

4141 Huber & Bloodsworth

Name Harold S. Huber & James E. Bloodsworth

4141

By _____

Address Heppner-Lexington HighwayHeppner, Or. 97836Change in POD & POUDate filed Jan 23, 1979Date of hearing July 19, 1979Place of hearing HeppnerDate of order 12-20-79 Vol. 32, page 587Date for application of water 10-1-81Proof mailed FEB 28 1989

Proof received _____

Certificate issued MAY 25 1990 Vol. _____, page 64312

DESCRIPTION OF WATER RIGHT

Name of stream Willow CreekTrib. of _____ County of MorrowUse irrigationQuantity of water _____ No. of acres 90³⁵

Name of ditch _____

Date of priority 1883 & 1902In name of E. C. WardWillow Creek Adjudication, Vol. 1, page 27App. No. _____ Per. No. _____ Cert. No. 2024

Certificate cancelled _____

Notation made on record by _____

5-21-90 cert

FEES PAID

Date	Amount	Receipt No.
<u>1-22-79</u>	<u>60²⁵</u>	<u>8677 T-3945</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

exam 20²⁵
 POD 15⁰⁰
 POU 25²⁵
4025

REMARKS

T-3945March 20, 1990 PC sent

W.R.I.S.

Assembled 7-7-79 by SP

Entered _____ by _____

Verified _____ by _____

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

FINAL PROOF ON
SURFACE WATER

APPLICATION No. T-4141

PERMIT No. _____

INFO: NAME: Harold S. Huber & James S. Bloodsworth

ADDRESS: _____

TALKED TO: Mr Huber & Mr Bloodsworth

SOURCES: Willow Cr (Ditch Cr)

REMARKS: Some of Mr Bloodsworth's is not being irrigated. now
The both flood from the ditches

SYSTEM: _____

DIV. PT. Bloodsworth pump suction pipe with screen & ditch

Huber

"

"

"

"

"

METER: N/A

Huber

Bloodsworth

PUMP: MAKE: JACUZZI

BERKELEY

TYPE: CDD

CDD 500gpm@190

SUCTION SIZE: 4

5

DISCHARGE SIZE: 2 1/2

4

MODEL No.: _____

RATING: _____

MOTOR: MAKE: Century

Century

TYPE: elect

elect

HP: 5

30

RPM: 3500

3450

SPRINKLER SYSTEM: _____

MAINLINE NO. FEET: 1700

200 1000

SIZE: 3" & 4"

5 4

TYPE: ALUM

ALUM ALUM

LATERALS NO. FEET: 480

2640

3200

SIZE: 2

5

3

TYPE: HANDLINE

WHEELLINE

HANDLINE

SPRINKLERS NO. HEADS: 16

146

MAKE: RB 30

RB

NOZZLE SIZE: 3/16

3/16

MAXIMUM: 16

90 @ 60 PSI

IN OPERATION MEAN PRESSURE: _____

8'

MAXIMUM NO. OF HEADS: _____

LIST: SUCTION Huber +10 Bloodsworth +10

+30

DISCHARGE: +10

USE: Pasture, Hay

TIE: SURVEYED ON: 10/8/80

CORNER: _____

SURVEY COR. DES. _____

The land next to RR road is flood irr and the lawn is also irr. This is the land Huber reclaimed. The land in Sec 2 is not irr. what they were wondering was the priority date. V. Check 12-19-89

John R. [Signature]
WATER RIGHTS EXAMINER

DATE: 7-14-83

do w/T-4141

REPORT ON INSPECTION OF TRANSFER
OF WATER RIGHT FOR CHANGE IN:

~~POD~~
POU
USE
Add'l POD

7-14-82 vcc
10812

Transfer No. 3945

County Morrow

Old Certificate No. 135 (supl) 13535

1. Name Harold S. Huber + James E. Bloodworth

Address Rt 2, Box 2145, Heppner, OR 97836

2. Source of Water Willow Creek (Ditch) Trib of _____

3. Use ir

4. Amount of Water 0.5 cfs

5. Priority Date 1890 (7-10-1939)

6. Proposed Point of Diversion ⁵⁶⁰~~640~~' N + ⁴⁵⁰~~480~~' E from ^{SW}~~NW~~ Cor, S36,
W/in SW¹/₄ SW¹/₄, S36, T1S, R25E, Wm

Div. Pt 3 910' N & 140' E From Center Sec 1

7. Completion Date 10-1-81

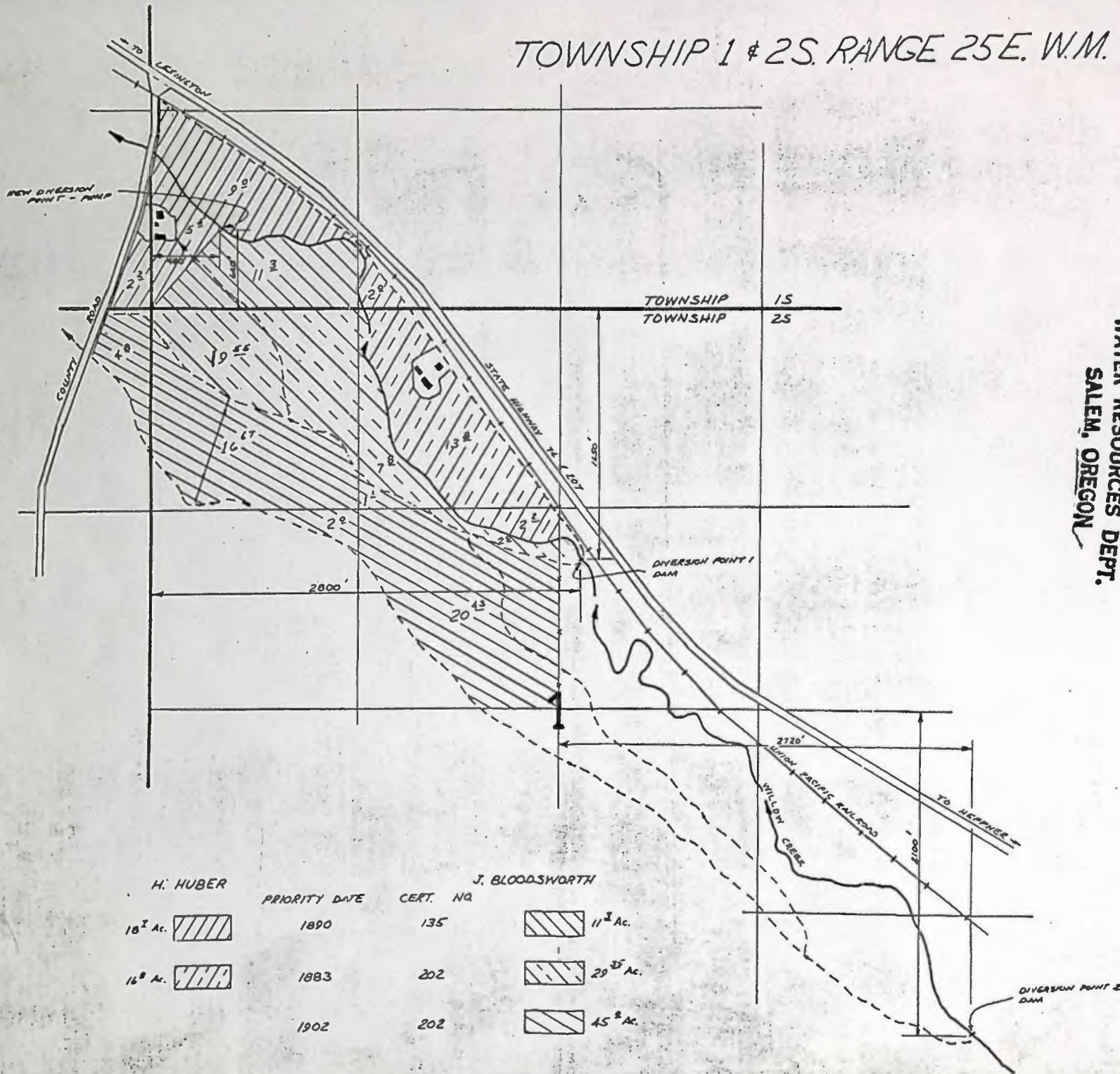
8. Place of Use:






Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
<u>15</u>	<u>25E</u>	<u>35</u>	<u>SE SE</u>	<u>2.2 ac 1²</u>
		<u>36</u>	<u>SW SW</u>	<u>25.8 23⁴</u>
		<u>36</u>	<u>SE SW</u>	<u>2⁰</u>
<u>25</u>	<u>25E</u>	<u>2</u>	<u>NE NE</u>	<u>2²</u>
<u>25</u>	<u>25E</u>	<u>1</u>	<u>NW NW</u>	<u>2²</u>
				<u>30⁰</u>

6-6-82 HE
16262 36215
T 1111

✓

TOWNSHIP 1 & 2S. RANGE 25E. W.M.



H. HUBER	PRIORITY DATE	CERT. NO.	J. BLOODSWORTH
18 ¹ Ac. 	1890	135	11 ¹ Ac. 
16 ⁸ Ac. 	1883	202	29 ³⁵ Ac. 
	1902	202	45 ² Ac. 

Scale 1" = 980'

RECEIVED

JUL 11 1978

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JAN 23 1979

APR 20 1979

WATER RESOURCES DEPT.
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION OF)
HAROLD S. HUBER & JAMES E. BLOODSWORTH)
FOR APPROVAL OF CHANGES IN PLACE OF)
USE & POINT OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4141

On January 23, 1979, an application was filed in the office of the Water Resources Director by Harold S. Huber and James E. Bloodsworth for approval of changes in place of use and point of diversion from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 202, Volume 1, State Record of Water Right Certificates, in the name of E.C. Ward, describes a right for the use of water from Willow Creek, being 0.76 cubic foot per second with a priority date of 1883 for irrigation of 45.35 acres and 0.75 cubic foot per second with a priority date of 1902 for irrigation of 45.0 acres, said lands being 23.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 36.22 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.23 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 29.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 2 South, Range 25 East, W.M. These lands also have a supplemental right described by the certificate recorded at page 13535, Volume 12 of said record, evidencing the right to use of water from Ditch Creek, with a priority date of July 10, 1939.

The authorized point of diversion on Willow Creek for said right with the priority date of 1883 is located 1650 feet South and 2800 feet East from the Northwest Corner of said Section 1, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 1; and the authorized point of diversion for said right with the priority date of 1902 is located 2100 feet South and 2720 feet East from the Center of said Section 1, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 2 South, Range 25 East, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use from 45.35 acres with the priority date of 1883 and, without loss of priority, to irrigate in lieu thereof a certain 21.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 19.55 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 1. The applicants also propose to change the place of use from 45.0 acres with the priority date of 1902 and, without loss of priority, to irrigate in lieu thereof a certain 1.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 16.67 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20.43 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1 and 4.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 2 South, Range 25 East, W.M. The applicants also propose to establish an additional point of diversion for irrigation of this 45.0 acres at the point located 1650 feet South and 2800 feet East from the Northwest Corner of said Section 1, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 1.

