

4094

Name O. W. Cutsforth, Jr.  
By \_\_\_\_\_  
Address Route 2  
Heppner, Or. 97836

DESCRIPTION OF WATER RIGHT

Change in P.O.A.  
Date filed Nov 13, 1978  
Date of hearing Feb. 8, 1979  
Place of hearing Heppner  
Date of order 3-19-79 Vol. 31, page 703  
Date for application of water Completed  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued May 2, 1980 Vol. 43, page 49209

Name of stream a well  
Trib. of \_\_\_\_\_ County of Morrow  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
Date of priority April 29, 1957 & Sept. 24, 1964  
In name of O.W. Cutsforth & O.W. Cutsforth Jr.  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. G-633 G-541 G-33764  
G-2969 Per. No. G-2760 Cert. No. 33863  
Certificate cancelled \_\_\_\_\_  
Notation made on record by in DB

FEES PAID

Date	Amount	Receipt No.
<u>11-13-78</u>	<u>35-</u>	<u>7387</u>
<u>11-30-78</u>	<u>50-</u>	<u>7625</u>
<u>2-22-79</u>	<u>2.89</u>	<u>9270</u>
<b>TOTAL . . .</b>		
	<u>o Cert. Fee</u>	
<u>Gazette Times \$50.00 pd 3/14/79 ck# 3159</u>		

FEES REFUNDED

Date	Amount	Check No.
	<u>Ex 20-</u>	
	<u>POA 15</u>	
	<u>POA 52.00</u>	
	<u>87.00</u>	

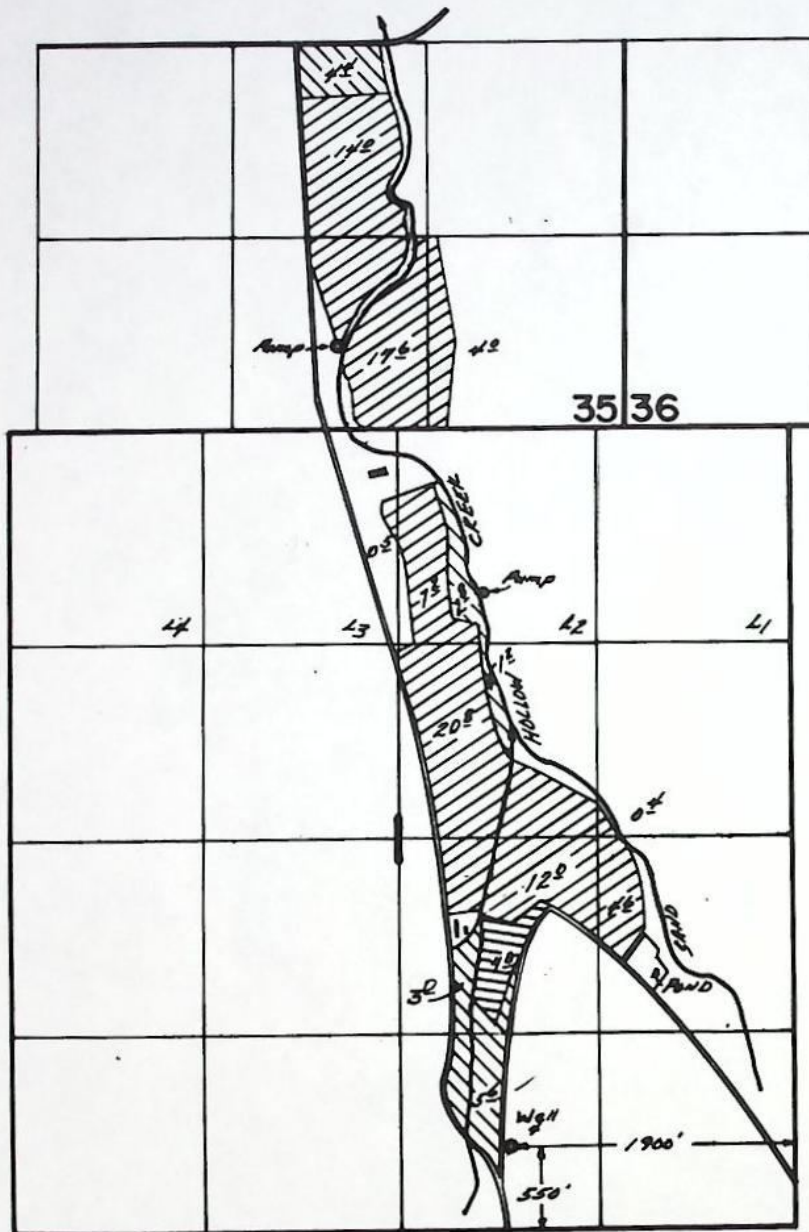
REMARKS

FINAL PROOF IN G-7014

W.R.I.S.	
Assembled <u>7-8-85</u> by <u>SOD</u>	
Entered _____ by _____	
Verified _____ by _____	

