

Name Chester Earl Fortune, Jr.

4248

By \_\_\_\_\_

Address Route 2, Box 72

Milton-Freewater, OR 97862

Change in POD

Date filed July 9, 1979

Date of hearing Oct. 18, 1979

Place of hearing Pendleton

Date of order 10-26-79 Vol. 32, page 451

Date for application of water 10-1-81

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued AUG 15 1986 Vol. 50, page 54749

AUG 15 1986 Vol. 50, page 54750

Surveyed 10-1980

to survey 7/80

Surveyed 10-1980

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DESCRIPTION OF WATER RIGHT

Name of stream Johnson Creek

Trib. of Smith Fork County of Umatilla

Use irrigation

Quantity of water \_\_\_\_\_ No. of acres 26.2

Name of ditch \_\_\_\_\_

Date of priority 1892

In name of Melissa Messenger; John Ida Nelis

Adjudication, Vol. 3, page 64

App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 1719

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

REMARKS

W.R.I.S.	
Assembled	<u>3-7-85</u> by <u>SRB</u>
Entered	_____ by _____
Verified	_____ by _____

FEES PAID

Date	Amount	Receipt No.
<u>7-9-79</u>	<u>85-</u>	<u>12681</u>
TOTAL . . .		
	Cert. Fee	

Valley Herald #25.93 pd 10/8/79 OK #3822

FEES REFUNDED

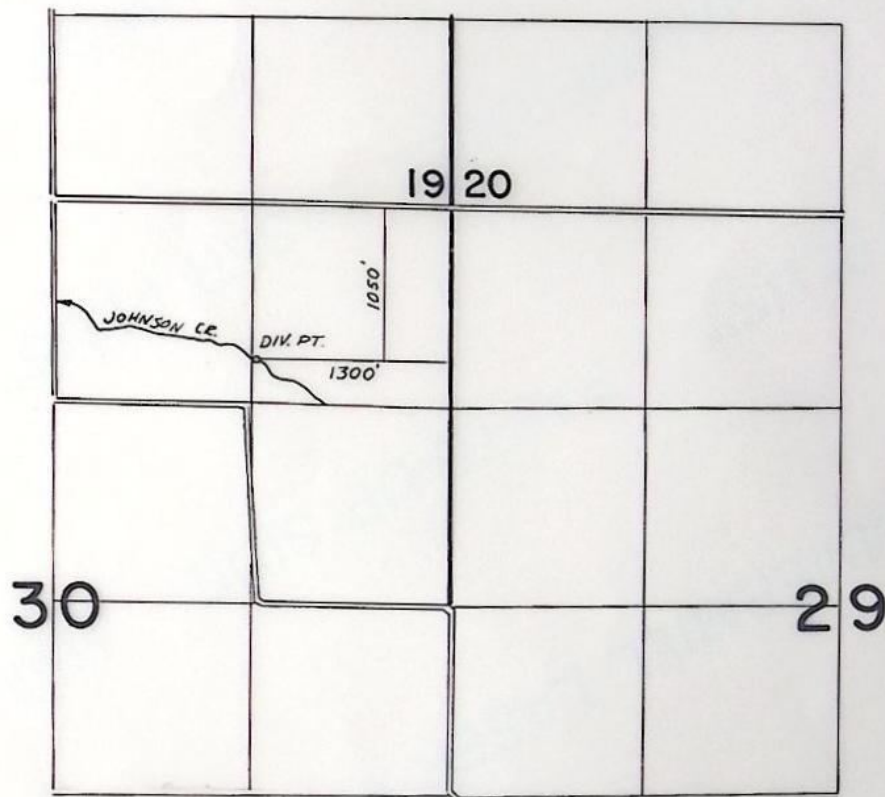
Date	Amount	Check No.
<u>10-9-79</u>	<u>24.02</u>	<u>3823</u>

EX 20-  
POD 15-  
PON 25.93  
60.93

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



T. 6N., R. 35E. W.M.



**FINAL PROOF SURVEY**  
UNDER

**TRANSFER 4248**

Application No. .... Permit No. ....  
IN NAME OF

.....**CHESTER EARL FORTUNE, JR.**.....

Surveyed 10-8 1980, by V. Church.....

