

Name Mark E. & June S. Hartley

By _____

Address Route 2, Box 549
Nyssa, OR 97913

Change in POU

Date filed Sept. 4, 1979

Date of hearing _____

Place of hearing _____

✓ Date of order 9-27-79 Vol. 32, page 417

Date for application of water 10-1-81

Proof mailed _____

Proof received _____

Certificate issued _____ Vol. _____, page _____

4289
DESCRIPTION OF WATER RIGHT

Name of stream Owyhee River & Res.

~~Trib. of Snake R. & Waste~~ County of Malheur

Use irrigation

Quantity of water _____ No. of acres 11.95

Name of ditch _____

Date of priority 10-30-1888; 2-14-1916; et.al.

In name of Owyhee Ditch Co

Owyhee River Adjudication, Vol. 9, page 38

App. No. _____ Per. No. D 9753 Cert. No. 31121

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9-4-79</u>	<u>30.00</u>	<u>13755</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

Surveyed 2/27/86 to sur 12/81

REMARKS

Card for C 184 20 1981

W.R.I.S.	
Assembled <u>3-20-85</u> by <u>SEA</u>	
Entered _____ by _____	
Verified _____ by _____	

	INDEX CARDS:	
	Entered	Checked
✓ Name	<u>SEA</u>	
✓ Stream	<u>SEA</u>	
✓ Pt. of Div.	<u>SEA</u>	
✓ Calendar	<u>SEA</u>	
CHECKED TO RECORDS:		
✓ Twp. & Rge.	<u>SEA</u>	
✓ Decree-vault	<u>SEA</u>	
✓ Decree-safe	<u>SEA</u>	
✓ Cert. of W/R	<u>SEA</u>	<u>SEA</u>
Per. Folder		
Chainindex		
Cross Ref.		
Power Claim		
✓ Abstracts	<u>SEA</u>	

Add'l POD

County Malheur

1. Name Mark E. & June S. Harlick

Address Rt 2, Box ~~544~~, Nyssa, OR 97913

2. Source of Supply Quilley, R & Res, Trib of _____

3. Use in 1494 ac

4. Amount of Water _____

5. Priority Date OCT 30, 1988

6. Proposed Point of Diversion _____

7. Completion Date 10-1-81

8. Place of Use:

[illegible]

INFO - MARK HARTLEY - NOTE HARTLEY DOES KNOW TOO MUCH ABOUT
THIS OTHER THAN HE ACQUIRED SOME WATER RIGHT.
ATTN: FOR DWYHOF I.D. GENE STUNZ HANDLED PAPERWORK

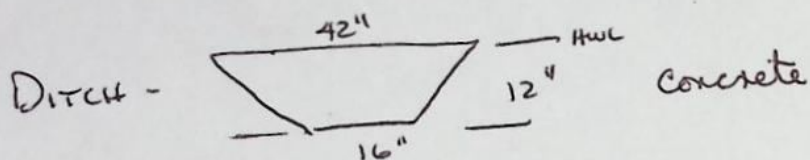
SOURCE DWYHOF RIV RES.

2 RELIEVES WATER FROM MALHEUR BUTTE CATERAL

HEADGATE NEAR SW COR NW¹/₄ NW⁴, WATER RUNS EAST
ALONG SOUTH SIDE OF DWYHOF ~~LAKE~~ AVE

SYSTEM - 200' 6" ALUM GATED PIPE, 15 gates 3 1/2 x 1" gates
1" SIPHON TUBES FOR SHORT RUNS EAST OF HOUSE.