Notice of the application, pursuant to ORS 540.520(2), was published in the Gazette-Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of May 24 and 31 and June 7, 1979.

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 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 effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

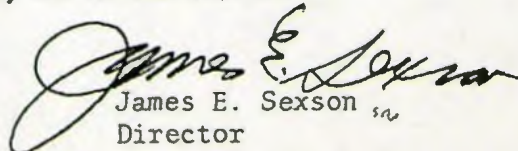
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 202, Volume 1, State Record of Water Right Certificates, is 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, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 20th day of December, 1979.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION OF)
HAROLD S. HUBER & JAMES E. BLOODSWORTH)
FOR APPROVAL OF CHANGES IN PLACE OF)
USE & POINT OF DIVERSION OF WATER)

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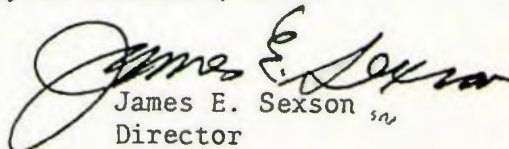
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

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Dated at Salem, Oregon this 20th day of December, 1979.


James E. Sexson
Director

STATE OF OREGON
COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HAROLD S. HUBER AND JAMES E. BLOODSWORTH
P.O. BOX 758
HEPPNER, OREGON 97836

confirms the right to use the waters of WILLOW CREEK, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 27.3 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for MORROW County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1, at Page 73. The date of priority is 1890.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.455 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 36, T 1 S, R 25 E, W.M., SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 1, T 2 S, R 25 E, W.M.; POD 1 - 560 FEET NORTH AND 450 FEET EAST FROM SW CORNER SECTION 36; POD 3 - 910 FEET NORTH AND 140 FEET EAST FROM THE CENTER $\frac{1}{4}$ CORNER OF SECTION 1.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-SIXTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season March 1 to September 1 of each year.

T-8627.VLC

Page 1 of 2

80055

1890
but
80055
[R/R
prop.]

RECEIVED

MAY 18 2006

WATER RESOURCES DEPT
SALEM, OREGON

A description of the place of use to which this right is appurtenant is as follows:

POD 1 POD 3
SE¼ SE¼ 1.6 ACRES 0.1 ACRE
 SECTION 35

SW¼ SW¼ 12.5 ACRES 10.4 ACRES
 SECTION 36

TOWNSHIP 1 SOUTH, RANGE 25 EAST, W.M.

NW¼ NW¼ 2.7 ACRES
 SECTION 1

TOWNSHIP 2 SOUTH, RANGE 25 EAST, W.M.

Certificate 64311 was issued for 0.4 acre more than was allowed under Certificate 135. The issuance of this superseding certificate correctly describes the place of use and acreage amounts.

This certificate correctly describes that portion of the water right confirmed by Certificate 64311, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered APR 23 2003, approving Transfer Application 8627.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,
affixed APR 23 2003


Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 80055.

T-8627.VLC

Page 2 of 2

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MAY 18 2006

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF MORROW
PERMIT TO APPROPRIATE THE PUBLIC WATERS

Well
Permit
&
Map

THIS PERMIT IS HEREBY ISSUED TO

HAROLD S. HUBER
BOX 758
HEPPNER, OREGON 97836

503-989-8107

to use the waters of A WELL in the WILLOW CREEK BASIN for PRIMARY AND SUPPLEMENTAL IRRIGATION OF 17.5 ACRES.

This permit is issued approving Application G-13363. The date of priority is APRIL 13, 1993. The use is limited to not more than 0.219 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

NE 1/4 NW 1/4, SECTION 1, T 2 S, R 25 E, W.M.; 2240 FEET NORTH AND 860 FEET WEST FROM THE CENTER 1/4 CORNER OF SECTION 1.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year. The period of allowed use for supplemental irrigation is March 1 through September 1. The period of allowed use for primary irrigation is September 1 through October 31.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under this permit is as follows:

SE 1/4 SW 1/4 1.9 ACRES
SECTION 36
TOWNSHIP 1 SOUTH, RANGE 25 EAST, W.M.
NE 1/4 NW 1/4 13.4 ACRES
SE 1/4 NW 1/4 2.2 ACRES
SECTION 1
TOWNSHIP 2 SOUTH, RANGE 25 EAST, W.M.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Application G-13363 Water Resources Department

PERMIT G-11794

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MAY 18 2006

WATER RESOURCES DEPT
SALEM, OREGON

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Actual construction work shall begin on or before August 12, 1995 and shall be completed on or before October 1, 1996. Complete application of the water shall be made on or before October 1, 1997.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for beneficial use of water without waste. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

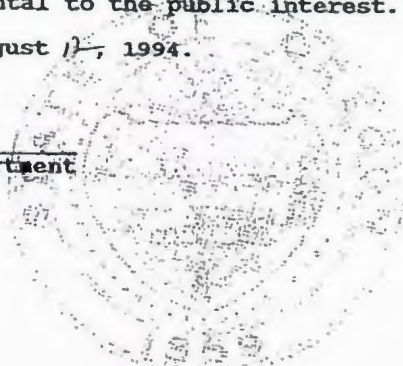
The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, August 12, 1994.

/s/ MARTHA O. PAGE

Water Resources Department
Martha O. Pagel
Director



Application G-13363
Basin 7

Water Resources Department
Vol. 4A WILLOW CR & MISC

PERMIT G-11794
District 5

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MAY 18 2006

WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Water Right Ownership Update

G-13363
T-4141
T-8627

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a Permit OR Water Right Certificate from the Water Resources Department is needed before using, diverting; or storing water [ORS 537-130]. However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department.

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

PROPERTY SELLER INFORMATION

Applicant: Harold Huber
First Last
Mailing address: PO Box 758
Heppner Oregon 97836-0758
City State Zip
Phone: (541) 676-8107
Home Work Other

PROPERTY BUYER INFORMATION

Applicant: Grinning Wolf LLC
First Last
Mailing address: PO Box 278
Heppner Oregon 97836-0278
City State Zip
Phone: (541) 989-8190
Home Work Other

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Morrow Township: 2S, 1S Range: 25E, Section: 36
Tax lot number(s): R08283, R08284, R09173, R09341, R01520

Metes & bounds description (or attach a copy of your property deed & tax lot map with the parcels highlighted):

See attached

Water Right Information (attach copy of water right permit or certificate & final proof map if available):

Application #: None Permit #: G-11794 Certificate #: 64312, 80055

Will all the lands associated with this water right be owned by the buyer? ☐ Yes ☒ No

Name of individual completing this form: C T Shattuck Phone: (541) 989-8190

Signature: C T Shattuck Date: 15 May 06

After Recording Return To:

KUHN & SPICER
P. O. BOX 428
HEPPNER, OR 97836

(Space Reserved for Recorder's Use)

WARRANTY DEED

Harold S. Huber and Delta H. Huber, husband and wife, Grantors, convey to Christopher T. Shattuck and Laurie A. Barrow, tenants in common, Grantees, all that real property situated in Morrow County, State of Oregon, described as:

See Exhibit 1 attached hereto and by this reference incorporated herein

and covenant that Grantors are the owners of the above described property, free of all encumbrances, except:

See Exhibit 2 attached hereto and by this reference incorporated herein

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$275,000.00

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930

RECEIVED

MAY 18 2006

WATER RESOURCES DEPT
SALEM, OREGON

Until a change is requested, all tax statements shall be sent to the following address:

Christopher T. Shattuck and Laurie A. Barrow,
Tenants in Common
56734 Hwy 74
Heppner, Oregon 97836

DATED this _____ day of January, 2005.

Harold S. Huber

Delta H. Huber

STATE OF OREGON)
)ss.
County of Morrow)
DATE: January _____, 2005.

Personally appeared before me Harold S. Huber and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
)ss.
County of Morrow)
DATE: January _____, 2005.

Personally appeared before me Delta H. Huber and acknowledged the foregoing instrument to be her voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

HUBER, HAROLD\LSK\WARRANTY DEED (HUBER TO SHATTUCK & BARROW) (01/04/05))

RECEIVED

MAY 18 2006

**WATER RESOURCES DEPT
SALEM, OREGON**

EXHIBIT 1

Township 1 South, Range 25, East of the Willamette Meridian, in the County of Morrow and State of Oregon

Section 36: SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPTING THEREFROM all that portion described as Partition Plat 2000-14 and Partition Plat 2002-14.

ALSO EXCEPTING THEREFROM that property described in Deed to the State of Oregon, by and through its State highway Commission, recorded as Microfilm No. M-4055, Morrow County Microfilm Records.

Township 2 South, Range 25, East of the Willamette Meridian, in the County of Morrow and State of Oregon.

Section 1: E $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ NE $\frac{1}{4}$ and that portion of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ lying Northerly and Easterly of the State Highway Right of Way.

EXCEPTING THEREFROM all that portion of the NW $\frac{1}{4}$ lying Southwesterly of the Natural Channel of Willow Creek.

ALSO EXCEPTING THEREFROM that portion described in Deed to the State of Oregon, by and through its State Highway Commission, recorded as Microfilm No. M-4463, Morrow County Microfilm Records.

HUBER, HAROLD/LSK/EXHIBIT 1 - WARRANTY DEED (HUBER TO SHATTUCK & BARROW) (01/06/05)

RECEIVED

MAY 18 2006

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT 2 EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Easements, encumbrances, or claims thereof, not shown by the public records reservations or exceptions in patents or in acts authorizing the issuance thereof, water rights, claims or title to water.
3. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose.
5. Any question which may arise due to the shifting or change in course of Willow Creek.
6. The rights of the public in roads and highways.
7. The assessment roll and the tax roll disclose that the within described premises were specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax, interest, and penalties thereon may be levied for the years in which the land was subject to the special land use assessment.
8. Right of Way for Electric Transmission and Distribution Lines, including the terms and provisions thereof, in favor of Pacific Power and Light Company, recorded January 29, 1947, in Book 50, Page 9, Morrow County Deed Records.
9. Right of Way of Electric Transmission and Distribution Lines, including the terms and provisions thereof, in favor of Pacific Power and Light Company, recorded March 14, 1952, in Book 55, Page 260, Morrow County Deed Records.
By instrument recorded April 16, 1964, in Book 70, Page 533, Morrow County Deed Records, the above right of way was assigned to Columbia Basin Electric Cooperative Association.
10. Indenture of Access, including the terms and provisions thereof, recorded February 14, 1973, as Microfilm No. M-5420, Morrow County Microfilm Records.

RECEIVED

MAY 18 2006

WATER RESOURCES DEPT
SALEM, OREGON

Exhibit 2
Page 1 of 2

11. Agreement of Priority, between Harold S. and Delta H. Huber and James E. and Barbara B. Bloodsworth, recorded July 11, 1978, as Microfilm No. M-13666, Morrow County Microfilm Records.
12. Right of Way for Electric Transmission and Distribution Lines, including the terms and provisions thereof, in favor of Columbia Basin Electric Cooperative Association, recorded December 22, 1986, as Microfilm No. M-27968, Morrow County Microfilm Records.
13. Easement, including the terms and provisions thereof, in favor of Jack Hentges and Patricia Hentges, recorded September 22, 1992, as microfilm No. M-39110, Morrow County Microfilm Records.
14. Agreement for Dam/Ditch use and Maintenance, recorded September 22, 1992, as Microfilm No. M-39111, Morrow County Microfilm Records.
15. Reservations, Conditions and Easements, including the terms and provisions thereof, recorded September 26, 1995, as Microfilm No. M-46112, Morrow County Microfilm Records.
16. Easement Deed and Agreement, between Union Pacific Railroad Company and Morrow County, including the terms and provisions thereof, recorded November 6, 1996, as Microfilm No. M-49401, Morrow County Microfilm Records.