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>lg</u>
<input checked="" type="checkbox"/>	Stream	<u>lg</u>
<input checked="" type="checkbox"/>	Pt. of Div.	<u>lg</u>
<input checked="" type="checkbox"/>	Calendar	<u>lg</u>
<input type="checkbox"/>	CHECKED TO RECORD	
<input type="checkbox"/>	Twp. & Rge.	_____
<input type="checkbox"/>	Decree-vault	_____
<input type="checkbox"/>	Decree-safe	_____
<input checked="" type="checkbox"/>	Cert. of W/R	<u>WJO</u>
<input checked="" type="checkbox"/>	Per. Folder	<u>WJO</u>
<input type="checkbox"/>	Chaindex	_____
<input type="checkbox"/>	Cross Ref.	_____
<input type="checkbox"/>	Power Claim	_____
<input checked="" type="checkbox"/>	Abstracts	<u>lg</u>

# T.1N&1S, R.26E.W.M.






## FINAL PROOF SURVEY UNDER

TRANSFER No. 4094

Application No. G-7014. Permit No. G-6514.....  
IN NAME OF

.....FRITZ.....CUTSFORTH.....

Surveyed .DEC. 20. 1977., by .R. BARWIN.....

-  -Primary G-7014
-  -Suppl. G-7014
-  Tr 4094

T-4094  
**RECEIVED**

NOV 13 1978

**WATER RESOURCES DEPT.  
SALEM, OREGON**

# Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, O. W. Cutsforth, Jr., also known as Fritz Cutsforth  
(Name of applicant)

of Route 2, Heppner  
(Mailing address) (City)

State of Oregon, 97836, 989-8485, do hereby make application for change  
(Zip Code) (Phone number)

in point of diversion

(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? O. W. Cutsforth  
(If not, give name)

2. Was your water right determined by Decree of Court? No If so, give title of proceedings  
(Yes or No)

..... number of certificate .....

3. Was your water right acquired by Water Right Permit? Yes If so, give number  
(Yes or No)

G-541 33764

of permit G-2760..... Number of certificate 33863.....

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is ground - referred to as Well No. 1

5. What is the date of priority of your water right? 4/29/57 and 9/24/64

6. The authorized point of diversion is located 1490 ft. N and 2140 ft. E from the S $\frac{1}{4}$   
(N. or S.) (E. or W.)

corner of Section 1 being within the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 1 Tp. 1N $\frac{5$  R. 26E. W. M.,  
(No. N. or S.) (No. E. or W.)

in the county of Morrow The name of the ditch used is None

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located 200 ft. N and 600 ft. E from the SW  
(N. or S.) (E. or W.)

corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$  being within the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 1 Tp. 1N $\frac{5$  R. 26E. W. M.,  
(No. N. or S.) (No. E. or W.)

in the county of Morrow The name of the ditch to be used is None

8. The use to which the water is applied is .....irrigation.....  
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
See Exhibit A				

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? .....Yes.....  
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? .....No.....  
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? .....  
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is .....  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are improve efficiency

15. Construction work will be completed on or before completed

16. The water will be completely applied to the proposed use on or before has been

Remarks Exhibit B is an affidavit of cancellation for that portion of Permit No. G-6514 related to the land described in Exhibit A

**NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.**

**AFFIDAVIT OF APPLICANT**

I, O. W. Cutsforth, Jr., also known as Fritz Cutsforth, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 8 day of November, 1978.