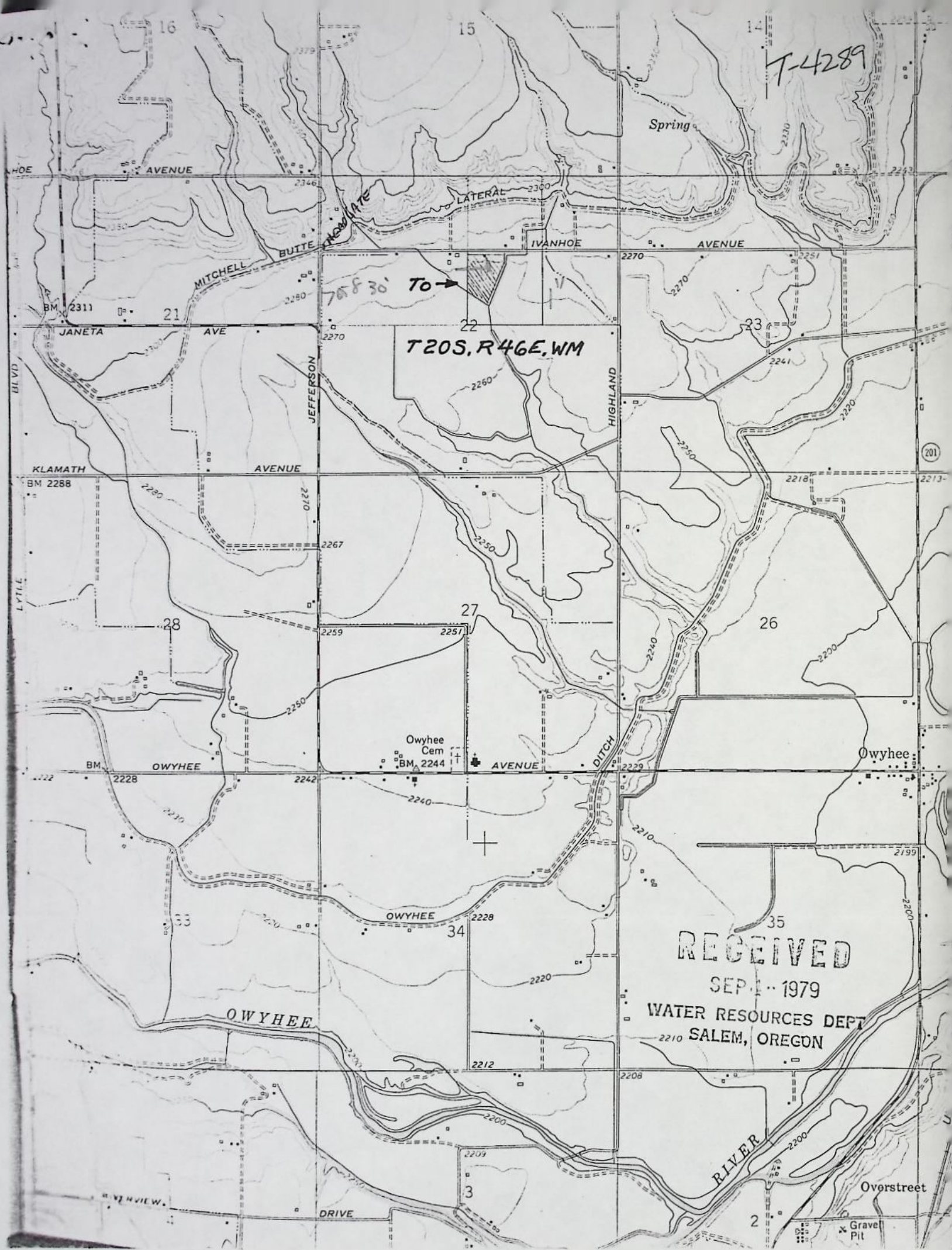
ALL GATED PIPE
AT ONCE IS
MAX.



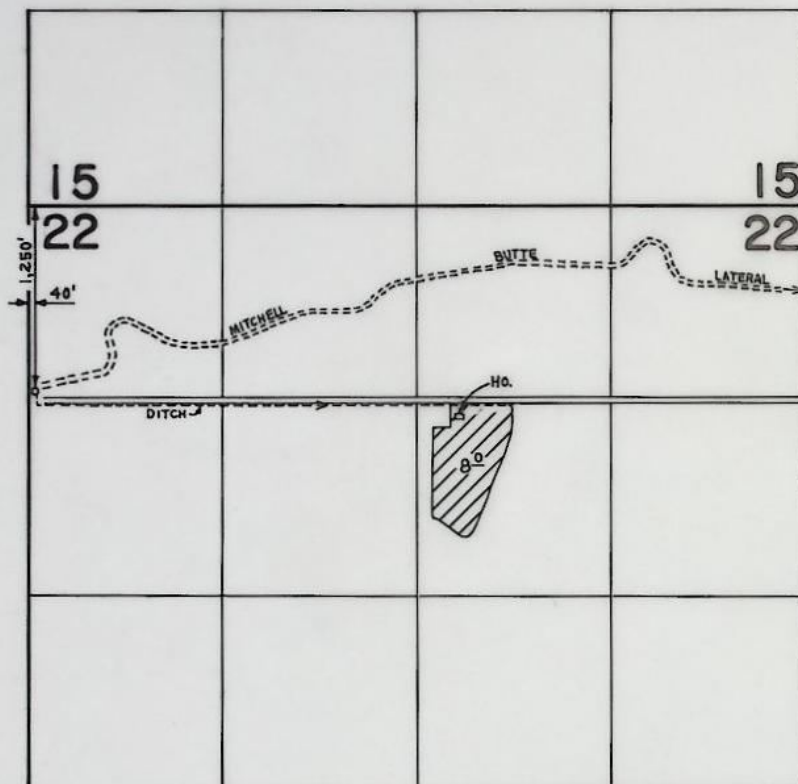
USE - ONIONS, GRAIN

TIE 41045-478-22L

Larry J. WRS
2/27/86



T.20S.,R.46E.,W.M.



1" = 1,320'

FINAL PROOF SURVEY
UNDER

T-4289

Application No. Permit No.
IN NAME OF

HARTLEY, MARK E. & JUNE S.