By instrument recorded March 27, 1997, as Microfilm No. M-50698, Morrow County Microfilm Records, Morrow County partially assigns their interest in said Easement and Deed Agreement to Telephone Utilities of Eastern Oregon, Inc. dba PTI Communications.

17. Reservations, Conditions and Easements, including the terms and provisions thereof, recorded November 6, 1996, as Microfilm No. M-49402, Morrow County Microfilm Records.
18. Irrigation Ditch Easement, including the terms and provisions thereof, recorded April 8, 1998, as Microfilm No. M-53952, Morrow County Microfilm Records.
19. Access Easement, including the terms and provisions thereof, in favor of Schmidt Family Enterprises, Inc., recorded May 2, 2002, as Microfilm No. M-2002-4107, Morrow County Microfilm Records.
20. Encroachment and Use Easement, including the terms and provisions thereof, between Schmidt Family Enterprises, Inc. and Harold S. and Delta H. Huber, recorded May 2, 2002, as Microfilm No. M-2002-4108, Morrow County Microfilm Records.

HUBER, HAROLD\LSK\EXHIBIT 2 - WARRANTY DEED (HUBER, TO SHATTUCK & BARROW) (01/06/05)

RECEIVED

MAY 18 2006

WATER RESOURCES DEPT
SALEM, OREGON

Exhibit 2
Page 2 of 2

ABANDONED



GRINNING WOLF LLC

**PO BOX 278
HEPPNER, OR 97836**



9261

97301

U.S. POSTAGE
PAID
HEPPNER, OR
97836
MAY 16, 06
AMOUNT

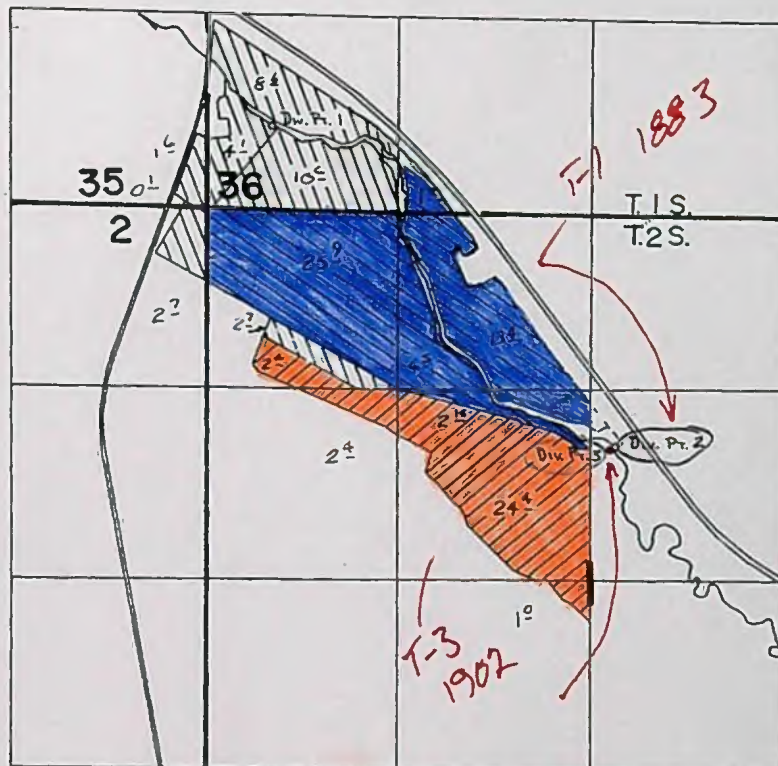
\$1.11
00025611-00

2-13363
2-8627
2-4141

Oregon Water Resources Dept.
725 Summer Street NE, Suite A
Salem, OR 97301-1271

COPY

T.1 & 2S., R. 25E., W. M.



Div. Pt. 1 Loc: 560' N. & 450' E. FROM SW COR. SEC. 36
* Div. Pt. 2 Loc: 920' N. & 160' E. FROM CENTER SEC. 1
* Div. Pt. 3 Loc: 910' N. & 140' E. FROM CENTER SEC. 1

FINAL PROOF SURVEY
UNDER

TRANSFER 4141, 3945

IN NAME OF

HAROLD S. HUBER & JAMES S. BLOODSWORTH

Surveyed July 14, 1983, by K.L. Church

T-1
1883 (T-4141)
1890 (T-3945)
1902 (T-4141)
T-2

Prop Cut
AE

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF MORROW.

Proposed
CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That ^{Harold S. Huber and James S. Bloodworth} ~~E. C. WARD,~~
 of ^{Box 2145, Heyner} Goldendale State of ^{Washington, Oregon 97836} has a right to the use of
 the waters of WILLOW CREEK, tributary to the Columbia River, in Morrow County,
 Oregon,

for the purpose of irrigation, (during the irrigation season)
 "7 75.55 acres

and that said right has been confirmed by decree of the Circuit Court of the State of
 Oregon for Morrow County, and the said decree entered of record at Salem,
 in the Order Record of the Board of Control of the State of Oregon, in Volume I, at
 page 73; that the priority of the right hereby confirmed dates from 1883 for tract 1
 the irrigation of forty-five and thirty-five hundredths (45.55) acres and from
 1902 for the irrigation of forty-five (45) acres;
 and tract 2

that the amount of water to which such right is entitled and hereby confirmed for the
 purpose aforesaid, is limited to an amount actually beneficially used for said pur-
 pose, and shall not exceed 0.76 cubic feet per second as of date 1883 and 0.75 cubic
 feet per second as of date 1902. if available at the original points of diversion;

SW 1/4 NE 1/4 E SE 1/4 SE 1/4, Section 1, T. 2 S., R. 25 E., W. M.

SW 1/4 NE 1/4, Section 1, T. 2 S., R. 25 E., W. M. 1/2 - 920' N 160' E, 1/3 - 910' N 140' E from center Sec 1,
 P.V. Point P.V. Point

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:

Twenty-three and nine-tenths (23.9) acres in NE 1/4 of NW 1/4; thirty-six and
 twenty-two-hundredths (36.22) acres in NW 1/4 of NW 1/4; one and twenty-three-hun-
 dredths (1.23) acres in SW 1/4 of NW 1/4; twenty-nine (29) acres in SE 1/4 of NW 1/4; Sec. 1, Tp.
 2 S. R. 25 E., W. M., in Morrow County, Oregon.

Tract 1

Diversion point 2

NE 1/4 NW 1/4 8.6 acres

SE 1/4 NW 1/4 2.2 acres

Diversion point 3

NE 1/4 NW 1/4 6.5 acres

NW 1/4 NW 1/4 25.9 acres

SE 1/4 NW 1/4 2.15 "

Section 1

Tract 2

Diversion point 3

NW 1/4 NW 1/4 2.4 acres

SW 1/4 NW 1/4 2.4 acres

SE 1/4 NW 1/4 24.9 "

NE 1/4 SW 1/4 1.0 "

Section 1

T. 2 S., R. 25 E., W. M.

30.2

The right to the use of the water aforesaid hereby confirmed is limited to the

3 clause

This certificate is issued to confirm a change in place of use and
 by an order of the Water Resources Director entered Dec 20, 1979 and
 supersedes certificate 202, State Record of Water Right
 Certificates.

The issuance of this superseding certificate does not confirm the
 status of the water right in regard to the provisions of ORS
 540.610 pertaining to forfeiture or abandonment.

(Seal of Board of Control)

Attest:

M. B. Wann,

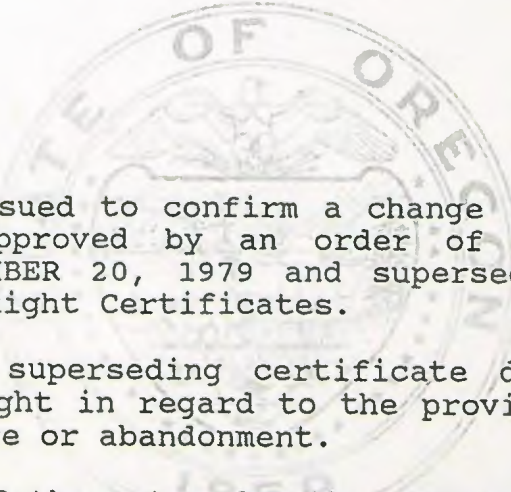
Secretary

Recorded in State Record of Water Right Certificates, Volume I, page 202

T-4141

*Range 2 EAST
should be
Range 25 EAST*

	<u>TRACT 1</u>	<u>TRACT 2</u>
SE 1/4 SW 1/4	1.9 ACRES	
SECTION 36		
TOWNSHIP 1 SOUTH, RANGE 2 EAST, W.M.		
NE 1/4 NW 1/4	19.9 ACRES	
NW 1/4 NW 1/4	25.9 ACRES	2.4 ACRES
SW 1/4 NW 1/4		2.4 ACRES
SE 1/4 NW 1/4	4.35 ACRES	24.4 ACRES
NE 1/4 SW 1/4		1.0 ACRE
SECTION 1		
TOWNSHIP 2 SOUTH, RANGE 25 EAST, 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 DECEMBER 20, 1979 and supersedes certificate 202, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed this date MAY 25, 1990.

/s/ WILLIAM H. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 64312

T-4141.BE

STATE OF OREGON
COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HAROLD S. HUBER AND JAMES S. BLOODSWORTH
ROUTE 2, BOX 2145
HEPPNER, OREGON 97836

confirms the right to use the waters of WILLOW CREEK, a tributary of COLUMBIA RIVER, for the purpose of IRRIGATING 82.25 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for MORROW County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 1, at page 73. The date of priority is 1883 FOR TRACT 1 AND 1902 FOR TRACT 2.

The right is limited to not more than 1.37 CUBIC FEET PER SECOND BEING 1883 FOR 0.76 CFS AND 1902 FOR 0.61 CFS, IF AVAILABLE AT THE ORIGINAL POINTS OF DIVERSION; SW 1/4 NE 1/4 & SE 1/4 SE 1/4, SECTION 1, T 2 S, R 25 E, W.M.