DECLASSIFIED

61 55 30

CANCELLED  
1690

T-4248

RECEIVED

JUL - 9 1979  
WATER RESOURCES DEPT  
SALEM, OREGON

CCO  
38.43

100  
39.00

NE 1/4 of NE 1/4  
Sec 30 Tp 6N  
35E W M

18 Acres.

House  
& Barn

New point

## Flow

Stock watering  
facilities  
corrals —

Johnsone

creek 6 Acres

old.  
point

200  
cert.  
2-1719  
1892  
18 Acres

cert  $\uparrow$   
2-1721  
1892 ✓  
6 ACRES



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF CHESTER EARL FORTUNE, JR., FOR)  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 4248

On July 9, 1979, an application was filed in the office of the Water Resources Director by Chester Earl Fortune, Jr., for approval of a change in point of diversion, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 1719, Volume 3, State Record of Water Right Certificates, in the name of Melissa Messenger, describes a right for the use of not to exceed 0.23 cubic foot per second from Johnson Creek for irrigation of a certain 18.0 acres, domestic and stock use in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, Township 6 North, Range 35 East, W.M., with a date of priority of 1892.

The certificate recorded at page 1721 of said volume, in the name of John and Ida Nelis, describes a right for the use of not to exceed 0.08 cubic foot per second from Johnson Creek for irrigation of a certain 6.0 acres, domestic and stock use in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, Township 6 North, Range 35 East, W.M., with a date of priority of 1892.

Water for both rights is diverted from a point located 220 feet North and 220 feet East from the Southeast Corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 29, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 400 feet North and 50 feet East from the Southwest Corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, Township 6 North, Range 35 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Valley Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of August 23, 30 and September 6, 1979.

Mr. Steven Applegate, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application



should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject rights.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

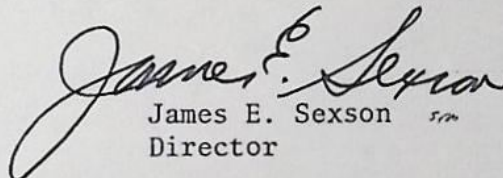
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1981.

It is FURTHER ORDERED that the certificates recorded at pages 1719 and 1721, Volume 3, 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 26th day of October, 1979.

  
James E. Sexson  
Director



RECEIVED

JUL 30 1979

T-4248

WATER RESOURCES DEPT

SALEM, OREGON

RECEIVED

JUL - 9 1979

WATER RESOURCES DEPT

SALEM, OREGON

## Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Chester Earl Fortune Jr  
 of Rt #2 Box #72  
 State of Oregon, 97862, 938-3036, do hereby make application for change  
in point of diversion  
 (Name of applicant) (Mailing address) (City) (Zip Code) (Phone number)  
 (In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No

2-1719 Messenger, Melissa  
2-1721 Nellis, John + Ida  
 (If not, give name)

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

2-1719  
2-1721  
 number of certificate

3. Was your water right acquired by Water Right Permit? \_\_\_\_\_ 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 Johnson Creek5. What is the date of priority of your water right? 1892

6. The authorized point of diversion is located 220 ft. N and 220 ft. E from the S/E  
the NE 1/4 of Sec 30 being within the NW 1/4 NW 1/4 of Section 29 6 N 35 E W. M.,  
 corner of Umatilla in the county of Umatilla The name of the ditch used is Johnson Creek  
 (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)

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

7. The proposed point of diversion is located 400 ft. N and 50 ft. E from the S/W  
the NE 1/4 of Sec 30 being within the NE 1/4 NE 1/4 of Section 30 6 N 35 E W. M.,  
 corner of Umatilla in the county of Umatilla The name of the ditch to be used is Johnson Creek  
 (N. or S.) (E. or W.) (No. N. or S.) (No. E. or W.)



8. The use to which the water is applied is

Irrigation

Dom & stock

Domestic + Stock

(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
6 N	35 E	30	NE ¼ of the NE ¼	26 24 <sup>50M</sup> (18 <sup>0</sup> Ac under Cert. #1719 6 <sup>0</sup> Ac under Cert. #1721)

(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 proposed point of diversion is 1320' closer to power for pump and 650' closer to largest area (18 acre site) to be irrigated

15. Construction work will be completed on or before 6-20-80

16. The water will be completely applied to the proposed use on or before 6-20-80

Remarks the old point of diversion was for flood irrigation and has no real value to me and consequently the water hasn't either  
thank you

**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, Chester Earl Fortune Jr, 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 3 day of July, 1979.