O. W. Cutsforth Jr.  
(Name of applicant)

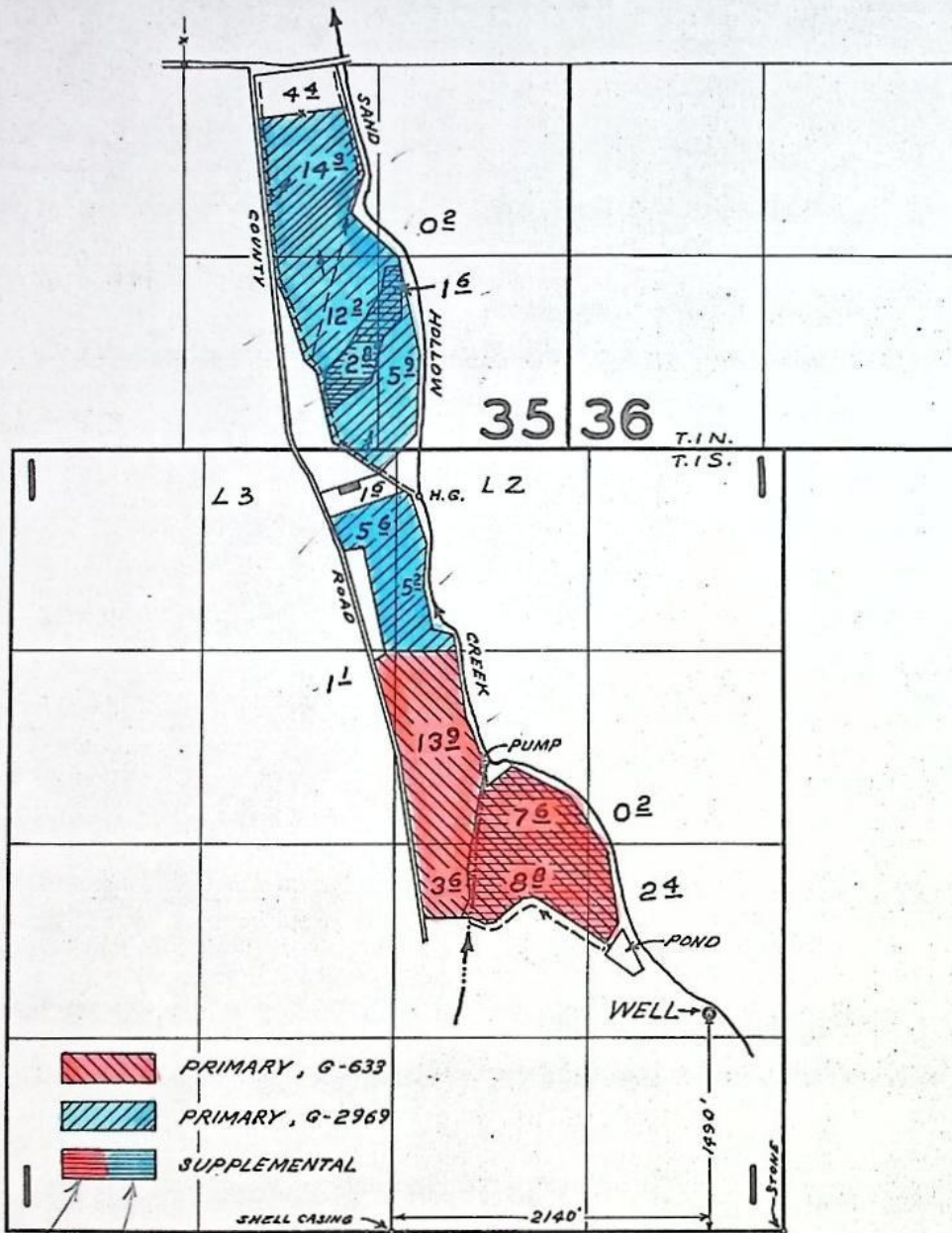
Subscribed and sworn to before me this 8 day of November, 1978

[Notarial Seal]

Robert E. Kouche  
NOTARY PUBLIC FOR OREGON

My commission expires 11-18-81

# T. 1 S. & IN. R. 26 E. W. M.



*Suppl. G-633*  
*Suppl. G-2969*

## FINAL PROOF SURVEY UNDER

Application No. G-633 / G-2969 Permit No. G-541 / G-2760  
IN NAME OF

**O. W. CUTSFORTH**

Surveyed Oct. 10, 1961, by R. JACKSON  
JUN. 29, 1966, by L. GOULD

T-4094

APPLICATION FOR TRANSFER  
OF WATER RIGHT

EXHIBIT A

MORROW COUNTY

RECEIVED

NOV 13 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

T. 1 N. R. 26 E.W.M.  
Section 35

Primary

NE $\frac{1}{4}$ SE $\frac{1}{4}$	.2
NW $\frac{1}{4}$ SE $\frac{1}{4}$	14.3
SW $\frac{1}{4}$ SE $\frac{1}{4}$	12.2
SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.9

Supplemental

SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.8
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.6

T. 1 S. R. 26 E.W.M.  
Section 1

Primary

NW $\frac{1}{4}$ NE $\frac{1}{4}$	5.2
SW $\frac{1}{4}$ NE $\frac{1}{4}$	13.9
NE $\frac{1}{4}$ NW $\frac{1}{4}$	5.6
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.1
NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.6

Supplemental

SW $\frac{1}{4}$ NE $\frac{1}{4}$	7.6
SE $\frac{1}{4}$ NE $\frac{1}{4}$	.2
NE $\frac{1}{4}$ SE $\frac{1}{4}$	2.4
NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.8