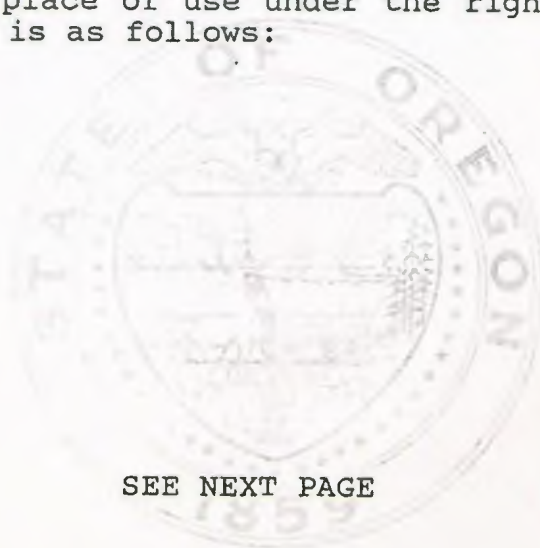
The points of diversion are located as follows:

SW 1/4 NE 1/4, SECTION 1, T 2 S, R 25 E, W.M.;
POINT 2 - 920 FEET NORTH & 160 FEET EAST; POINT 3 - 910 FEET NORTH & 140 FEET EAST BOTH FROM CENTER 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-SIXTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

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

SEE NEXT PAGE



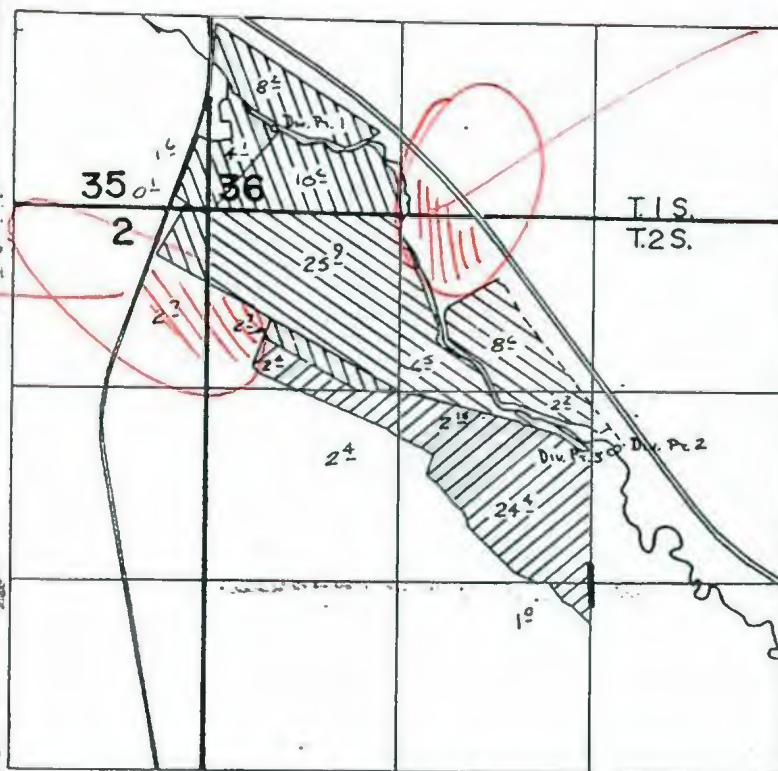
STEVE:-

HAROLD HUBER, 989-8107, phoned 3/17/89 and stated land omitted from survey. Wants new survey ASAP, I said sometime this summer. Have F.I. contact Both parties - Huber / Bloodsworth.

T.1 & 2S., R. 25E., W. M. *Yes*

Claims land in this area

claims land in this area



Div. Pt. 1 Loc: 560' N. & 450' E. FROM SW COR. SEC. 36

Div. Pt. 2 Loc: 920' N. & 160' E. FROM CENTER SEC. 1

Div. Pt. 3 Loc: 910' N. & 140' E. FROM CENTER SEC. 1




FINAL PROOF SURVEY
UNDER

TRANSFER 4141, 3945

IN NAME OF

HAROLD S. HUBER & JAMES S. BLOODSWORTH

Surveyed July 15, 1983, by *K.L. Church*

-  1883 (T-4141)
-  1890 (T-3945)
-  1902 (T-4141)

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION OF)
HAROLD S. HUBER & JAMES E. BLOODSWORTH)
FOR APPROVAL OF CHANGES IN PLACE OF)
USE & POINT OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4141

On January 23, 1979, an application was filed in the office of the Water Resources Director by Harold S. Huber and James E. Bloodsworth for approval of changes in place of use and point of diversion from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 202, Volume 1, State Record of Water Right Certificates, in the name of E.C. Ward, describes a right for the use of water from Willow Creek, being 0.76 cubic foot per second with a priority date of 1883 for irrigation of 45.35 acres and 0.75 cubic foot per second with a priority date of 1902 for irrigation of 45.0 acres, said lands being 23.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 36.22 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.23 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 29.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 2 South, Range 25 East, W.M. These lands also have a supplemental right described by the certificate recorded at page 13535, Volume 12 of said record, evidencing the right to use of water from Ditch Creek, with a priority date of July 10, 1939.

The authorized point of diversion on Willow Creek for said right with the priority date of 1883 is located 1650 feet South and 2800 feet East from the Northwest Corner of said Section 1, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 1; and the authorized point of diversion for said right with the priority date of 1902 is located 2100 feet South and 2720 feet East from the Center of said Section 1, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 2 South, Range 25 East, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use from 45.35 acres with the priority date of 1883 and, without loss of priority, to irrigate in lieu thereof a certain 21.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 19.55 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 1. The applicants also propose to change the place of use from 45.0 acres with the priority date of 1902 and, without loss of priority, to irrigate in lieu thereof a certain 1.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 16.67 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20.43 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1 and 4.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 2 South, Range 25 East, W.M. The applicants also propose to establish an additional point of diversion for irrigation of this 45.0 acres at the point located 1650 feet South and 2800 feet East from the Northwest Corner of said Section 1, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 1.

Notice of the application, pursuant to ORS 540.520(2), was published in the Gazette-Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of May 24 and 31 and June 7, 1979.

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 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 effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

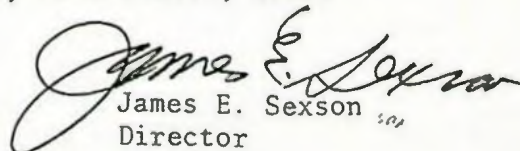
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 202, Volume 1, State Record of Water Right Certificates, is 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, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 20th day of December, 1979.


James E. Sexson
Director

WILLOW CR

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. 1000041411 PERMIT NO. 001027 CERTIF. NO.
ORIG. NO. 0000002021 PREV. NO. 0000002021 SUPER. NO.

NAME: HUBER & BLOODSWORTH

ADDRESS: HEPPNER - LEXINGTON HWY

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

25

STREAM-ID 07 2420

RIV. MI.

WM. DIST. 05 W.R. TYPE SC STATUS V

CANCEL YEAR---->

CONSTR. COMPLT--> 10 01 1981

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 12 31 1983

PUT TO USE-----> 10 01 1981

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION----> 01 23 1979

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 40.25

PERMIT ISSUE--> 12 20 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 12 20 1979

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

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

RIV. MI.

RATE

STATUS S OR P

0205 250E 01 A C 07 2420

0.760

V P

** REMARKS:----->
** DATED-->

POD @ 1650'S & 2800'E FM NW COR

S/L CHANGES POW PART OF C-202

BALANCE IN 1000041412

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

0205 250E 01 B A 25 1R 100 21.60

V

P

B B

19.55

B D

4.20

W.R.I.S.

Assembled 4-17-85 by SON

Entered by

Verified by

WILLOW CR

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. 1000041412 PERMIT NO. 001027 CERTIF. NO.ORIG. NO. 000002021 PREV. NO. 000002021 SUPER. NO.NAME: HUBER & BLOODSWORTHADDRESS: HEPPNER - LEXINGTON HWYCITY/STATE/ZIP/COUNTY: HEPPNER, OR 97836STREAM-ID 07.2420

RIV. MI.

WM. DIST. 05 W.R. TYPE SC STATUS V

CANCEL YEAR-->

CONSTR. COMPLT--> 10 01 1981

YR. LAST USED-->

NEXT ACTION DUE-->

PRIORITY--> 12 31 1983PUT TO USE--> 10 01 1981

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 01 23 1979

SURVEYED-->

EXAM. FEE--> 20.00

RECORDING FEE-->

40.25PERMIT ISSUE--> 12 20 1979

CONCURRENCE-->

CYCLE STATUS-->

REPORTED FLAG-->

CONSTR. STRT.--> 12 20 1979

CERTIFIED-->

CORRES. INIT.-->

CORRES. DATE-->

POINT-OF-DIVERSION DATA:

TWNSP RNGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

** REMARKS; - - - - -

** DATED-->

** POD: 1650'S & 2800'E FM NW COR** S/L CHANGES POD PART OF C-202.** BALANCE IN 1000041412** 1) 2100'S & 2720'E FM CENTER S/L.

PLACE-OF-USE DATA:

TWNSP RNGE SECT QTR/QTR CNTY

USE % CNSMTV

ACRES

STATUS S OR P

TWNSP	RNGE	SECT	QTR/QTR	CNTY	USE %	CNSMTV	ACRES	STATUS	S OR P
0205	250E	01	B	A	25	1R	100	1.10	V P
			B	D				16.67	
			B	D				1.55	
			B	D				2.00	
			B	D				4.20	
			B	D				20.43	
			B	D				4.80	

B D

16.67

B D

1.55

B D

2.00

02 A A

4.20

W.R.I.S.

Approved: 4-17-85 1,500

Entered: _____

Verified: _____ by _____

RECEIVED

APR 20 1979

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

JAN 23 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

RECEIVED

JUL 11 1978

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Harold S. Huber and James E. Bloodsworth

(Name of applicant)

of Heppner-Lexington Highway

(Mailing address)

989-8107

Heppner

(City)

State of Oregon

97836

(Zip Code)

676-9706

(Phone number)

, do hereby make application for change

Change in Point of Diversion and Change in place of use

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

1. Is the water right recorded in your name? No, E. C. Ward

(If not, give name)

2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings

(Yes or No)

Willow Creek Decree

number of certificate 202

3. Was your water right acquired by Water Right Permit? Yes If so, give number

(Yes or No)

of permit 202 Number of certificate 202

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 Willow Creek

5. What is the date of priority of your water right? 1883 and 1902

#1 1650

S

2800

E

NW

6. The authorized point of diversion is located #2 2100 ft. S and 2720 ft. E from the Center

(N. or S.)

(E. or W.)

corner of Sec. 1 being within the SW 1/4 NE 1/4 of Section 1 Tp. 2S R. 25E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Morrow The name of the ditch used is Don't

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

7. The proposed additional point of diversion is located 1650 ft. S and 2800 ft. E from the NW

(N. or S.)

(E. or W.)

corner of Sec. 1 being within the SW 1/4 NE 1/4 of Section 1 Tp. 2S R. 25E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Morrow The name of the ditch to be used is Don't

exam 2000
POU 2525
POU 1500
6025

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 1/4-1/4 of Section	Number Acres To Be Irrigated
2S	25E	1	NE 1/4 NW 1/4	23.9
			NW 1/4 NW 1/4	36.22
			SW 1/4 NW 1/4	1.23
			SE 1/4 NW 1/4	29.0
				90.35

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? Harold S. Huber is owner.....A.....
(If not owner, explain your interest)
portion of said lands are being purchased by James E. Bloodsworth.