Chester Earl Fortune Jr  
(Name of applicant)

Subscribed and sworn to before me this 3 day of July, 1979.

Harold Popplewell  
NOTARY PUBLIC FOR OREGON

[Notarial Seal]



My commission expires 4/28/80



: POD  
POU  
USE  
Add '1 POD

Add'l POD

County Umatilla

1. Name Chester Earl Fortune, Jr.  
Address RT 2, Box 72, Milton-Freewater, OR 97862

3. Use in, down a stock (both)

4. Amount of Water 1. 0.23 cfs 2. 0.08 cfs Priority Date 1892

5. Proposed Point of Diversion 400' N + 50' E from SW Cor NE 1/4 NE 1/4,  
Sec 30, w/in NE NE, S 30, T6N, R 35E, Wm

6. Completion Date 10-1-81

7. Place of Use:

[illegible]







JOHNSON CR TRIB SCHWARTZ SPR CR

WFT-0982-01

\*\*\* 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. 1000042481 PERMIT NO. 003064 CERTIF. NO.  
 ORIG. NO. 0000017191 PREV. NO. 0000017191 SUPER. NO.

NAME: CHESTER EARL FORTUNE

ADDRESS: RT 2, Box 72

CITY/STATE/ZIP/COUNTY: MILTON-FREEWATER, OR 97862

STREAM-ID 07 2700 0140 050 030

RIV. MI.

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

30

CANCEL YEAR---&gt;

CONSTR. COMPLT---&gt; 07 30 1980

YR. LAST USED-----&gt;

NEXT ACTION DUE--&gt;

PRIORITY-----&gt; 12 31 1992

PUT TO USE-----&gt; 07 30 1980

LAST TRANS. DATE--&gt;

LAST TRANS. TYPE--&gt;

APPLICATION---&gt; 07 09 1979

SURVEYED-----&gt;

EXAM. FEE-----&gt; 20.00

RECORDING FEE-----&gt;

15.00

PERMIT ISSUE---&gt; 10 26 1979

CONCURRENCE-----&gt;

CYCLE STATUS-----&gt;

REPORTED FLAG-----&gt;

CONSTR. STRT.---&gt; 10 26 1979

CERTIFIED-----&gt;

CORRES. INIT.-----&gt;

CORRES. DATE-----&gt;

 POINT-OF-DIVERSION DATA:  
 TWP/SP RGE SECT QTR/QTR STREAM-ID

RIV. MI.

RATE

STATUS S OR P

060N 350E 30 A A 07 2700 0140 050 030

0.230

V

P

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

\*\* POD: 400' N &amp; 50' E FM SW COR

\*\* NE 1/4 NE 1/4, S 30. CHANGES

\*\* POD ALL OF C-1719.

 PLACE-OF-USE DATA:  
 TWP/SP RGE SECT QTR/QTR CNTY

USE % CNSMTV

ACRES

STATUS S OR P

060N 350E 30 A A 30 1R 100 18.00

V

P

DO

LV

V.I.S.

APPROVED 3-7-85 L.S.M.

EVALUATED

VERIFIED



JOHN CR TRIB SCHWARTZ SPR CR

L.F. 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 1000042482 PERMIT NO 003064 CERTIF. NO.

ORIG. NO. 000017211 PREV. NO. 000017211 SUPER. NO.

NAME: CHESTER EARL FORTUNE

ADDRESS: R2, Box 72

CITY/STATE/ZIP/COUNTY: MILTON-FREewater, OR 97862

STREAM-ID 07 2700 0140 050 030

RIV. MI.

