeast quarter of the Northwest quarter; 0.5 acres in the Northeast quarter of the Southwest quarter; and 7.3 acres in the Northwest quarter of the Southwest quarter, a total of 134.3 acres. Further, those water rights with a date of relative priority of 1885, in Section 33, being 0.1 acres in the Northeast quarter of the Northeast quarter; 5.6 acres in the Southwest quarter of the Northeast quarter; 8.9 acres in the Southeast quarter of the Northeast quarter; and in Section 34, 1.0 acres in the Northeast quarter of the Northwest quarter; 3.8 acres in the Northwest quarter of the Northwest quarter; 4.6 acres in the Southwest quarter of the Northwest quarter; 0.4 acres in the Southeast quarter of the Northwest quarter; and the William F. Hulse water right, being 8.0 acres of the Northwest quarter of the Northwest quarter, for a total 1885 water right of 34.4 acres, and a total water right of 166.7 acres, all in Township 1 South, Range 13 East of the Willamette Meridian in Wasco County, Oregon.

Dated this 3rd day of July, 1978.

/s/ John Jelderks
Circuit Judge

CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL DOCUMENT
SUE A. PROFFITT, County Clerk

By /s/ Maxine Tibbetts Deputy

Dated July 21, 1978

STATE OF OREGON

COUNTY OF

WASCO

CERTIFICATE OF WATER RIGHT

This is to Certify, That

MELVIN SIGMAN

of Dufur, State of

Oregon

has a right to the use of

the waters of Fifteen Mile Creek

for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 County, and the said decree entered of record at Salem, in the Order
 Record of the ^{Wasco} STATE ENGINEER, in Volume 7, at page 406; that the priority
 of the right thereby confirmed dates from 1885 for Tract #1 and 1856 for Tract #2;

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

Three acre feet per
 acre in any irrigation season;

A description of the lands irrigated under such right, and to which the water is appurtenant
 (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

Tract #1.

Four tenths (0.4) acre in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$),
 Ten and one tenth (10.1) acres in the Southwest Quarter of the Northeast Quarter
 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Nine and six tenths (9.6) acres in the Southeast Quarter of the North-
 east Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty-three (33); One and three tenths (1.3)
 acres in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Eight (8)
 acres in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), One and seven
 tenths (1.7) acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and
 One and three tenths (1.3) acres in the Southeast Quarter of the Northwest Quarter
 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Thirty-four (34), Township One (1) South, Range Thirteen (13)
East of the Willamette Meridian, being a total of 32.4 acres.

Tract #2.

One and six tenths (1.6) acres in the Northeast Quarter of the Northwest Quarter
 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Thirty-eight and three tenths (38.3) acres in the Southwest Quarter of
 the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Eleven and seven tenths (11.7) acres in the South-
 east Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) and three and four tenths (3.4)
 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirty-
four (34); Fourteen and two tenths (14.2) acres in the Southwest Quarter of the
 Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Twenty-four and six tenths (24.6) acres in the Southeast
 Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Five and four tenths (5.4) acres in the
 Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Four and four tenths (4.4)
 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Fourteen (14)
 acres in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) and Sixteen and
 seven tenths (16.7) acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
 of Section Thirty-three (33), Township One (1) South, Range Thirteen (13) East of
 the Willamette Meridian, being a total of 134.3 acres.

134.3
 32.4
 166.7 x

STATE OF OREGON

CERTIFICATE OF WATER RIGHT

FOR THE

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 irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer,

affixed this day

of 15th
December, 1925.

State Engineer.

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3934

Notice is given hereby that an application has been filed in the office of the Water Resources Director by William Hulse for approval of a change in point of diversion from Fifteenmile Cr.

The decree of the Circuit Court for Wasco County, Oregon, entered July 3, 1978, confirmed the right described by the certificate recorded at page 5665, Volume 6, State Record of Water Right Certificates, for the use of water from Fifteenmile Cr. for irrigation of, among other lands, a certain 8.0 ac. in NW¹/₄ NW¹/₄ of Sec. 34, T 1S, R 13E, WM, with a date of priority of 1885.