Surveyed FEB. 27, 1986, by L.M. TOLL

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF MARK E. & JUNE S. HARTLEY FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4289

On September 4, 1979, an application was filed in the office of the Water Resources Director by Mark E. and June S. Hartley for approval of a change in place of use of water from Owyhee River, Owyhee Reservoir, Snake River and waste water from Cow Hollow Wasteway, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Malheur County, Oregon, entered July 7, 1926, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Owyhee River and Its Tributaries, a water right was allowed in the name of Owyhee Ditch Company, for irrigation of, among other lands, a certain 11.95 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 18 South, Range 47 East, W.M., with a date of priority of October 30, 1888, as now described by certificate issued in the name of Owyhee Ditch Company and recorded at page 31121, Volume 23, State Record of Water Right Certificates.

These lands also have supplemental rights evidenced by certificate recorded at page 24707, Volume 17, State Record of Water Right Certificates, to the use of water from Owyhee River and Owyhee Reservoir, with dates of priority of 1916 and 1924; certificate 44030, Volume 36 to the use of water from Owyhee Reservoir, with a date of priority of November 7, 1968; certificate 24704, Volume 17, to the use of waters of Snake River, with a date of priority of October 1, 1951; and certificate 29394, Volume 21 for the use of waste waters of Cow Hollow Wasteway, with a priority date of March 14, 1955.

The applicants herein propose to transfer the water rights therefrom, without loss of priority, to a certain 11.95 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 20 South, Range 46 East, W.M.

The order of the Board of Directors of Advancement Irrigation District dated June 5, 1979, allowed for the exclusion of said 11.95 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 18 South, Range 47 East, W.M. and the water right appurtenant thereto; and the order of the Board of Directors of Owyhee Irrigation District dated June 5, 1979, allowed for the inclusion of the 11.95 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township

20 South, Range 46 East, W.M., in said Owyhee Irrigation District.

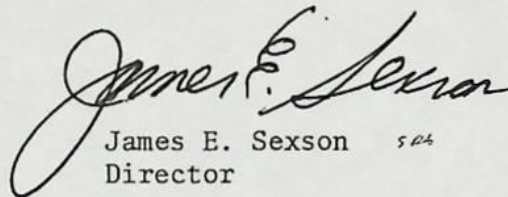
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

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

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

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, the certificates of water right heretofore recorded at page 31121, Volume 23, page 24707, Volume 17, page 44030, Volume 36, page 24704, Volume 17 and page 29394, Volume 21, State Record of Water Right Certificates, be canceled; and in lieu thereof new certificates of water right be issued.

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


James E. Sexson 506
Director

OWYHEE R

WTR 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. T000042891 PERMIT NO. 009038 CERTIF. NO. 0031121 NAME: MARK & JUNE HARTLEY
 ORIG. NO. 000311211 PREV. NO. C000311211 SUPER. NO. ADDRESS: RT 2, Box 549
 CITY/STATE/ZIP/COUNTY: NYSSA, OR 97913

23

STREAM-ID <u>11 6160</u>	RIV.MI.	WM.DIST. <u>09</u>	W.R.TYPE <u>SC</u>	STATUS <u>V</u>
CANCEL YEAR---->	CONSTR.COMPLT--> <u>10 01 1981</u>	YR.LAST USED----->	---	NEXT ACTION DUE--> ---
PRIORITY-----> <u>10 30 1888</u>	PUT TO USE-----> <u>10 01 1981</u>	LAST TRANS.DATE-->	---	LAST TRANS.TYPE--> ---
APPLICATION---> <u>09 04 1979</u>	SURVEYED----->	EXAM.FEE-----> <u>20.00</u>	RECORDING FEE----->	<u>10.00</u>
PERMIT ISSUE---> <u>09 27 1979</u>	CONCURRENCE----->	CYCLE STATUS----->	---	REPORTED FLAG-----> ---
CONSTR.STRT---> <u>09 27 1979</u>	CERTIFIED----->	CORRES.INIT.----->	---	CORRES.DATE-----> ---

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

11 6160

RIV.MI. RATE STATUS S OR P
V P

** REMARKS; - - - - ->
 ** DATED-->
 ** CHANGES FOR PART OF OWYHEE
 ** DJLCH CO C-31121
 **-----
 **-----
 **-----
 **-----
 **-----

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

2005 460 E 22 A C 23 1R 100 11.95 V P

W.R.I.S.	
Assembled	<u>3-20-85</u> by <u>SNA</u>
Entered	_____ by _____
Verified	_____ by _____

RECEIVED

DEC 30 1981

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

Pou from Owyhee River & Reservoir

PURSUANT TO TRANSFER APPLICATION NO. 4289

I, Mark E Hartley 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 OCTOBER 1, 1979.

DEC. 8, 1981
Date

Mark E Hartley
Signature

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

OK

Qcj

T-4289

RECEIVED

SEP 4 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Mark E. Hartley and June S. Hartley (h&w)

(Name of applicant)

of Route 2, Box 549,

(Mailing address)

Nyssa

(City)

State of Oregon97913

(Zip Code)

372-2327

(Phone number)

, do hereby make application for 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. Owyhee Ditch Company

(If not, give name)

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

(Yes or No)

Owyhee River Adjudicationnumber of certificate Vol. 23, page 311213. Was your water right acquired by Water Right Permit? See "Remarks" 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 Owyhee River (See "Remarks")5. What is the date of priority of your water right? Oct. 30, 1888 (See "Remarks")

6. The authorized point of diversion is located ft. and ft. from the

(N. or S.)