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.? NO
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
<u>Mortgage</u>	<u>Farm Home Adm.</u>	<u>over \$10,000</u>

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 1/4-1/4 of Section	Number Acres To Be Irrigated		
2S	25E	1	NE 1/4 NW 1/4	(a) 13.8	(b) 7.8	(c) 1.1
		1	NW 1/4 NW 1/4		19.55	16.67
		1	SW 1/4 NW 1/4			2.0
		1	SE 1/4 NW 1/4	2.2	2.0	20.43
		2	NE 1/4 NE 1/4			4.8
See back page for explanation of (a), (b) and (c)				16.00	29.35	17.00

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are To make the Water Right
records show the agreement of Priority, Copy
Attached, and what is actually being practiced
We intend to use the supplemental Ditch
Creek Right Certificate 13535

15. Construction work will be completed on or before Oct. 1, 1979

16. The water will be completely applied to the proposed use on or before Oct. 1, 1980

Remarks When a Final Proof Survey of this Transfer is made; we wish both parties to
be contacted so that no acres granted to Eph. Eskelson and E.C. Ward in the Willow
Creek Decree are lost.

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, Harold S. Huber and James E. Bloodworth 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 29 day of June, 1978.

Harold S. Huber
James E. Bloodworth
(Name of applicant)

Subscribed and sworn to before me this 29 day of June, 1978.

[Notarial Seal]

William J. Porfily
NOTARY PUBLIC FOR OREGON

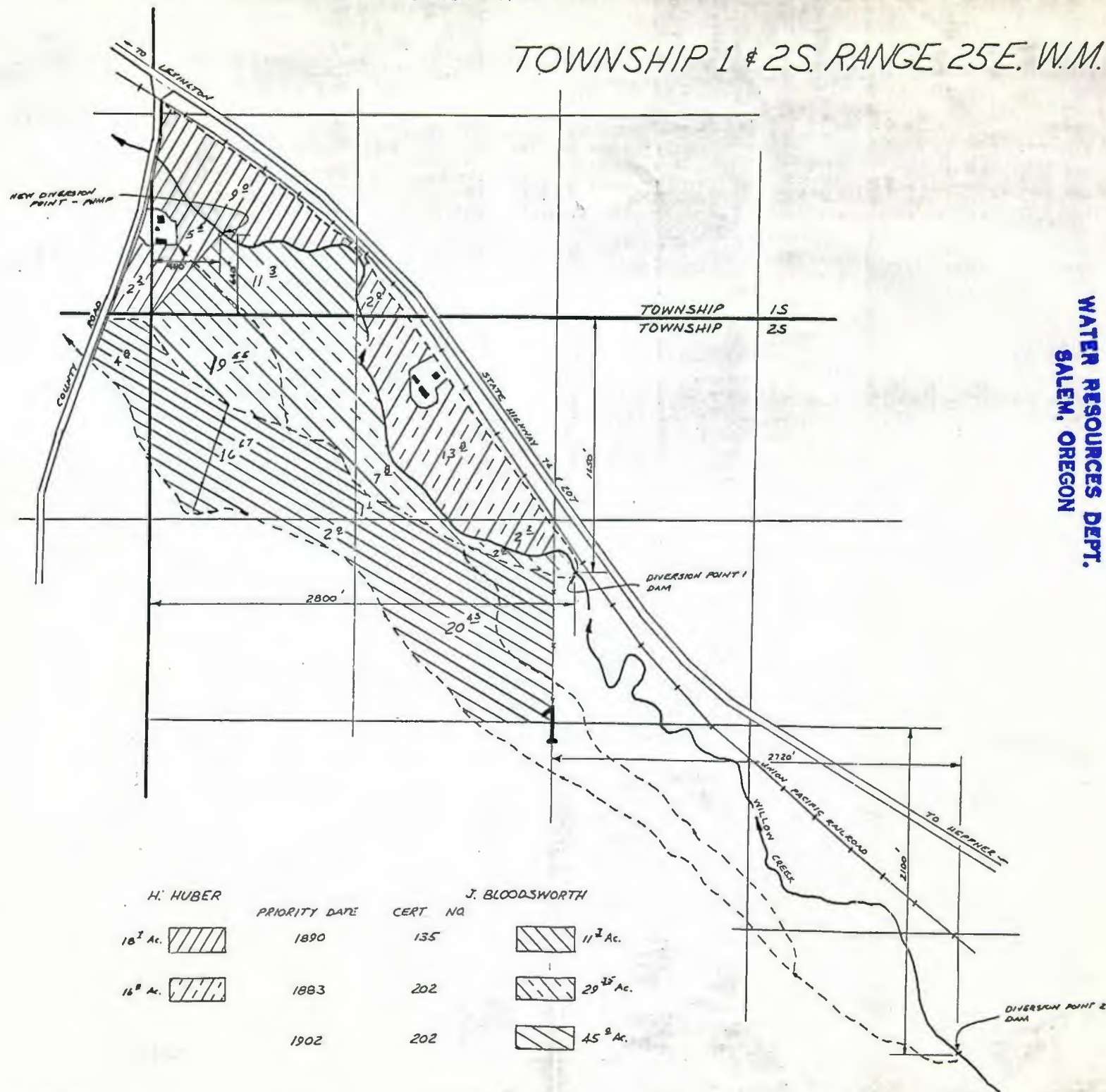
My commission expires Jan 7, 1980

- (a) Proposed place of use of water with the date of priority of 1883 to be irrigated solely from point of diversion number 1. (Lands owned by Harold S. Huber).
- (b) Proposed place of use of water with the date of priority of 1883 to be irrigated solely from point of diversion number 1. (Land owned by Harold S. Huber and being purchased by James E. Bloodsworth).
- (c) Proposed place of use of water with the date of priority of 1902 to be irrigated from point of diversion number 2 and an additional point at point of diversion number 1. (lands owned by Harold S. Huber and being purchased by James E. Bloodsworth).

U. S. DEPT. OF AGRICULTURE



TOWNSHIP 1 & 2S. RANGE 25E. W.M.



RECEIVED

JAN 23 1979

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

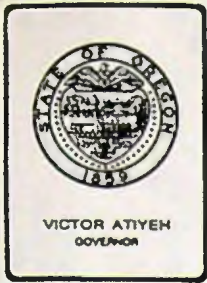
JUL 11 1978

WATER RESOURCES DEPT.
SALEM, OREGON

APR 20 1979

WATER RESOURCES DEPT.
SALEM, OREGON

T-3945 & T-4141



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066 or
1-800-452-7813

October 15, 1981

Harold S. Huber and James E. Bloodsworth
Route 2, Box 2145
Heppner, OR 97836

REFERENCE: Files T- 3945 and T-4141

The Notice of Completion of Works and Use of Water under the provisions of the order of the Water Resources Director approving Water Right Transfer Applications 3945 and 4141, for changes in place of use and point of diversion of water from Willow Creek, was received and, in line with the general practice of this office, a survey will be made at a later date.

After the survey, proof may be made and certificate of water right issued covering the actual use of water as found by the engineer. (In case of irrigation, any lands described in the order that have not been irrigated will be automatically eliminated from the water right.)

In the meantime, the orders will be evidence of the water rights in question as long as the authorized beneficial use of water is continued.

Sincerely,

LUCILLE C. JENSEN
Secretary
Transfer Section

LCJ:wpc
cc: Steven P. Applegate, Watermaster
0647A
7372A

COPY

RECEIVED

OCT 5 1981

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

place of use & point of diversion from Willow Creek
PURSUANT TO TRANSFER APPLICATION NO. 4141

I, Harold D. Heiber James Bloodworth hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by 10-1-81, 19 .

9-30-81

Date

Harold D. Heiber

Signature

James Bloodworth

(Mail to the Water Resources Department, Salem, Oregon 97310.)

ok
Jcy



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

December 21, 1979

Harold S. Huber and
James E. Bloodsworth
Route 2, Box 2145
Heppner, Oregon 97836

RE: Files Nos. T-3945, T-4141

Gentlemen:

Enclosed are certified copies of the orders of the Water Resources Director approving water right transfer applications Nos. 3945 and 4141 for changes in place of use and point of diversion of water from Willow Creek.

The time in which to accomplish completion of the works and beneficial use of the water to the extent intended, as authorized by the order, expires October 1, 1981. A form for reporting such completion of works and use of water is enclosed for your convenience.

You should give particular attention to the time limit for carrying out the change authorized by the enclosed order. The water right for any portion of an authorized change in use therefore made or change in place of use NOT carried out within the time allowed, or within an extension thereof, will be lost. An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj
cc: Steven P. Applegate, Watermaster

C O P Y



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

November 26, 1979

James E. Bloodsworth
Heppner-Lexington Highway
Heppner, Oregon 97836

RE: Files Nos. T-3945, T-4141

Dear Mr. Bloodsworth:

We cannot complete your water right transfer applications Nos. 3945 and 4141 until we receive the additional recording fee of \$7.20, as stated in our letters of June 20, and September 19, 1979.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

September 19, 1979

James E. Bloodsworth
Heppner-Lexington Highway
Heppner, Oregon 97836

RE: Files Nos. T-3945, T-4141

Dear Mr. Bloodsworth:

We are still holding approval of your water right transfer applications Nos. 3945 and 4141 pending receipt of the additional recording fee of \$7.20, as stated in our letter of June 20, 1979.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

September 17, 1979

Gazette-Times
P.O. Box 337
Heppner, Oregon 97836

RE: File No. T-3945, T-4141

Gentlemen:

Enclosed is our check No. 3782 in the amount
of \$77.20 in payment of your statement.

Please receipt the enclosed statement and
return it to this office. Thank you.

Sincerely,

Samuel R. Allison
Supervisor
Transfer Section

SRA:lcj

COPY



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

June 20, 1979

Harold S. Huber and
James E. Bloodsworth
Heppner-Lexington Highway
Heppner, Oregon 97836

RE: Files Nos. T-3945, T-4141

Gentlemen:

The statutory fees and the cost of publication of notice, necessary to your water right transfer applications Nos. 3945 and 4141, amount to a total of \$182.45. The total of payments received in connection with the applications totaled \$175.25.

Please submit the additional \$7.20.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

June 15, 1979

Gazette-Times
Box 337
Heppner, Oregon 97836

RE: Files Nos. T-3945, T-4141

Gentlemen:

We have received your affidavit of publication regarding transfer applications Nos. 3945 and 4141; however, your statement was not received. If you will submit the statement for this service, it will be forwarded to our bookkeeper for payment.

Sincerely,

James W. Carver, Jr.
Engineer

JWC:lcj



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: May 21, 1979.

FROM: ** William I. Porfily, Watermaster

RECEIVED

MAY 24 1979

WATER RESOURCES DEPT.
SALEM, OREGON

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4141

IN THE NAME OF Harold S. Huber & James E. Bloodsworth

In my opinion the proposed changes in place of use & point of diversion from Willow Creek
MAY BE MADE WITHOUT INJURY ~~WILL BE MADE WITHOUT INJURY~~* to an existing water right.