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

30

CANCEL YEAR--&gt;

CONSTR. COMPLT--&gt; 07 30 1980

YR. LAST USED--&gt;

NEXT ACTION DUE--&gt;

PRIORITY--&gt; 12 31 1892

PUT TO USE--&gt; 07 30 1980

LAST TRANS. DATE--&gt;

LAST TRANS. TYPE--&gt;

APPLICATION--&gt; 07 09 1979

SURVEYED--&gt;

EXAM. FEE--&gt; 20.00

RECORDING FEE--&gt; 15.00

PERMIT ISSUE--&gt; 10 26 1979

CONCURRENCE--&gt;

CYCLE STATUS--&gt;

REPORTED FLAG--&gt;

CONSTR. STRT.--&gt; 10 26 1979

CERTIFIED--&gt;

CORRES. INIT.--&gt;

CORRES. DATE--&gt;

 POINT-OF-DIVERSION DATA:  
 TWP/SP RGE SECT QTR/QTR STREAM-ID

RIV. MI. RATE

STATUS S OR P

 \*\* REMARKS; - - - - -  
 \*\* DATED-->

060N 350E 30 AA 07 2700 0140 050 030

0.080

V P

 \*\* POD: 400' N & 50' E FM SW COR  
 \*\* NE 1/4 NE 1/4, S 30. CHANGES  
 \*\* POD ALL OF C-1721

PLACE-OF-USE DATA:

TWP/SP RGE SECT QTR/QTR CNTY USE % CNSMTV ACRES STATUS S OR P

060N 350E 30 AA 30 1R 100 6.00 V P

DD

LV

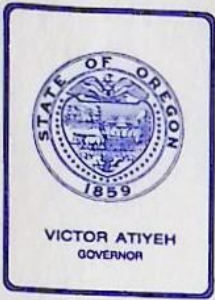
V.L.S.

APPROVED 3-7-85 JSM

E.M. 1

Verified by





## *Water Resources Department*

### MILL CREEK OFFICE PARK

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

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

August 1, 1980

Chester Earl Fortune, Jr.  
Rt 2, Box 72  
Milton-Freewater, OR 97862

Dear Mr. Fortune:

REFERENCE: File number T-4248

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 application No. 4248, for a change in point of diversion of water from Johnson 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 order will be evidence of the water right in question as long as the authorized beneficial use of water is continued.

Sincerely,

SAMUEL R. ALLISON  
Supervisor  
Transfer Section

SRA:wpc  
cc: Steven P. Applegate, Watermaster  
0647A  
1739A

COPY



RECEIVED  
JUL 30 1980  
WATER RESOURCES DEPT  
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

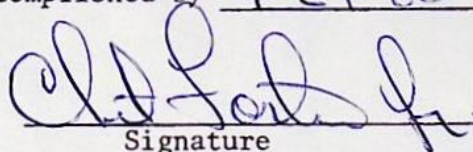
point of diversion of water from Johnson Creek

PURSUANT TO TRANSFER APPLICATION NO. 4248

I, Chester E Fortune Jr, 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 7-29-80, 1980.