(E. or W.)

corner of being within the $\frac{1}{4}$ $\frac{1}{4}$ of Section Tp. R. W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of 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 ft. and ft. from the

(N. or S.)

(E. or W.)

corner of being within the $\frac{1}{4}$ $\frac{1}{4}$ of Section Tp. R. W. M.,

(No. N. or S.)

(No. E. or W.)

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

Filing fees: \$ 3000

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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
18 S	47 E	8	NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.95 acres

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? No. See attached documents re
authority to transfer. (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.? All interest holders have agreed to transfer, as shown by attached documents.
(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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
20 S	46 E	22	SW $\frac{1}{4}$ NE $\frac{1}{4}$	11.95 acres

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are lands which right is being transferred will no longer be used for agricultural purposes.

15. Construction work will be completed on or before

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

Remarks The lands from which the water rights are to be severed are also under the following supplemental rights;

Cert. Vol. 17, page 24707: ✓ Owyhee River with priority dates of Feb. 14, 1916

Aug. 19, 1924

Owyhee Reservoir storage Feb. 15, 1916

Aug. 20, 1924

Cert. Vol. 36, page 44030 ✓ Owyhee Reservoir storage Nov. 7, 1968

Cert. Vol. 17, page 24704 ✓ Snake River Oct. 1, 1951

Cert. Vol. 21, page 29394 ✓ Waste Water in Cow Hollow Wasteway Mar. 14, 1955

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, Mark E. Hartley and June S. Hartley, 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 14th day of August, 19 79.

Mark E. Hartley
June S. Hartley
(Name of applicant)

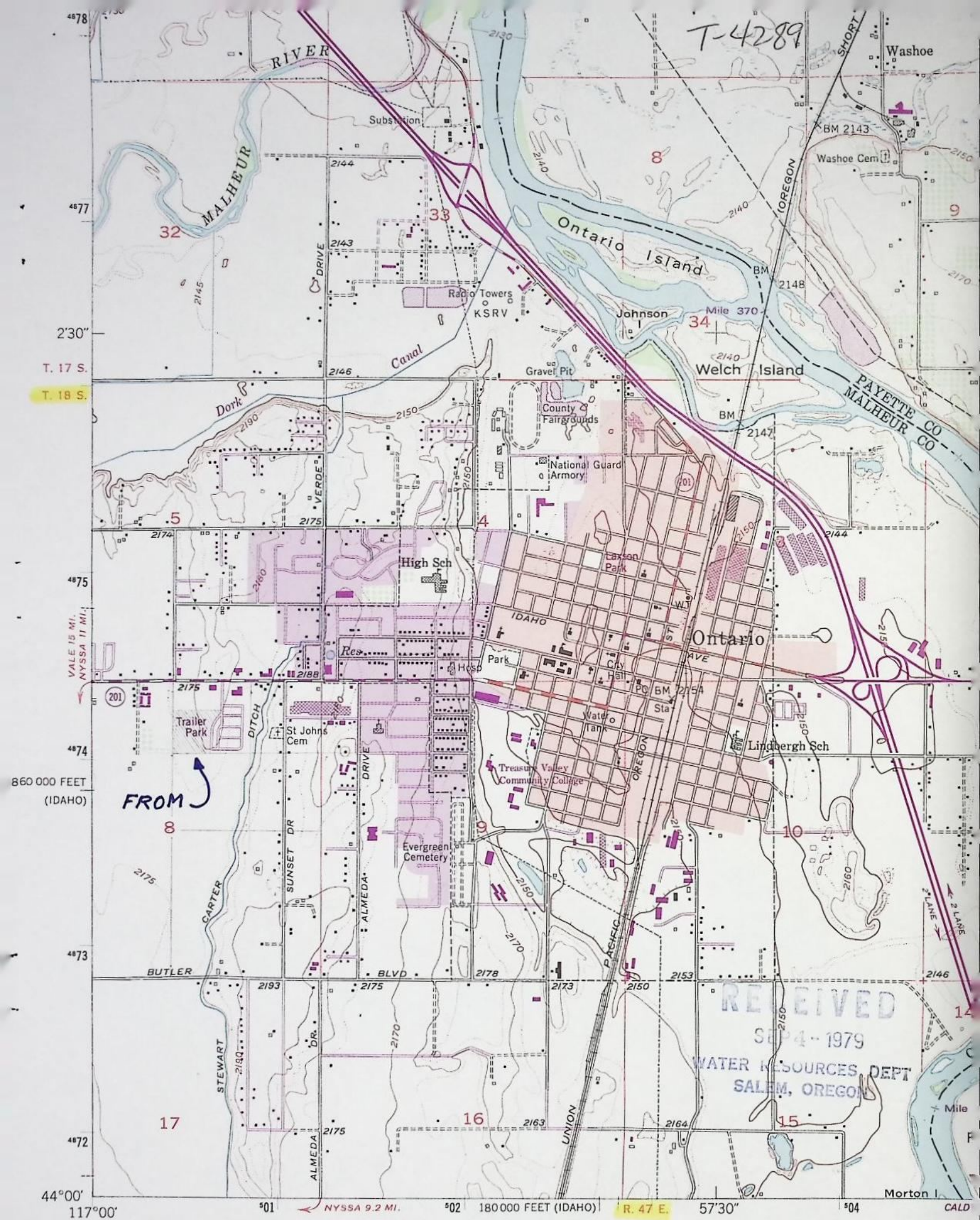
Subscribed and sworn to before me this 14th day of August, 19 79.