Headgate notices ~~WILL~~ 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:

- (1) PRIOR to the diverting of water at the new point of diversion . . .
XX (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 _____

**

W I Po
Watermaster's signature or initials



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

May 14, 1979

Gazette-Times

P.O. Box 337

Heppner, Oregon 97836

RE: Files Nos. T-3945, T-4141

Gentlemen:

Enclosed is a notice for publication in the May 24 and 31;
and June 7, 1979 issues of your newspaper.

If, for any reason, the notice cannot be published on the
three dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication
and statement for this service to this office.

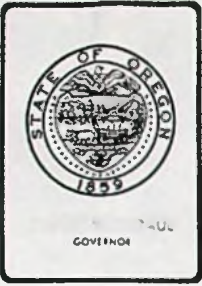
Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj

cc: Harold S. Huber & James E. Bloodsworth

cc: William I. Porfily, Watermaster



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

April 3, 1979

James E. Bloodsworth and
Harold S. Hubler
Heppner-Lexington Highway
Heppner, Oregon 97836

RE: Files Nos. T-3945, T-4141

Gentlemen:

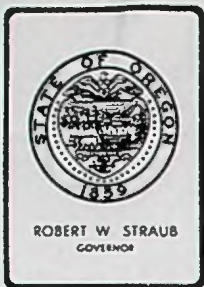
Your pending water right transfer applications Nos. 3945 and 4141 to change the place of use and point of diversion of water from Willow Creek were returned to you on January 31, 1979, for additional information. It appears from the file that we have not heard from you in regard to the matters since then.

Will you please advise us of the action you wish taken. If you are no longer interested in the changes proposed by the applications, we will close the files and refund unearned fees.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

January 31, 1979

Harold S. Huber &
James E. Bloodsworth 676-9706
Heppner-Lexington Highway
Heppner, Oregon 97836

RE: File No. T-4141, T-3945

Gentlemen:

Your water right transfer application No. 3945 and additional water right transfer application, which has been assigned number 4141, were received with their supporting maps and fees of \$80.84. Our receipt No. 8677 is enclosed. The assignment of an undivided interest in and to transfer No. 3945 to James E. Bloodsworth was also received.

As mentioned in my earlier correspondence, it will be necessary for you to complete items No. 10, 11, 12, 14, 15 and 16 on both applications. If there are any encumbrances, it will be necessary to submit statements from the holders of the encumbrances advising that they are in agreement with your proposed changes in place of use.

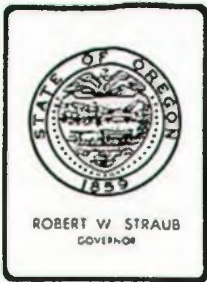
According to our records, the acreage presently covered by the primary rights described by certificates 135 and 202 are also covered by the supplemental right to the use of water from Ditch Creek described by certificate 13535. If it is also intended to use the supplemental supply from Ditch Creek at the proposed places of use, this must be noted in the remarks section of your applications.

I am returning both applications and their supporting maps for completion.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj
cc: William I. Porfily, Watermaster



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

T-4141

July 17, 1978

Harold S. Huber and
James E. Bloodsworth
Heppner-Lexington Highway
Heppner, Oregon 97836

RE: File No. T-3945

Gentlemen:

Your two water right transfer applications were received, along with the supporting maps and the agreement of priority.

Since it is necessary to submit two separate applications, additional fees will also be required. The examination fee for two applications is \$40.00, and the total recording fees are \$65.25. We will also need a deposit of \$70.00 to cover the cost of publication of the proposed changes in a newspaper printed and having general circulation in Morrow County. We have received \$94.41; therefore, an additional \$80.84 should be submitted.

It will be necessary for you to complete items No. 10, 11, 12, 14, 15 and 16 on both applications. If there are any encumbrances, it will also be necessary to submit statements from the holders of the encumbrances advising that they are in agreement with your proposed changes.

Since the applications are now in both names, the enclosed assignment must be dated and signed by Harold S. Huber and returned with the applications to provide for assigning part interest in transfer No. 3945 to James E. Bloodsworth.

I am also enclosing both transfer applications and the supporting maps.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj
cc: William I. Porfily, Watermaster

NOTICE OF WATER RIGHT TRANSFER APPLICATIONS NOS. 3945 & 4141

Notice is given hereby that applications have been filed in the office of the Water Resources Director by Harold S. Huber & James E. Bloodsworth for approval of changes in place of use & points of diversion of water from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 135, Volume 1, State Record of Water Right Certificates, in the name of Eph Eskelson, describes a right for the use of not to exceed 0.5 cubic foot per second from Willow Cr. for irrigation of 28.0 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ & 2.0 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 36, T 1S, R 25E, WM, with a date of priority of 1890.

These lands also have a supplemental right described by certificate recorded at page 13535, Volume 12 of said record, evidencing the right to use of water from Ditch Cr. with a date of priority of July 10, 1939.

The authorized point of diversion on Willow Cr. for the lands above described is located 1650 ft S & 2800 ft E from the NW Corner of Sec 1, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 1, T 2S, R 25E, WM.

By transfer application No. 3945, the applicants herein propose to change the place of use from said lands in Sec 36 and, without loss of priority, to irrigate in lieu thereof a certain 2.2 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 35, 25.8 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ & 2.0 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 36, T 1S, R 25E, WM. The applicants herein also propose to establish an additional p.o.d. for irrigation of said 2.2 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 35; & a certain 14.5 ac of said 25.8 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 36 at a point located 640 ft N & 480 ft E from the NW Corner of Sec 1, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 36, T 1S, R 25E, WM.

The certificate recorded at page 202, Volume 1 of said record, in the name of E.C. Ward, describes a right for use of water from Willow Cr., being 0.76 c.f.s. with a date of priority of 1883 for irrigation of 45.35 ac and 0.75 c.f.s. with a date of priority of 1902, for irrigation of 45.0 ac, said lands being 23.9 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 36.22 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.23 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$ & 29.0 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 1, T 2S, R 25E, WM. These lands also have the supplemental right described by said certificate 13535.

The authorized point of diversion on Willow Cr. for said right with the date of priority of 1883 is located 1650 ft S & 2800 ft E from the NW Corner of said Sec 1, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec 1; and the authorized p.o.d. for said right with the date of priority of 1902 is located 2100 ft S & 2720 ft E from the Center Corner of said Sec 1, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec 1.

By transfer application No. 4141, the applicants herein propose to change the place of use from 45.35 ac of the lands above described in said Sec 1, with the date of priority of 1883 and, without loss of priority, to irrigate in lieu thereof a certain 21.6 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 19.55 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$ & 4.2 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec 1. The applicants herein also propose to change the place of use from 45.0 ac of the lands above described in said Sec 1 with the date of priority of 1902 and, without loss of priority, to irrigate in lieu thereof a certain 1.1 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 16.67 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.0 ac in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20.43 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 1 and 4.8 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 2, T 2S, R 25E, WM. The applicants herein also propose to establish an additional p.o.d. for irrigation of this 45.0 ac at the point located 1650 ft S & 2800 ft E from the NW Corner of said Sec 1, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec 1.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Heppner, Oregon on July 19, 1979 at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time & place. Any and all objections shall be prepared in writing: one copy to be served on Harold S. Huber & James E. Bloodsworth, Heppner-Lexington Hwy, Heppner, OR 97836; 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 Dept. upon request.

Dated at Salem, Oregon this 14th day of May, 1979.

James E. Sexson, Director

STATE OF OREGON
COUNTY OF MORROW
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, That MORROW COUNTY, OREGON, a municipal corporation, whose address is Heppner, 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 DITCH CREEK, a tributary of the North Fork of the John Day River for the purpose of IRRIGATION under Permit No. 14006 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 July 10, 1939; 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 the quantity available at the point of diversion from Ditch Creek, pursuant to the provisions of Chapter 324, Oregon Laws of 1939.

The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 5 South, Range 28 East, W. M.

The water described in this certificate is to be diverted to the channel of Willow Creek, a tributary of the Columbia River, to be used for irrigation throughout the Willow Creek Valley by augmenting the flow of Willow Creek to supply existing rights, for such time as its use shall be for the public interest; provided that if the water shall not be used under this certificate for a period of five years, the certificate shall expire, pursuant to the provisions of Chapter 324, Oregon Laws of 1939.

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 1st day of May, 1941.

CHAS. E. STRICKLIN

JUL 11 1978
WATER RESOURCES DEPT.
SALEM, OREGON

TOWNSHIP 1 & 2S. RANGE 25E. W.M.






To be irrig. from
Div. Pt. #1 & New Div. Pt. (Add)

To be irrig from
Div. Pt. #1

To be irrig from
Div. Pt. #1

To be irrig from
Div. Pt. #2 & Div. Pt.
#1 (Add)

H. HUBER		J. BLOODSWORTH	
PRIORITY DATE	CERT. NO.	PRIORITY DATE	CERT. NO.
18 ¹ Ac.	1890	135	11 ¹ Ac.
16 ⁰ Ac.	1883	202	29 ²⁵ Ac.
	1902	202	45 ⁸ Ac.

H. HUBER		J. BLOODSWORTH	
	PRIORITY DATE	CERT. NO.	
10 ¹ Ac. 	1890	135	 11 ¹ Ac.
16 ⁰ Ac. 	1883	202	 29 ³⁵ Ac.
	1902	202	 45 ⁸ Ac.

