

3926 Elder
Name H.D. Elder

By _____

Address Star Route, Box 350

Pendleton, OR 97801

Change in POV, POD

Date filed April 19, 1978

Date of hearing _____

Place of hearing _____

Date of order 7-27-78 Vol. 31, page 90

Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued DEC 31 1985 Vol. 48, page 53646

3926

DESCRIPTION OF WATER RIGHT

Name of stream Wild Horse Creek

Trib. of _____ County of Umatilla

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority Apr. 20, 1915

In name of G.W. Chamberlain

_____ Adjudication, Vol. _____, page _____

App. No. 4212 Per. No. 2430 Cert. No. 2749

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-19-78</u>	<u>95 -</u>	<u>2338</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
<u>8-24-78</u>	<u>50⁰⁰</u>	<u>2552</u>
<u>exam 20⁰⁰</u>		
<u>POD 15⁰⁰</u>		
<u>POV 10⁰⁰</u>		
<u>45⁰⁰</u>		

REMARKS

T-2393, 3922, 3933 APOD

W.R.I.S.

Assembled 5-16-85 by SW

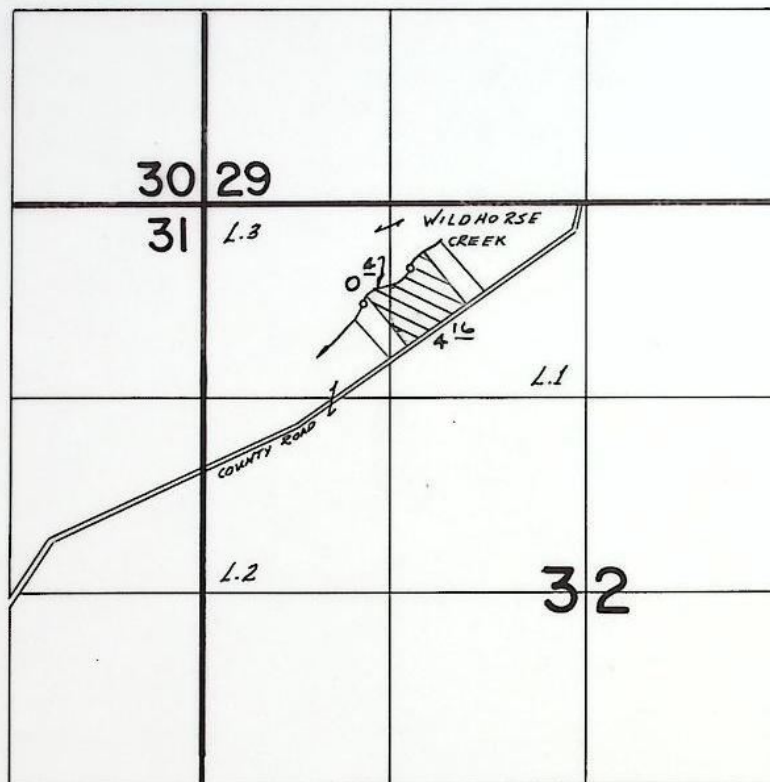
Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
☒	Name		<u>leg</u>	
☒	Stream		<u>leg</u>	
☒	Pt. of Div.			
☒	Calendar		<u>leg</u>	
☒	CHECKED TO RECORDS:			
☒	Twp. & Rge.			
☒	Decree-vault			
☒	Decree-sale			
☒	Cert. of W/R		<u>leg</u>	
☒	Per. Folder		<u>leg</u>	
☒	Chaindex			
☒	Cross Ref.			
☒	Power Claim			
☒	Abstracts		<u>leg</u>	

CCB

T. 3N. R. 33E. W.M.



DIV. PT. 1 LOC. 670'S / 1080'E FROM NW COR SEC. 32
DIV. PT. 2 LOC. 430'S / 1400'E FROM NW COR SEC. 32

FINAL PROOF SURVEY
UNDER

TRANSFER 3936

Application No. Permit No.
IN NAME OF

..... **H. D. ELDER**

Surveyed 1-23 1979, by R. BARWIN

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF H. D. ELDER FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3936

On April 19, 1978, an application was filed in the office of the Water Resources Director by H. D. Elder for approval of changes in place of use and point of diversion of water from Wildhorse Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2749, Volume 4, State Record of Water Right Certificates, in the name of G. W. Chamberlain, describes a right which includes the use of not to exceed 0.057 cubic foot per second from Wildhorse Creek for irrigation of 1.62 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.94 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 3 North, Range 33 East, W.M., with a date of priority of April 20, 1915.

The authorized point of diversion for said right is located 240 feet South and 1560 feet East from the Northwest Corner of Section 32, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 3 North, Range 33 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 4.36 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.2 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 3 North, Range 33 East, W.M., from two points of diversion located: (1) 660 feet South and 1010 feet East, and (2) 350 feet South and 1410 feet East, both from the Northwest Corner of Section 32, being within the (1) NW $\frac{1}{4}$ NW $\frac{1}{4}$ and (2) NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 3 North, Range 33 East, W.M.

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

injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 place of use and 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 points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.057 cubic foot per second.

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.

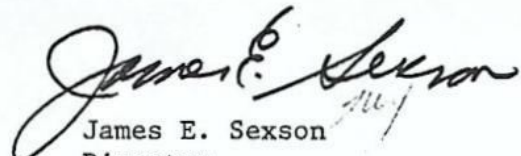
It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

The order of the Water Resources Director entered July 27, 1978, approving transfer application No. 2393, provided for cancellation of the certificate of water right recorded at page 2749, Volume 4, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; 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 27th day of July, 1978.


James E. Sexson
Director

STATE OF OREGON

WATER DIVISION NO.

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That G. W. CHAMBERLAIN

of Box 723, Pendleton, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Wild Horse Creek, a tributary of Umatilla River

, for the purpose of the irrigation of 14.84 acres of land and stock use

under Permit No. 2430 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1,

at page 351, on the 14th day of April, 1920; that the priority of

the right hereby confirmed dates from April 20, 1915; 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 0.19 cubic feet per second, or its equivalent in case of rotation. The use hereunder shall conform to any reasonable rotation system ordered by the proper State Officer. A description of the lands 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: 2.86 acres in the Southeast quarter of Northeast quarter of Section Thirty-one; 2.94 acres in the Northeast quarter of Northwest quarter; 6.05 acres in the Northwest quarter of Northwest quarter and 2.99 acres in the Southwest quarter of Northwest quarter of Section Thirty-two, Township Three North, Range Thirty-three East of Willamette Meridian, in Umatilla County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

Witness the seal and signature of the STATE

WATER BOARD affixed this 15th day

of April, 1920.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By PERCY A. CUPPER
State Engineer, President

Attest: R. W. POTTER
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, Page 2749

T-3936 T-3937 T-3922 T#2393