[Notarial Seal]

Ben Stacey
NOTARY PUBLIC FOR OREGON

My commission expires 2/23/80





Mapped, edited, and published by the Geological Survey



STATE OF OREGON

RECEIVED

INTEROFFICE MEMO

SEP 12 1979

WATER RESOURCES DEPT

SALEM, OREGON

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: September 11, 1979.

FROM: ** Frank Elfering, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4289

IN THE NAME OF Mark E. & June S. Hartley

In my opinion the proposed change in place of use of water from Owyhee River, et.al.
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? _____
(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 _____

**

Frank Elfering
Watermaster's signature or initials

NAME	DESCRIPTION OF LAND
	Township 13 South, Range 47 E. W. M.
	<u>Section 6</u>
John Molenaar	40 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 38.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
	<u>Section 8</u>
J. H. Seaward	T-1289 Approved 11/15/76 -> 39.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 36.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
John E. Seaward	19.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
F. W. Greip	9.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
L. L. Greip	10.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
Wm. McMaster	28.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
A. B. King	9.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 9.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
L. D. Gorden	9.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
E. R. Hanaford	19.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
John Seaward	40 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
L. A. Walker	20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
Euphemia McPhearson	20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
L. A. Walker	19.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
L. B. Lees	19.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
Euphemia McPhearson	19.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
L. A. Walker	19.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Euphemia McPhearson	29.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 18.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
	<u>Section 9</u>
First National Bank of Ontario	13 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 16.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 20.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
Ada M. Stingle	6.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
H. T. Thorpe	7.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
Ethel Haroon	4.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
Ed Durbin	4.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
Ed & Wm. Butler	19.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
	<u>Section 16</u>
Ed & Wm. Butler	19.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
E. L. Dunton	39.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
Emilie H. Brooke	18.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
Martha Berthold	19.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 32.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$

Owyhee River - 38 -

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INDEX

Section, Tp. 6 R. 96.

RECEIVED

JUN 20 1979

WATER RESOURCES DEPT
SALEM, OREGON

HENIGSON, STUNZ, FONDA & PRATT
ATTORNEYS AT LAW

HAROLD HENIGSON
GENE STUNZ
STEPHEN B. FONDA
J. BURDETTE PRATT

106 MAIN STREET
NYSSA, OREGON 97913
(503) 372-2268

June 11, 1979

Mr. James Carver
Water Resources Department
State of Oregon
1178 Chemeketa Street N.E.
Salem, Oregon 97310

Dear Mr. Carver:

I am nearing completion of proceedings whereby the water right for 11.954 acres of land which was under the Advancement Irrigation District is being transferred to a like amount of land within the Owyhee Irrigation District.

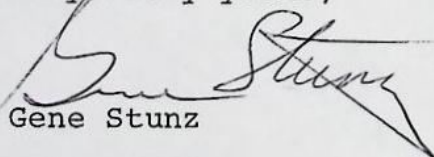
I have reviewed the water right transfer application form and instructions which you forwarded, and it appears to me that it is not really meant for such a proceeding as has been accomplished in this matter. In handling the exclusion-inclusion proceedings, I have followed the Oregon Statutes, the recommendations of counsel for the United States Bureau of Reclamation, and the previous proceedings handled by Mr. Henigson.

I am enclosing complete copies of both proceedings and I request that you consider accepting these proceeding files as the equivalent of the application forms normally used for this purpose. It seems to me that perhaps everything is covered and your department should be able to, on the basis of these files, enter the appropriate order authorizing the transfer.

Please call me when you have had an opportunity to review the matter and if you are in agreement with this procedure I will send the necessary funds for payment of your fees.

Thank you.

Very truly yours,



Gene Stunz

GS/gp
Encl.

BEFORE THE BOARD OF DIRECTORS
OF ADVANCEMENT IRRIGATION DISTRICT
OF MALHEUR COUNTY, STATE OF OREGON

RECEIVED

JUN 20 1979

WATER RESOURCES DEPT.
SALEM, OREGON

In the Matter of the Petition)
)
 of)
)
 FLOYD F. BLANKENBAKER and JOYCE E.)
 BLANKENBAKER, husband and wife, and)
 JOHN KOOPMAN and NELLIE KOOPMAN,)
 husband and wife, for exclusion of)
 irrigable land within the Advance-)
 ment Irrigation District.)