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION )  
OF O.W. CUTSFORTH, JR., FOR AP- )  
PROVAL OF A CHANGE IN POINT OF )  
APPROPRIATION FROM GROUND WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 4094

On November 13, 1978, an application was filed in the office of the Water Resources Director by O. W. Cutsforth, Jr., aka Fritz Cutsforth, for approval of a change in point of appropriation from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 33764, Volume 25, State Record of Water Right Certificates, in the name of O. W. Cutsforth, describes a right for the use of not to exceed 0.47 cubic foot per second from a certain ground water aquifer for irrigation of a certain 13.9 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.1 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 3.6 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ ; and supplemental irrigation of 7.6 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.2 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.4 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 8.8 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 1, Township 1 South, Range 26 East, W.M., with a date of priority of April 29, 1957.

The certificate recorded at page 33863 of said Volume 25, in the name of O. W. Cutsforth, Jr., describes a right for the use of not to exceed 0.6 cubic foot per second from a certain ground water aquifer for irrigation of a certain 0.2 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 14.3 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 12.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 5.9 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ ; and supplemental irrigation of 2.8 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 1.6 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35, Township 1 North, Range 26 East, W.M.; and irrigation of 5.2 acres in Lot 2 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) and 5.6 acres in Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 1, Township 1 South, Range 26 East, W.M., with a date of priority of September 24, 1964.

Water for the said rights is diverted from a well located 1490 feet North and 2140 feet East from the South Quarter Corner of Section 1, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 1, Township 1 South, Range 26 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation therefrom, without loss of priority, to a well located 200 feet North and 600 feet East from the Southwest Corner of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 1, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 1, Township 1 South, Range 26 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Heppner Gazette-Times, a newspaper printed and having general circulation in Morrow

131,9703



County, Oregon for a period of three weeks in the issues of December 21 and 28, 1978; and January 4, 1979.

Mr. William S. Bartholomew, Hydrogeologist, Water Resources Department, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of appropriation 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 appropriation, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of appropriation shall not exceed the quantity of water available at the old point of appropriation under the subject rights, and shall not exceed 1.07 cubic feet per second.

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:

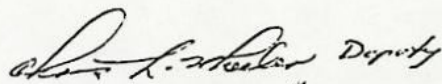
That the diversion works shall include an in line flow meter or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of appropriation is completed.

It is FURTHER ORDERED that the certificates of water right recorded at pages 33764 and 33863, Volume 25, State Record of Water Right Certificates, are 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 19th day of March, 1979.

By:  Deputy  
James E. Sexson  
Director

TOWNSHIP 1 S RANGE 26 E W.M.														SECTION 1				
NE				NW				SW				SE				APPLICA-TION NUMBER	PERMIT NUMBER	CERTIFI-CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
Lot 1 Lot 2				Lot 3 Lot 4														
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
43.90 43.93				43.96 43.99														
7 <sup>E</sup>												16 <sup>B</sup>				2158 <sup>2</sup>	1696 <sup>0</sup>	2093 <sup>4</sup>
7 <sup>C</sup> 0 <sup>2</sup>												16 <sup>-</sup> 12 <sup>-</sup>				Suppl.		
13 <sup>2</sup>				1 <sup>-</sup>								2 <sup>4</sup> 8 <sup>B</sup>				G.633	G-541	3376 <sup>4</sup>
												3 <sup>C</sup>				G.633	G-541	3376 <sup>4</sup>
10																G.700	G-616	2
5 <sup>2</sup>				5 <sup>C</sup>												G-2969	G-2760	3386 <sup>3</sup>
				14 <sup>-</sup> 14												G-3338	G-3134	C.A.C.C.
				19 <sup>-</sup>												Supplemental		
																G-4320	G-4078	C.A.M.C.
																G-5609	G-6786	
												13 <sup>2</sup>				G-7014	G-6514	2
5 <sup>2</sup> 0 <sup>1</sup> 0 <sup>2</sup> 5 <sup>2</sup>				1 <sup>-</sup>								2 <sup>4</sup> 12 <sup>4</sup>				Supplemental		
																G-7014	G-6514	