7-29-80

Date



Signature

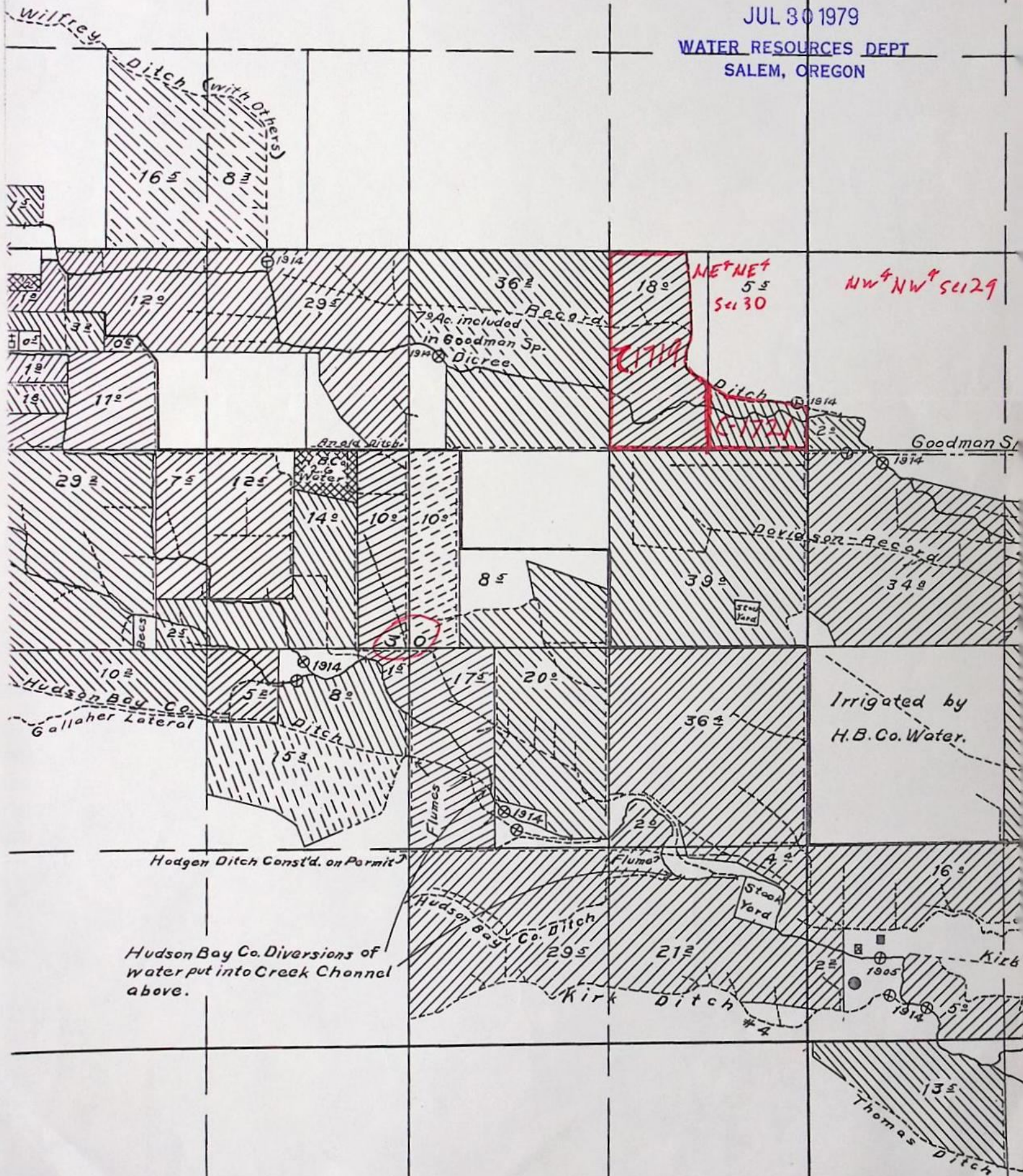
(Mail to the Water Resources Department, Salem, Oregon 97310.)

OK  
7/29



Township 6 North Range 35 East W

WATER RESOURCES DEPT  
SALEM, OREGON





NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4248

The Water Resources Director of Oregon has received and filed an application by Chester Earl Fortune, Jr., for approval, without loss of priority, of a change in point of diversion of water under a certain water right.

The affected water right is described by the certificates recorded at pages 1719 and 1721, Volume 3, State Record of Water Right Certificates, in the names of Melissa Messenger (1719) & John & Ida Nelis (1721), and are for the use of not to exceed 0.31 cubic foot per second from Johnson Creek, under a priority date of 1892 for irrigation of a certain 18.0 ac (C 1719) & 6.0 ac (C 1721) in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 30, T 6N, R 35E, WM.

The authorized point of diversion for both rights is located 220 ft N & 220 ft E from the SE Corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 30, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec 29, T 6N, R 35E, WM.

The applicant proposes to change the point of diversion therefrom to a point located 400 ft N & 50 ft E from the SW Corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec 30, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 30, T 6N, R 35E, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, October 18, 1979, at the Umatilla County Courthouse, Pendleton, Oregon. Any objections to the proposed change must be prepared in writing: one copy to be served on the applicant at Rt 2, Box 72, Milton-Freewater, OR 97862; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

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

Dated at Salem, Oregon this 16th day of August, 1979.

James E. Sexson, Director





## STATE OF OREGON

## INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: Aug. 28, 1979.FROM: \*\* Steven Applegate, Watermaster

RECEIVED

AUG 31 1979

WATER RESOURCES DEPT  
SALEM, OREGONSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4248IN THE NAME OF Chester Earl Fortune, Jr.

In my opinion the proposed change in point of diversion of water from Johnson Creek  
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:

- (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 \_\_\_\_\_

\*\*

Steven G. Applegate  
Watermaster's signature or initials



RECEIVED

OCT - 1979

WATER RESOURCES DEPT  
SALEM, OREGON

Form 4. Proof of Publication. ORS 111.215(3).