PETITION FOR EXCLUSION

COMES NOW the above-named petitioners and for their petition for exclusion of certain irrigable lands 'constituting a part of the Advancement Irrigation District, respectfully show:

I

That the Advancement Irrigation District and the Owyhee Irrigation District are two of the nine irrigation districts comprising the Owyhee Federal Reclamation Project. That said two districts are in the north division of said project and the irrigable lands of both districts receive delivery of irrigation water through the North Board of Control of the Owyhee Project which is the operating agency of the seven districts in the north division of the Owyhee Project.

II

That the petitioners, John Koopman and Nellie Koopman, husband and wife, are the owners in fee simple, and the petitioners, Floyd F. Blankenbaker and Joyce E. Blankenbaker, husband and wife, are the purchasers under a conditional contract of sale, of 11.954 acres of irrigable land situated within the boundaries of the Advancement Irrigation District, which land is situated in Malheur County, Oregon, and is described as follows:

In Twp. 18 S., R. 47 E., W.M.:

Sec. 8: All that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying West of that certain parcel of land conveyed to the City of Ontario by Deed dated Jan. 15, 1974, recorded Feb. 19, 1974, Instrument No. 154477, Deeds, for road right of way.

EXCEPTING THEREFROM the North 526.50 feet of the said NW $\frac{1}{4}$ NE $\frac{1}{4}$.

III

That all of the said lands are not susceptible of beneficial irrigation because they are no longer used for agricultural purposes but said lands have been converted from agricultural to residential purposes and said parcel of land is either without means of receiving water from the facilities of the Advancement Irrigation District or means other than from said irrigation district have been or will be used to provide irrigation water to said lands, where so desired.

IV

That due to the aforementioned conditions, said land cannot be beneficially utilized for farming purposes and the water rights appurtenant thereto cannot be placed to beneficial agricultural use thereon and said land should, therefore, be excluded from the Advancement Irrigation District for irrigable purposes.

V

That petitioners are informed and verily believe and, therefore, allege that simultaneously with the filing of the within petition for exclusion, petitions will be filed with the Owyhee Irrigation District by owners of land therein, for the inclusion within said District, with irrigable status, of a total of 11.954 acres, located within the boundaries of said Owyhee Irrigation District, although not a part of said district for irrigation purposes and not having irrigable status therein, which lands are susceptible of beneficial irrigation for agricultural purposes through the distribution facilities of the Owyhee Irrigation District.

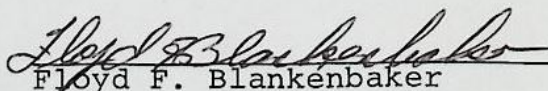
VI

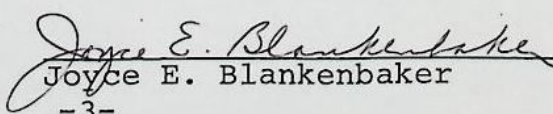
That the United States of America acting by and through the Secretary of the Interior has entered into a repayment contract with all of the irrigation districts of the Owyhee Project, dated August 29, 1951, to which contract the Advancement and Owyhee Irrigation Districts are parties, which contract provides that each of said

districts shall pay to the United States of America its proportionate share of the cost of construction of the Owyhee Federal Reclamation Project, which share is based on the number of irrigable acres in each of said districts as set forth in said repayment contract.

VII

That the petitioners are further informed and verily believe, and, therefore, allege that in the event the Advancement Irrigation District shall exclude from irrigable status within its district the 11.954 acres sought to be excluded under the within petition and the Owyhee Irrigation District shall include within its district the 11.954 acres for which irrigable status will be sought under the petition to be filed with that district simultaneously herewith, the Bureau of Reclamation of the Department of the Interior, Pacific Northwest Region, acting by and through its Regional Director, will approve an adjustment of the aforementioned repayment contract with the United States, so that the irrigable acreage of the Advancement Irrigation District, as set forth in said repayment contract, will be reduced by the number of acres to be excluded hereunder and the total amount of unpaid construction charges applicable to such excluded acreage shall likewise be deducted from said district's repayment obligation to the United States; that simultaneously therewith, the irrigable acreage of the Owyhee Irrigation District as set forth in said repayment contract shall be increased by the number of acres to be included in the proceedings before that district and the total amount of unpaid construction charges applicable to the lands to be excluded pursuant to the within petition shall be transferred and added to the construction charge obligation of the Owyhee Irrigation District and payment thereof shall be chargeable proportionately to the acres to be included within the Owyhee Irrigation District for irrigable status.


Floyd F. Blankenbaker


Joyce E. Blankenbaker

John Koopman
John Koopman

Nellie Koopman
Nellie Koopman
(Petitioners)

STATE OF OREGON)
)
County of Malheur) ss.