Needs correction  
Certificate 2  
See Note in file  
21582

7.2  
6.8  
21.0  
19.0

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 1 N RANGE 26 E W.M.														SECTION 35				
NE				NW				SW				SE				APPLICA-TION NUMBER	PERMIT NUMBER	CERTIFI-CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
												4 <sup>2</sup> 0 <sup>4</sup>				2158 <sup>2</sup>	1696 <sup>0</sup>	2093 <sup>4</sup>
												7 <sup>-</sup>				0-821	0-737	
												2 <sup>2</sup> 2 <sup>1</sup> 4				G.700	G-616	2
																G-1341	G-1292	
												0 <sup>2</sup> 14 <sup>3</sup> 12 <sup>2</sup> 5 <sup>9</sup>				G-2969	G-2760	3386 <sup>3</sup>
												2 <sup>8</sup> 1 <sup>6</sup>				Supplemental		
																G-2969	G-2760	3386 <sup>3</sup>
				40 <sup>5</sup> 40 <sup>2</sup> 39 <sup>E</sup> 40 <sup>2</sup>												G-3338	G-3134	C.A.C.C.
																G-4516	G-4285	9907 <sup>9</sup>
																Supplemental		
																G-4320	G-4078	C.A.M.C.
												9 <sup>2</sup> 10 <sup>E</sup>				G-5609	G-6786	
												4 <sup>4</sup>				G-7014	G-6514	2
												0 <sup>2</sup> 14 <sup>3</sup> 15 <sup>2</sup> 7 <sup>5</sup>				Supplemental		
																G-7014	G-6514	

Will Cancel  
Suppl

(SEE BACK OF CARD FOR PLAT OF SECTION)

\*\*\* OREGON WATER RESOURCES DEPARTMENT \*\*\*  
\*\*\* WATER RIGHTS DIVISION \*\*\*  
\*\*\* WATER RIGHT DATA INPUT FORM \*\*\*

WATER RIGHT NO. 1000040942 PERMIT NO. 062760 CERTIF. NO. 0049210 NAME: O. W. CUTSFORTH, JR  
ORIG. NO. 600002969 PREV. NO. 600002969 SUPER. NO. ADDRESS: RT 2

CITY/STATE/ZIP/COUNTY: HEPPNER, OR 97836

25

STREAM-ID	RIV. MI.	WM. DIST. <u>05</u>	W. R. TYPE <u>GA</u>	STATUS <u>V</u>
CANCEL YEAR-->	CONSTR. COMPLT-->	<u>03 19 1979</u>	YR. LAST USED-->	---
PRIORITY-->	PUT TO USE-->	<u>09 24 1964</u>	LAST TRANS. DATE-->	---
APPLICATION-->	SURVEYED-->	<u>11 13 1978</u>	EXAM. FEE-->	<u>20.00</u>
PERMIT ISSUE-->	CONCURRENCE-->	<u>03 19 1979</u>	CYCLE STATUS-->	---
CONSTR. STRT.-->	CERTIFIED-->	<u>03 19 1979</u>	CORRES. INIT.-->	---
		<u>05 02 1980</u>		
				NEXT ACTION DUE--> ---
				LAST TRANS. TYPE--> ---
				RECORDING FEE--> <u>15.00</u>
				REPORTED FLAG--> ---
				CORRES. DATE--> ---

POINT-OF-DIVERSION DATA:  
TWNSP RNGE SECT QTR/QTR STREAM-ID

0105 260E 01 DA

RIV. MI.	RATE	STATUS	S OR P
	<u>0.545</u>	<u>V</u>	<u>P</u>
	<u>0.055</u>	<u>V</u>	<u>S</u>

\*\* REMARKS; - - - - ->  
\*\* DATED-->  
\*\* POA: 200' N & 600' E. FM SW COR  
\*\* NW 1/4 SE 1/4 S 1. CHANGES POA  
\*\* C-33863.

PLACE-OF-USE DATA:  
TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

SEE ATTACHED

W. R. I. S.	
Assembled	<u>7-8-85</u> by <u>SDA</u>
Entered	_____ by _____
Verified	_____ by _____



WELL

WR T-0982-C1

\*\*\* OREGON WATER RESOURCES DEPARTMENT \*\*\*  
\*\*\* WATER RIGHTS DIVISION \*\*\*  
\*\*\* WATER RIGHT DATA INPUT FORM \*\*\*

PAGE 1  
RUN ON: 3/20/81 AT: 9:08

WATER RIGHT NO. 5000040941 PERMIT NO. 006541 CERTIF. NO. 0049209 NAME: O.W. CUSFORTH, JR  
ORIG. NO. G000006331 PREV. NO. G000006331 SUPER. NO. ADDRESS: R12

CITY/STATE/ZIP/COUNTY: HEPPNER, OR 97836 25

STREAM-ID	RIV. MI.	WM. DIST. 05	W.R. TYPE GA	STATUS V
CANCEL YEAR---->	CONSTR. COMPLT--> 03 19 1979	YR. LAST USED----->	---	NEXT ACTION DUE--> ---
PRIORITY-----> 04 29 1957	PUT TO USE-----> 03 19 1979	LAST TRANS. DATE-->	---	LAST TRANS. TYPE--> ---
APPLICATION--> 11 13 1978	SURVEYED-----> 12 17 1979	EXAM. FEE----->	20.00	RECORDING FEE-----> 15.00
PERMIT ISSUE--> 03 19 1979	CONCURRENCE-----> 12 17 1979	CYCLE STATUS----->	---	REPORTED FLAG-----> ---
CONSTR. STRT.--> 03 19 1979	CERTIFIED-----> 05 02 1980	CORRES. INIT.----->	---	CORRES. DATE-----> ---