(Title of Court and Cause)

No. \_\_\_\_\_  
PROOF OF PUBLICATION OF  
NOTICE

State of Oregon )  
County of Umatilla ) ss.  
)

I, Dianne Zimmerman, being first duly sworn,  
on oath say that I am the Principal Clerk  
of The Valley Herald, a newspaper of general circulation, as defined  
by ORS 193.010 and 193.020, printed and published at Milton-Free-  
water, Oregon, and that the notice, a copy of which is annexed, was  
published in the entire issue of said newspaper in the following \_\_\_\_\_  
issues.

*ok* Aug. 23 Aug. 30 Sept. 6

Dianne Zimmerman  
Subscribed and sworn to before me this 6 day of

September, 1979

Vi Helton  
Notary public for Oregon

My commission expires: July 5, 1981

**NOTICE OF WATER RIGHT  
TRANSFER APPLICATION NO. 4248**

The Water Resources Director of Oregon has received and filed an application by Chester Earl Fortune, Jr., for approval, without loss of priority, of a change in point of diversion of water under a certain water right.

The affected water right is described by the certificates recorded at page 1719 and 1721, Volume 3, State Record of Water Right Certificates, in the names of Melissa Messenger (1719) & John & Ida Nelis (1721), and are for the use of not to exceed 0.31 cubic foot per second from Johnson Creek, under a priority date of 1892 for irrigation of a certain 18.0 ac (C 1719) & 6.0 ac (C 1721) in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 30, T 6N, R 35E, WM.

The authorized point of diversion for both rights is located 220 ft N & 220 ft E from the SE Corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 30, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec 29, T 6N, R 35E, WM.

The applicant proposes to change the point of diversion therefrom to a point located 400 ft N & 50 ft E from the SW Corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec 30, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec 30, T 6N, R 35E, WM.

Pursuant to ORS 540.520 (2), a hearing is scheduled for 9:30 a.m. on Thursday, October 18, 1979, at the Umatilla County Courthouse, Pendleton, Oregon. Any objections to the proposed change must be prepared in writing: one copy to be served on the applicant at Rt 2, Box 72, Milton-Freewater, OR 97862; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED-  
THE APPLICATION MAY BE  
APPROVED BY THE WATER RE-  
SOURCEES DIRECTOR WITHOUT A  
HEARING.

Dated at Salem, Oregon this 16th  
day of August, 1979.

James E. Sexson, Director 34-36-C

*ok  
Lij*





## Water Resources Department

### MILL CREEK OFFICE PARK

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

RECEIVED

JUL 30 1979

WATER RESOURCES DEPT  
SALEM, OREGON

PHONE 378-3066

July 17, 1979

Chester Earl Fortune, Jr.  
Route 2, Box 72  
Milton-Freewater, Oregon 97862

RE: File No. T-4248

Dear Mr. Fortune:

Your water right transfer application for approval of a change in point of diversion of water from Johnson Creek, together with supporting maps and fees of \$85, was received July 9, 1979. Our receipt No. 12681 is enclosed.

Our records show that the right described by certificate 1721 is recorded in the names of John and Ida Nelis and that the right described by certificates 1719 and 1721 were determined by decree of the Court during the Johnson Creek adjudication proceedings. I have penciled this information in items No. 1 and 2. If you agree, the entries should be redone in ink.

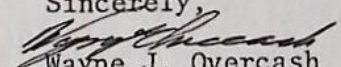
According to the map prepared in connection with the Johnson Creek adjudication proceeding, the authorized point of diversion for the rights described in your application would be located upstream from the point shown on your map and noted in item No. 6 of your application at a point 220 feet north and 220 feet east from the SE Corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, being within the NW $\frac{1}{4}$  N $\frac{1}{2}$  of Section 30, T 6N, R 35E, W.M. A print of a portion of the Johnson Creek adjudication map is enclosed. Unless you have evidence indicating that the adjudication map is in error in showing the point of diversion, it will be necessary to correct your map and correct item No. 6 on your application in ink.

Your map shows your proposed point of diversion as being north and east from the southwest corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, T 6N, R 35E. If your map is correct, item No. 7 on your application must be completed in ink to be in agreement.