Water for the said right is diverted, through the Strachan Ditch, from a point located 1720 ft. N & 1830 ft W from the SE Corner of Sec 32, being within the NW¹/₄ SE¹/₄ of Sec 32, T 1S, R 13E, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1450 ft S & 1080 ft E from the NW Corner of Sec 34, being within the NE¹/₄ NW¹/₄ of Sec 34, T 1S, R 13E, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for Friday, March 28, 1980, at 9:30 a.m. Any objections to the proposed change must be prepared in writing: one copy to be served on the applicant at Box 427, Dufur, OR 97021; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 6th day of February 1980.
James E. Sexson, Director
Feb. 13, 20, 27, 1980
No. 3020

Affidavit of Publication

STATE OF OREGON, } ss.
County of Wasco

I, Ann Barker

being first duly sworn, depose and say that I am the principal clerk of the publisher of The Dalles Chronicle, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020; Oregon Compiled laws, annotated; printed and published at The Dalles, in the aforesaid county and state, that the

Notice of Water Rights Transfer printed copy of which is hereto annexed, was published in the entire issue of said

newspaper for Three successive and consecutive issues

in the following issues: Feb. 13, 20, 27, 1980

Ann Barker

Subscribed and sworn to before me this 27

day of February, 1980.

J. F. Weenfright
Notary Public for Oregon.

My Commission Expires July 31, 1980

Affidavit of Publication

STATE OF OREGON, {
County of Wasco ss.

I, Ann Barker

being first duly sworn, depose and say that I am the principal clerk of the publisher of The Dalles Chronicle, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020; Oregon Compiled laws, annotated; printed and published at The Dalles, in the aforesaid county and state, that the

Notice of Water Rights Transfer printed copy of which is hereto annexed, was published in the entire issue of said newspaper for Three successive and consecutive issues in the following issues: Feb. 13, 20, 27, 1980

Ann Barker

Subscribed and sworn to before me this 27

day of February, 1980.

J. F. Weisfright
Notary Public for Oregon.

My Commission Expires July 31, 1980

RECEIVED

MAR 3 1980

WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
WASCO COUNTY

IN THE MATTER OF CANCELLATION)
OF A WATER RIGHT IN THE NAME)
OF EDWARD L. WILHELM)

O R D E R

On November 23, 1979, William Hulse submitted an affidavit that he is the owner of a certain water right and the lands to which the water right is appurtenant; that he has abandoned any and all interest in and to the said water right and requests the same be canceled.

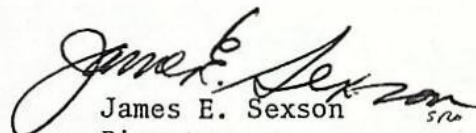
The water right in question is described by the certificate recorded at page 5669, Volume 6, State Record of Water Right Certificates, in the name of Edward L. Wilhelm, with a date of priority of 1885, for irrigation of a certain 3.0 acres and domestic use within Lot 5 of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 1 South, Range 13 East, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right described by the certificate recorded at page 5669, Volume 6, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that the said certificate of water right is canceled.

Dated at Salem, Oregon this 27th day of November, 1979.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This is to Certify, That EDWARD L. WILHELM, Successor in interest to:
ALEX STRACHANof Dufur, State of Oregon has a right to the use of
the waters of Fifteen Mile Creekfor the purpose of Irrigation, and Domestic use on land now owned by Alex Strachan,
Lot 5 of NW $\frac{1}{4}$, Sec. 34, T. 1 S. R. 13 E.W.M.
and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Wasco County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 7, at page 406; that the priority
of the right thereby confirmed dates from 1885that 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 Three acre feet per
acre in any irrigation season, and a reasonable amount for domestic purposes;A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:Three (3) acres in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Sec-
tion Thirty-four (34), Township One (1) South, Range Thirteen (13) East of the
Willamette Meridian.CANCEL AFFIDAVIT
RECEIVED 11/23/79And said right shall be subject to all other conditions and limitations
contained in said decree.
The right to the use of the water for irrigation purposes is restricted to the lands or place
of use herein described.

WITNESS the signature of the State Engineer,

affixed this 15th day
of December, 1925.RHEA LUPER
State Engineer.

Recorded in State Record of Water Right Certificates, Volume 6, page 5669