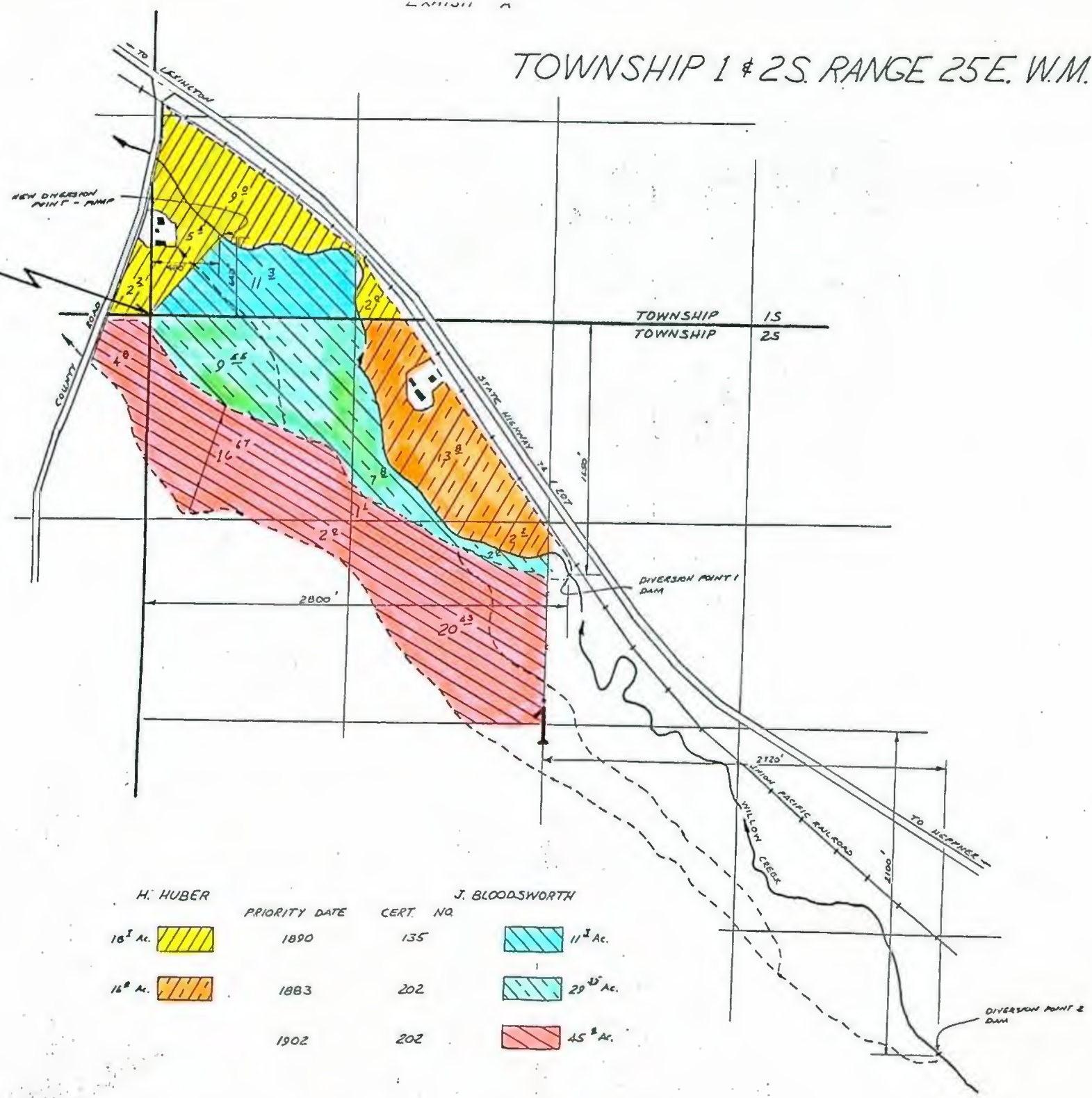
5-1-1" 9000'

RECEIVED

JUL 11 1978

WATER RESOURCES DEPT.
SALEM, OREGON

TOWNSHIP 1 & 2S. RANGE 25E. W.M.



35 36
2 1

H. HUBER		J. BLOODSWORTH	
	PRIORITY DATE	CERT. NO.	
16 1/2 Ac. [yellow box]	1890	135	11 1/2 Ac. [cyan box]
16 8/10 Ac. [orange box]	1883	202	29 45/100 Ac. [light blue box]
	1902	202	45 8/10 Ac. [red box]

Scale 1" = 990'

RECEIVED

JAN 23 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, James E. Bloodsworth

(Name of applicant)

of Heppner-Lexington Highway

(Mailing address)

Heppner

(City)

State of Oregon

97836

(Zip Code)

676-9706

(Phone number)

, do hereby make application for change

Place of use and additional 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? No, Eph. Eskelson and E.C. Ward

(If not, give name)

2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings

(Yes or No)

Willow Creek Decree December 12, 1910

number of certificate 135 and 202

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

(Yes or No)

of permit Number of certificate

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 Willow Creek, Tributary of Columbia River

5. What is the date of priority of your water right? 1890, 1883 and 1902

#1 1650

S

2800

E

NW

6. The authorized point of diversion is located #2 2100 ft. S and 2720 ft. E from the Center

(N. or S.)

(E. or W.)

SW

NE

corner of Section 1 being within the SE 1/4 SE 1/4 of Section 1 Tp. 2S R. 32E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Morrow The name of the ditch used is

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

7. The proposed point of diversion is located 1650 ft. S and 2800 ft. E from the NW

(N. or S.)

(E. or W.)

corner of Section 1 being within the SW 1/4 NE 1/4 of Section 1 Tp. 2S R. 32E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Morrow The name of the ditch to be used is

A pump has been placed at Diversion No. 1 to serve land that was served from Diversion No. 2.

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 1/4-1/4 of Section	Number Acres To Be Irrigated
Cert. 202 2S	25E	1	NE 1/4 NW 1/4	23.9
2S	25E	1	NW 1/4 NW 1/4	36.22
2S	25E	1	SW 1/4 NW 1/4	1.23
2S	25E	1	SE 1/4 NW 1/4	29.00
Cert. 135 1S	25E	36	SW 1/4 SW 1/4	38.00
1S	25E	36	SE 1/4 SW 1/4	2.00

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? No. I am purchasing a portion.
See Remarks and other attached material for clarification. (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.? No
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
Mortgage	R.H.A.	over \$10,000

13. The use to which the water is to be applied is Irrigation
(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 1/4-1/4 of Section	Number Acres To Be Irrigated
Cert. 202 1S	25E	36	SW 1/4 SW 1/4	11.3
Cert. 135 2S	25E	1	NE 1/4 NW 1/4	8.9
2S	25E	1	NW 1/4 NW 1/4	36.22
2S	25E	1	SW 1/4 NW 1/4	2.0
2S	25E	1	SE 1/4 NW 1/4	22.0
2S	25E	2	NE 1/4 NE 1/4	4.8

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are to make the water right records show the agreement of Priority, copy attached, and what is actually being practiced

15. Construction work will be completed on or before completed

16. The water will be completely applied to the proposed use on or before October 1, 1979

Remarks When a Final Proof survey of this Transfer is made, we would like it to be done at the same time as the Transfer of Harold S. Huber. Both parties wish to be contacted so as not to lose any of the acres granted to Eph. Eskelson and E.C. Ward in the Willow Creek Decree between this Transfer and the one for Huber.

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, James E. Bloodsworth, 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 20 day of April, 1978

James E. Bloodsworth
(Name of applicant)

Subscribed and sworn to before me this 20 day of April, 1978.

[Notarial Seal]

William L. Poffely
NOTARY PUBLIC FOR OREGON

My commission expires 7 JAN. 1980

AGREEMENT OF PRIORITY

RECEIVED
JAN 23 1979
WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON,

County of Morrow

We, Harold S. and Delta H. Huber and James E. and Barbara B. Bloodsworth,
being first duly sworn depose and say; that we are the owners of the real property
to which certain water rights were allowed by decree of the Circuit Court of the
State of Oregon for Morrow County, dated December 12, 1910, in the matter of the
determination of the Relative Rights to the Waters of Willow Creek, and its Tributaries,
Tributary to the Columbia River, in Gilliam and Morrow Counties, Oregon, tabulated in
the names of Eph. Eskelson, and E. C. Ward, for appropriation of the waters of Willow
Creek with dates of relative priority of 1890 for .5 cubic feet per second, 1883 for
.76 cubic feet per second for the irrigation of certain 120.35 acres in Section 36,
Township 2 South, Range 25 East W.M. as described by the certificates recorded at
pages 135 and 202, Volume 1, State Records of Water Rights Certification, is appurtenant;

that the land to which each of the three dates of relative priority apply
are as shown by Exhibit "A" attached.

This agreement shall be binding upon the undersigns, and heirs and assigns.

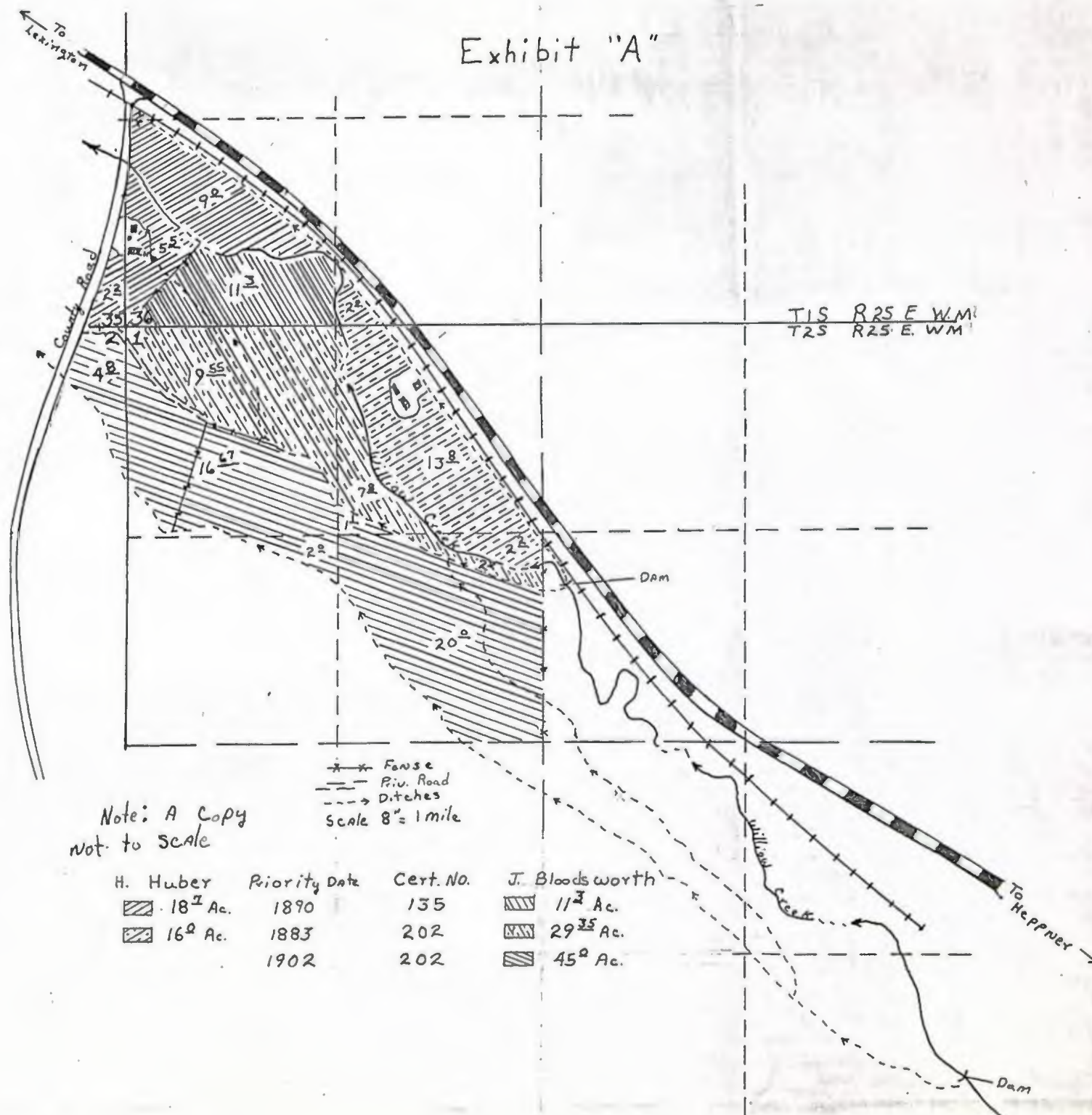
In Witness Whereof, we have hereunto set our hands this 20 day of April, 1978