POINT-OF-DIVERSION DATA:  
 TWNSP RNGE SECT QTR/QTR STREAM-ID RIV. MI. RATE STATUS S OR P

0105 260E 01 D A	0.233	V	P
	0.237	V	S

\*\* REMARKS: - - - - ->  
 \*\* DATED-->  
 \*\* POA: 200' N & 600' E FM SW COR  
 \*\* NW 1/4 SE 1/4 S L. CHANGES POA  
 \*\* C-3376A  
 \*\*-----  
 \*\*-----  
 \*\*-----  
 \*\*-----

PLACE-OF-USE DATA:  
 TWNSP RNGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

0105 260E 01 A C 25 1R 100 14.60	V	P
<del>B D</del>		
D B		4.00
A C		6.00
A D		0.70
D A		4.60
D B		8.00

W.R.I.S.  
 Assembled 7-8-85 by SRA  
 Entered \_\_\_\_\_ by \_\_\_\_\_  
 Verified \_\_\_\_\_ by \_\_\_\_\_

AFFIDAVIT OF PUBLICATION

STATE OF OREGON }  
County of Morrow } ss:

I, Terry M. Hager

being first duly sworn, depose and say that I am the Managing Editor of the HEPPNER GAZETTE-TIMES, a newspaper of general circulation, as defined by O.R.S. 193.010 and 193.020; printed and published at Heppner, Oregon: that the Notice Of Water Right Transfer Application No. 4094

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues: Dec. 21, 28, 1978 & Jan. 4, 1979

*Terry M. Hager*

Subscribed and sworn before me this 3<sup>rd</sup> day of January, 1979.

*Eileen K. Salting*  
Notary Public for Oregon

My Commission Expires: May 25, 1982 (SEAL)

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4094

Notice is given hereby that an application has been filed in the office of the Water Resources Director by O.W. Cutsforth, Jr., aka Fritz Cutsforth, for approval of a change in point of appropriation from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 33764, Volume 25, State Record of Water Right Certificates, in the name of O.W. Cutsforth, describes a right for the use of not to exceed 0.47 cubic foot per second from a certain ground water aquifer for irrigation of a certain 13.9 ac in SW 1/4 NE 1/4, 1.1 ac in SE 1/4 NW 1/4 & 3.6 ac in NW 1/4 SE 1/4; and supplemental irrigation of 7.6 ac in SW 1/4 NE 1/4, 0.2 ac in SE 1/4 NE 1/4, 2.4 ac in NE 1/4 SE 1/4, and 8.8 ac in NW 1/4 SE 1/4 of Sec 1, T 1S, R 26E, WM, with a date of priority of April 29, 1957.

The certificate recorded at page 33863 of said Volume 25, in the name of O.W. Cutsforth, Jr., describes a right for the use of not to exceed 0.6 cfs from a certain ground water aquifer for irrigation of a certain 0.2 ac in NE 1/4 SE 1/4, 14.3 ac in NW 1/4 SE 1/4, 14.3 ac in NW 1/4 SE 1/4, 12.2 ac in SW 1/4 SE 1/4, 5.9 ac in SE 1/4 SE 1/4; and supplemental irrigation of a 2.8 ac in SW 1/4 SE 1/4, 1.6 ac in SE 1/4 SE 1/4 of Sec 35, T 1N, T 26E, WM; and irrigation of 5.2 ac in Lot 2 (NW 1/4 NE 1/4) & 5.6 ac in Lot 3 (NE 1/4 NW 1/4) of Sec 1, T 1S, R 26E, WM, with a date of priority of Sept. 24, 1964.

Water for the said rights is diverted from a well located 1490 ft N & 2140 ft E from the S 1/4 Corner of Sec 1, being within the NE 1/4 SE 1/4 of Sec 1, T 1S, R 26E, WM.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation therefrom, without loss of priority, to a well located 200 ft N & 600 ft E from the SW Corner of NW 1/4 SE 1/4 of Sec 1, being within the NW 1/4 SE 1/4 of Sec 1, T 1S, R 26E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Heppner, Oregon on February 8, 1979, 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 O.W. Cutsforth, Jr., Rt. 2, Heppner, OR 97836; and one copy filed with the Water Resources Dept., 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 Dept. upon request.