I, Gene Stunz, a Notary Public, do hereby certify that on the 1st day of May, 1979, personally appeared before me Floyd F. Blankenbaker and Joyce E. Blankenbaker, husband and wife, who, being by me first duly sworn, severally declared that they are the persons who signed the foregoing petition and that the statements contained therein, applicable to each, are true.

Notary Public for Oregon
My Commission Expires: 2/23/80

STATE OF OREGON)
)
County of Malheur) ss.

I, Gene Stunz, a Notary Public, do hereby certify that on the 30th day of April, 1979, personally appeared before me John Koopman and Nellie Koopman, husband and wife, who, being by me first duly sworn, severally declared that they are the persons who signed the foregoing petition and that the statements contained therein, applicable to each, are true.

Gene Stunz
Notary Public for Oregon
My Commission Expires: 2/23/80

Affidavit of Publication

STATE OF OREGON,
COUNTY OF MALHEUR

ss.

Notice

TITLE OF PUBLICATION

SPONSOR OR PLAINTIFF

Stunz, Fonda & Pratt

PLAINTIFF OR LEGAL AGENT

I, Francis R. McLean, being first duly sworn, depose and say that I am the Publisher of "The Daily Argus-Observer," a newspaper of general circulation as defined by Sections 1-509, 1-510, Oregon Code, printed and published at the City of Ontario in the aforesaid County and State; that Notice of Notice

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 2 consecutive weeks in the following issues, to-wit: May 17, 24, A.D. 1979, being the dates of the issues in which same was published.

Subscribed and sworn to before me this 5th day of

June, A.D. 1979.

Viola L. Fields
Notary Public for the State of Oregon

My Commission Expires August 23, 1981

STATEMENT

Daily Argus Observer

ONTARIO, OREGON

Number of Lines 73

Number of Insertions 2

73 Lines @ 17 2/3¢ \$ 12.89

73 Lines @ 13 1/4¢ \$ 9.67

TOTAL COST
WILL BE \$ 22.56

NOTICE

NOTICE IS HEREBY GIVEN that Floyd F. Blankenbaker and Joyce E. Blankenbaker, husband and wife, and John Koopman and Nellie Koopman, husband and wife, have filed a petition with the Advancement Irrigation District praying that certain lands mentioned in said petition and hereinafter described, owned by the petitioners, be excluded from the said District as irrigable land and, further, praying that a hearing be held on said petition and an order of exclusion granted therefrom.

That the lands petitioned for exclusion, all of which are in Malheur County, Oregon, are as follows:

11.954 acres of land more particularly described as follows:

In Twp. 18 S., R. 47 E., W.M.:

Sec. 8: All that portion of the NW 1/4 NE 1/4 lying West of that certain parcel of land conveyed to the City of Ontario by Deed dated Jan. 15, 1974, recorded Feb. 19, 1974, Instrument No. 154477, Deeds, for road right of way.

EXCEPTING THEREFROM the North 526.50 feet of the said NW 1/4 NE 1/4.

NOW, THEREFORE, all persons interested in such exclusion and change of the boundaries of said District, or who may be affected thereby are hereby directed to appear at the office of said District, 514 S.W. 4th Avenue, in the City of Ontario, County of Malheur, State of Oregon, on the 5th day of June, 1979, at 5:30 o'clock P.M. to show cause, if any they have, why said petition should not be granted and why exclusion of said lands, as proposed in said petition, should not be made.

By order of the Board of Directors made this 1st day of May, 1979.

ADVANCEMENT IRRIGATION DISTRICT.

By Melvin Cammack
Secretary,

First publication, May 17, 1979

Last publication, May 24, 1979

L-39 May 17, 24

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS
OF ADVANCEMENT IRRIGATION DISTRICT

A regular meeting of the Board of Directors of the Advancement Irrigation District was held on the 5th day of June, 1979, at the office of the District at 514 S. W. 4th Avenue, Ontario, Oregon, at 5:30 P.M.

The following members were present and answered the roll call: William J. Duyn, Carl H. Hunter, and Isao Kameshige.

Also present: Melvin Cammack, Secretary.

Mr. Cammack reported that on May 1, 1979, a Petition was duly filed with him, as Secretary of the District, for the exclusion of approximately 11.954 acres of land from the District, in which Floyd F. Blankenbaker and Joyce E. Blankenbaker, husband and wife, and John Koopman and Nellie Koopman, husband and wife, were Petitioners. He further reported that pursuant to the authority granted him by the Board of Directors he had designated that the Petition be noted in the records of the District and that a hearing thereon shall be held by the Board of Directors of the District on June 5, 1979, at the hour of 5:30 P.M., at 514 S. W. 4th Avenue, Ontario, Oregon, and further that due notice of the said hearing shall be published as provided by law.