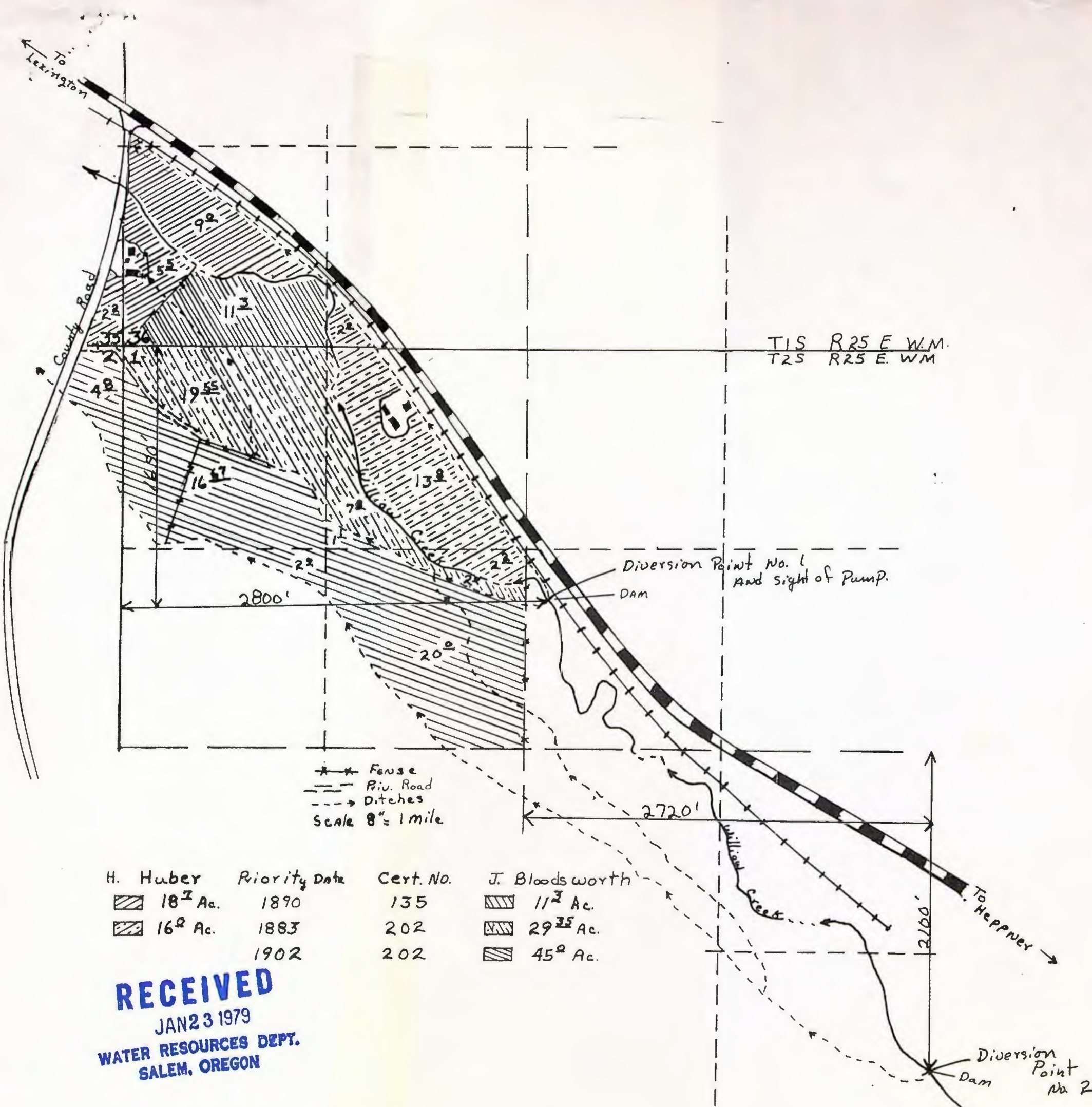
Harold S. Huber
Delta H. Huber
James E. Bloodsworth
Barbara B. Bloodsworth

Subscribed and sworn before me this 20 day of April, 1978.

William L. Poffly
My commission expires Jan 7, 1980

Exhibit "A"





RECEIVED

JAN 23 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Harold S. Huber

(Name of applicant)

of Heppner-Lexington Highway

(Mailing address)

Heppner

(City)

State of Oregon

97836

(Zip Code)

676-9706

(Phone number)

, do hereby make application for change

Place of use and 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? No. Eph. Eskelson and E.C. Ward

(If not, give name)

2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings

(Yes or No)

Willow Creek Decree December 12, 1910

number of certificate 135 and 202

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

(Yes or No)

of permit Number of certificate

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 Willow Creek, Tributary of Columbia River

5. What is the date of priority of your water right? 1890, 1883 and 1902

#1 1650

S

2800

E

NW

6. The authorized point of diversion is located #2 2100 ft. S and 2720 ft. E from the Center

SW

NE

(N. or S.)

(E. or W.)

corner of Section 1 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1 Tp. 2S R. 32E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Morrow The name of the ditch used is

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

7. The proposed point of diversion is located 640 ft. N and 480 ft. E from the NW

(N. or S.)

(E. or W.)

corner of Section 1 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36 Tp. 1S R. 25E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Morrow The name of the ditch to be used is a pump has been placed
at Diversion No. 1 to serve land that was served from Diversion No. 2.

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 1/4-1/4 of Section	Number Acres To Be Irrigated
202	2S	25E	1	NE1/4 NW1/4	23.9
	2S	25E	1	NW1/4 NW1/4	36.22
	2S	25E	1	SW1/4 NW1/4	1.23
	2S	25E	1	SE1/4 NW1/4	29.00
135	1S	25E	36	SW1/4 SW1/4	28.00
	1S	25E	36	SE1/4 SW1/4	2.00

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? No, I am selling a portion. See
remarks and other attached material for clarification. (If not owner, explain your interest)

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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, in-
cluding taxes, mortgages, liens, etc.? Yes
(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
(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 1/4-1/4 of Section	Number Acres To Be Irrigated
1S	25E	36	SW 1/4 SW 1/4	14.5
1S	25E	36	SE 1/4 SW 1/4	2.0
1S	25E	35	SE 1/4 SE 1/4	2.2
2S	25E	1	NE 1/4 NW 1/4	13.8
2S	25E	1	SE 1/4 NW 1/4	2.2

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are To make the Water Right records show the
agreement of Priority, copy attached, and what is actually being practiced.

15. Construction work will be completed on or before Completed

16. The water will be completely applied to the proposed use on or before October 1, 1979

Remarks When a Final Proof survey of this Transfer is make we would like it to be
done at the same time as the Transfer of James E. Bloodsworth. Both parties wish to be
contacted so as to not lose any of the acres granted to Eph. Eskelson and E.C. Ward in
the Willow Creek Decree between this Transfer and the Transfer of Bloodsworth.

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, Harold S. Huber, 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 20 day of April, 1978.

Harold S. Huber
(Name of applicant)

Subscribed and sworn to before me this 20 day of April, 1978

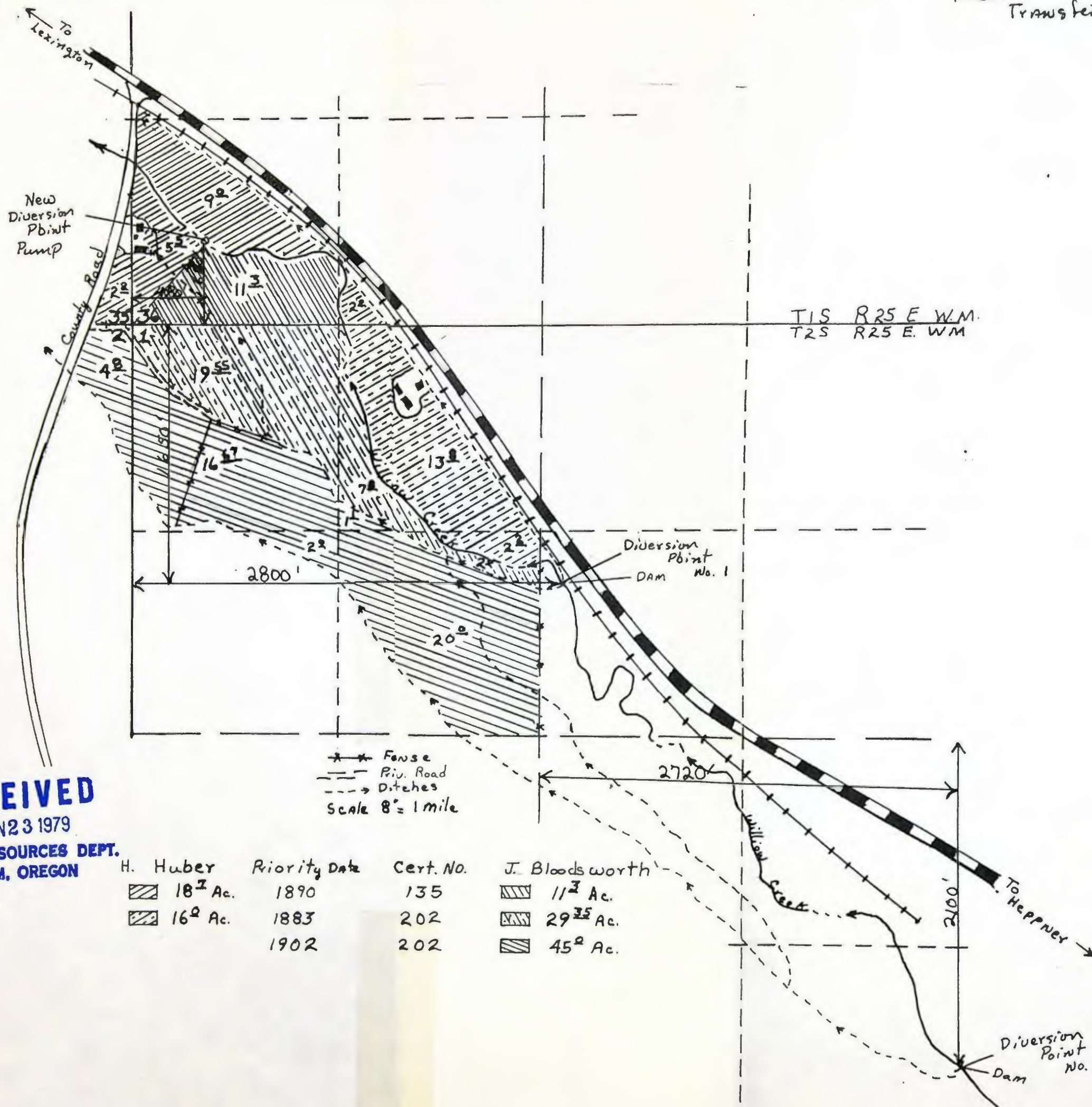
[Notarial Seal]

William J. Papely
NOTARY PUBLIC FOR OREGON

My commission expires JAN. 7, 1980








Hubers' Transfer



RECEIVED

JAN 23 1979

WATER RESOURCES DEPT.
SALEM, OREGON

H. Huber	Priority	Date	Cert. No.	J. Bloodsworth
 18 ⁷ Ac.	1890		135	 11 ³ Ac.
 16 ² Ac.	1883		202	 29 ³⁵ Ac.
	1902		202	 45 ² Ac.