Dated at Salem, Oregon this 7th day of December, 1978.

James E. Sexson  
Director

Published December 21, 28, 1978

January 4, 1979

ok  
208

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FEB 7 1979

WATER RESOURCES DEPT.  
SALEM, OREGON

99 lines



STATE OF OREGON

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INTEROFFICE MEMO DEC 8 1978

WATER RESOURCES DEPT.  
SALEM, OREGON

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: December 7, 1978.

FROM: \*\* William I. Porfily, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4094

IN THE NAME OF O.W. Cutsforth, Jr.

In my opinion the proposed change in point of appropriation from ground water  
MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY~~ to an existing water right.

Headgate notices HAVE ~~HAVE NOT~~ been issued for diversion from the sources which  
serves this right.

If for change in point of diversion, is there any intervening point of diversion  
between the authorized and the proposed points of diversion? No  
(yes or no)

In my opinion, the order approving the subject transfer application should include  
the following in regard to the appropriator installing suitable measuring devices  
in the diversion works:

- XX (1) PRIOR to the diverting of water at the new point of diversion . . .
- (2) When in the judgment of the watermaster it becomes necessary . . .

\* The approval of this transfer application would result in injury to other water  
rights because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\* William I. Porfily  
Watermaster's signature or initials



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: \_\_\_\_\_, 19\_\_.

FROM: \*\* William S. Bartholomew, Hydrogeologist

**RECEIVED**

NOV 20 1978

**WATER RESOURCES DEPT.  
SALEM, OREGON**

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4094

IN THE NAME OF O.W. Cutsforth, JR.

In my opinion the proposed change in point of appropriation from ground water MAY BE MADE WITHOUT INJURY ~~WOULD RESULT IN INJURY\*~~ to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which serves this right.

If for change in point of diversion, is there any intervening point of diversion between the authorized and the proposed points of diversion? NO WSB  
(yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
- (2) When in the judgment of the watermaster it becomes necessary . . .

\* The approval of this transfer application would result in injury to other water rights because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\* *Totalizing meters are required by Butte Creek Critical Area Order Dated May 23rd, 1978.*

\*\* Wm. S. Bartholomew  
Watermaster's signature or initials





*Water Resources Department*  
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 1-800-452-7813  
378-8508

June 18, 1980

Kottkamp and O'Rourke  
ATTENTION: Robert E. O'Rourke  
Attorneys-at-Law  
PO Box 490  
Pendleton, Oregon 97801

Dear Bob:

REFERENCE: Files numbered 21582, G-7014, & TR-4094

Besides sending you certificate 49208 and 20934 as requested in your May 27, letter regarding Fritz Cutsforth's Permit Number G-6514, I am also sending reduced copies of certificates 49209 and 49210. The latter two were the certificates issued subsequent to Transfer 4094.

I'm sorry I didn't send this additional information earlier; I was under the impression that you perhaps had the information regarding the transfer because of your dealings with Mr. Cutsforth. The largest part of the confusion that we've been dealing with results from the fact that Mr. Cutsforth filed the transfer three years after requesting Permit G-6514; therefore, the transfer dealt with the earlier ground water permits changing the point of appropriation to the identical well involved in G-6514. An inspection of the original application map with Permit G-6514 will show that it was filed as supplemental to the various other water rights. It is the application map for this permit that prompted my concern for the Sand Hollow Creek water being the primary source on the 4.8 acres in the NW 1/4 SE 1/4 Section 1. This was not shown as being a supplementary supply from the well at the time of the filing and I'm afraid that Mr. Cutsforth no longer irrigates this ground from Sand Hollow Creek. If that is the case, he should file an affidavit abandoning that portion of certificate 49208 so that we may make the certificate under Permit G-6514 as primary in that location.

The primary supply under Permit G-6514 in the NW 1/4 SE 1/4 should be 3 acres not the 13 that you mentioned in your letter. The map submitted with my May 21 letter for Transfer 4094 and Permit G-6514 is the correct final proof map and does not require any changes from it unless the 4.8 acres mentioned is to be modified by Mr. Cutsforth.

I hope this additional information will give you the full data regarding this filing so that we may have it concluded properly. Please let me know if I can be of any further assistance.