The water rights involved also provide for use of water for domestic and stock. If the rights still exist and you wish to include the change for these uses, domestic and stock must also be listed in item No. 8 with respect to the proper location and the supporting map further completed by showing the location of the house or houses and stock watering facilities.

I am enclosing your transfer application and two supporting maps. When you return them, will you please advise us which newspaper printed and generally circulated in Umatilla County you prefer that we use for publishing notice of your proposed change.

Sincerely,

  
Wayne J. Overcash  
Water Rights Engineer

WJO:lcj



T-4248

Scale 1" = 400'

WATER RESOURCES DEPT  
SALEM, OREGON

JUL 30 1979

RECEIVED

MINNESOTA

UNAPINE

HIGHWAY

NO. 474

300  
33.43 Ac.

100  
33.00 Ac.

18 Acres

NE 1/4 of the  
NE 1/4 Sec 30  
Tp 6N 35E  
WM

CANCELLED  
1650

House  
+ BARN

New  
point

Flow

Stock watering  
facilities  
corrals

Johnson  
creek

6 Acres

WATER RESOURCES DEPT  
SALEM, OREGON

old  
point

15 Acre  
Cert 2-1719  
1892

6 Acre  
cert 1721  
1892

N



Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
<i>The figure 2 notes the Volume No.</i>							
<i>2-1709</i>							
Allen, Mary Freewater, Ore.	1905	0.01	0.50	Irrigation		Johnson Creek	0.50 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 19; Tp. 6 N., R. 35 E.W.M.
<i>2-1710</i>							
Davis, Annie E. Freewater, Ore.	1892	0.04	3	Irrigation		Johnson Creek	1.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30; Tp. 6 N., R. 35 E.W.M.
<i>2-1711</i>							
Davidson, John Vincent, Ore.	1892	0.49	39	Irrigation	Davidson	Johnson Creek	39 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30; Tp. 6 N., R. 35 E.W.M.
<i>2-1808</i>							
Evans, Howard, Freewater, Ore.	June 3, 1915	0.31	24.8	Irrigation	Evans	Johnson Creek	16.55 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; 8.27 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 19; Tp. 6 N., R. 35 E.W.M.
(State Engineer's Permit #1181) (1581)							
<i>2-1713</i>							
Gentry, W. F. Freewater, Ore.	1892	0.01	0.25	Irrigation	Johnson	Johnson Creek	0.25 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 24; Tp. 6 N., R. 34 E.W.M.
<i>2-1714</i>							
Gentry, Florence Gentry, May Gentry, Ray Freewater, Ore.	1892	0.01	0.50	Irrigation		Johnson Creek	0.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; Sec. 30; Tp. 6 N., R. 35 E. W.M.
<i>2-1715</i>							
Hodgen, Fred Vincent, Ore. T 3369 & POU	1892	0.58	46.5	Irrigation		Johnson Creek	40 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 6.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 29; Tp. 6 N., R. 35 E. W.M.
<i>2-1716</i>							
Hudson Bay Grange Hall Company, by D. J. Kirk Freewater, Ore.	1892	0.01	1	Irrigation	Lawson	Johnson Creek	1 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30; Tp. 6 N., R. 35 E. W.M.
<i>2-1726</i>							
Lawson, Mrs. Alice, Freewater, Ore.	1892	0.47	37.5	Irrigation	Record Davidson Lawson	Johnson Creek	25 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 12.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30; Tp. 6 N. R. 35 E. WM.
<i>2-1718</i>							
McDaniel, Kyle Adams, Ore.	1905	0.22	17.5	Irrigation	Private	Johnson Creek	17.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Sec. 24; Tp. 6 N., R. 34 E. W.M.
<i>2-1719</i>							
Messenger, Melissa Freewater, Ore.	1892	0.23	18	Irrigation		Johnson Creek	18 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30; T. 6 N., R. 35 E. W.M.
<i>2-1720</i>							
Morrill, Chas. Freewater, Ore.	1892	0.03	2.5	Irrigation		Johnson Creek	2.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; Sec. 29 T. 6 N., R. 35 E. W.M.
<i>2-1721</i>							
Nelis, John & Ida Glendive, Mont.	1892	0.08	6	Irrigation		Johnson Creek	6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30; Tp. 6 N., R. 35 E. W.M.
JOHNSON CREEK - 9							