Sincerely,

BRUCE A. ESTES, Supervisor  
Survey/Certificate Section

BAE:kaa  
1326A

COPY



INFO: FRITZ CUTSFORTH. MR CUTSFORTH BOTH FLOOD  
IRRIGATES & SPRINKLES FROM WELL HE PUMPS INTO A  
12" STEEL MAIN WHICH IS FITTED WITH CHECK GATES  
AT REGULAR INTERVALS. HE HAS NOT COMPLETED HIS  
SYSTEM OF BURIED MAIN AND TO SPRINKLE THE  
NORTHERN  $\frac{2}{3}$  OF THE FIELD HE PUMPS FROM THE WELL  
INTO THE CREEK AND THEN PUMPS FROM THE CREEK TO  
THE SPRINKLERS AT TWO POINTS DOWNSTREAM  
WELL 4: DEPTH - 250 CASING - 12", SWL = 24' GPM 1200 MAX  
PUMP

MOTOR: US ELECTRIC 40HP @ 1800 RPM

SINGER TURBINE, 6" DISH.

BOOSTER PUMP: US MOTORS 20HP @ 3550 RPM

PACIFIC LOD, 6" x 5"

PIPE: APPROX 2000' 12" STEEL

1800' 8" P.V.C. BURIED

6000' 3" ALUM

HEADS: 150RB 30's  $\frac{5}{32}$ " x O, ALL MAX

LIFT: -5' to +5', MOSTLY +0

TIE: 372-105

372-62

DECEMBER 17, 1979

Umar Lu Church

FIELD ENGINEER

T-4094

RECEIVED  
NOV 13 1978  
WATER RESOURCES DEPT.  
SALEM, OREGON

AFFIDAVIT

STATE OF OREGON )  
County of Umatilla ) ss.

I, O. W. Cutsforth, Jr., also known as Fritz Cutsforth, having been duly sworn on oath depose and say that I am the owner of ground water Permit No. 6514. A portion of that Permit is for a primary ground water right and a portion of it is for a supplemental ground water right.

The supplemental portion is supplemental to the following ground water Certificates: No. 33764 and No. 33863. Both of those Certificates authorize appropriation from a well which is referred to as Well No. 1. The purpose of this Application is to transfer the point of diversion from Well No. 1 to the well described in Permit G-6514 (which well is referred to as Well No. 4).

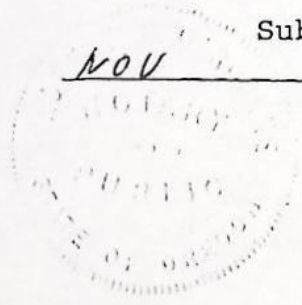
Simultaneous with the granting of this Application, I abandon the supplemental portion of Permit No. G-6514 and request and authorize the Oregon Water Resources Department to cancel the same.

O. W. Cutsforth, Jr.  
O. W. Cutsforth, Jr., also  
known as Fritz Cutsforth

Subscribed and sworn to before me this 8 day of NOV, 1978.

Robert E. Rourke  
Notary Public for Oregon

My commission expires: 11-18-81



(Note: original placed in file G-7014)

**STATE OF OREGON**  
 COUNTY OF MORROW  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** O. W. CUTSFORTH JR.

of Lexington, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of Sand Hollow Creek for the purpose of irrigation of 43.4 acres and supplemental irrigation of 4.4 acres

under Permit No. G-2760 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 24, 1964

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 0.60 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 1, T. 1 S., R. 26 E., W. M. Well located 1490 feet North and 2140 feet East from the S $\frac{1}{4}$  Corner, Section 1.

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-eightieth 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 3 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:

Primary 0.2 acre 14.3 acres 12.2 acres 5.9 acres  5.2 acres 5.6 acres	Supplemental  2.8 acres 1.6 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35 T. 1 N., R. 26 E., W. M.  Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ) Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) Section 1 T. 1 S., R. 26 E., W. M.
--	--	---

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 State Engineer, affixed

this date. April 26, 1967

.....CHRIS L. WHEELER.....  
 State Engineer

T-7094

**STATE OF OREGON**  
 COUNTY OF MORROW  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That O. W. CUTSFORTH**

of Lexington, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

37.6 a tributary of Sand Hollow Creek for the purpose of irrigation of 18.6 acres and supplemental irrigation of 19.0 acres

under Permit No. G-541 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 April 29, 1957

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 0.47 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 1, T. 1 S., R. 26 E., W. M. Well is located 1490 feet North and 2140 feet East from the S $\frac{1}{4}$  Corner, Section 1.

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-eightieth 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 3 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:

Primary	Supplemental	
13.9 acres	7.6 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$
	0.2 acre	SE $\frac{1}{4}$ NE $\frac{1}{4}$
1.1 acres		SE $\frac{1}{4}$ NW $\frac{1}{4}$
	2.4 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$
3.6 acres	8.8 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$
		Section 1
		T. 1 S., R. 26 E., W. M.

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 State Engineer, affixed

this date. March 13, 1967

.....CHRIS L. WHEELER.....  
 State Engineer