This being the date, time and place for the hearing of objections, if any, to the Petition of the said Floyd F. Blankenbaker and Joyce Blankenbaker, husband and wife, and John Koopman and Nellie Koopman, husband and wife, for the exclusion from Advancement Irrigation District of 11.954 acres of their irrigable lands situated within the boundaries of said District and more particularly described in said Petition filed with the Secretary. And said Petitioners having offered proof that said 11.954 acres of land described in said Petition for exclusion cannot be beneficially irrigated because they are no longer used for agricultural purposes but have been converted from agricultural uses to residential purposes; that said lands cannot be utilized for farming purposes through water deliveries from the District and water rights appurtenant to said lands cannot be placed to full beneficial use thereon and said lands should be excluded from the District; that there are no lands within the District having non-irrigable status which are capable of beneficial irrigation for agricultural purposes to which water rights appurtenant to the lands sought to be excluded can be transferred; that concurrently with the filing of the Petition for exclusion, a wateruser of the Owyhee Irrigation District has filed with the Board of Directors of said District, his Petition praying for the inclusion within said District of 11.954 acres of land presently having non-irrigable status but susceptible of beneficial irrigation with the intention that the 11.954 acres to be excluded from this District would be transferred

to the Owyhee Irrigation District and the records of the United States of America acting by and through the Secretary of the Interior would be adjusted so that the obligations of the excluded lands for payment of construction charges of the Owyhee Project allocable to the excluded lands, as well as all future operation and maintenance assessments and any other charges properly made against said lands, would be transferred to the Owyhee Irrigation District, with payment being made by the Petitioner of the Owyhee Irrigation District obtaining inclusion of a similar number of acres of land.

That said Secretary of the Interior acting through the Bureau of Reclamation, having tentatively consented to the exclusion of the lands of the Petitioners, as described in said Petition, and the District and the Owyhee Irrigation District having entered into an agreement with said Secretary of the Interior providing for the transfer of the balance of the construction charge obligation amounting to \$1,474.65 chargeable to the lands to be excluded from the District, to the Owyhee Irrigation District and to the lands of the Petitioner in said District seeking inclusion of the 11.954 acres referred to herein and also for the assumption by the Owyhee Irrigation District of payment of all future assessments and other obligations which would be attributable to the 11.954 acres being excluded herein if the irrigable status of said lands with their appurtenant water rights were not transferred to the Owyhee Irrigation District.

And said Petitioners having paid all of said assessments of the District to and including the date of the filing of said Petition allocable to their respective lands, together with all costs of the proceedings for the exclusion of said lands and the Chairman having called for objections to said Petition and no one having appeared in opposition to the Petition for Exclusion filed by the above named Petitioners, and good cause existing therefor, on the motion of Mr. Hill, and seconded by Mr. Kameshige, and unanimously carried, the following resolution was adopted:

RESOLVED, that the Petition of the Petitioners named herein for exclusion of the lands described in their Petition filed with the District on May 1, 1979, be, and the same is hereby granted and said lands are hereby excluded from the Advancement Irrigation District as irrigable lands of said District and the boundaries of the District are hereby modified accordingly and an Order of Exclusion of said lands shall be entered herewith and made a part of these minutes.

FURTHER RESOLVED, that the Secretary of the District be, and he is hereby directed to file said Order together with a certified copy of the within minutes for record in the office of the County Clerk of Malheur County, Oregon,

as provided by law.

There being no further business to come before the Board, the meeting was adjourned.

APPROVED: June 5, 1979


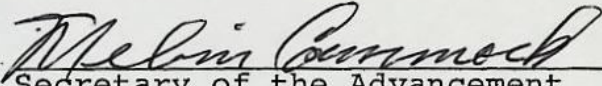
Melvin Ammock
Secretary

William J. Dwyer
Chairman

STATE OF OREGON)
)
County of Malheur) ss.

I, Melvin Cammack, do hereby certify that I am the duly appointed, qualified and acting Secretary of the Advancement Irrigation District, a quasi-municipal corporation organized and existing pursuant to the laws of the State of Oregon, and that as such Secretary, I have in my possession and under my control the original records of said District; that the foregoing copy of the minutes of the meeting of the Board of Directors of the Advancement Irrigation District, held on the 5th day of June, 1979, is a true and correct copy and transcript of the original minutes of said meeting and of the whole thereof, as the same appears in my custody and under my control.

Dated: June 5, 1979



Secretary of the Advancement
Irrigation District

In the Matter of the Petition
of
FLOYD F. BLANKENBAKER and JOYCE E.
BLANKENBAKER, husband and wife, and
JOHN KOOPMAN and NELLIE KOOPMAN,
husband and wife, for exclusion of
irrigable land within the Advance-
ment Irrigation District.

-1-

Petitioners, (b) the description of the lands owned by the Petitioners for which they have requested exclusion from the District, (c) that the lands sought to be excluded cannot be beneficially irrigated because they are no longer used for agricultural purposes but have been converted from agricultural uses to residential purposes, (d) that the Petitioners have been informed that concurrently with the filing by Petitioners of their Petition for Exclusion, a Petition would be filed with the Board of Directors of the Owyhee Irrigation District of the Owyhee Federal Reclamation Project by a wateruser within said District praying for inclusion of 11.954 acres of land situated within said District, but not having irrigable status although susceptible of beneficial irrigation for agricultural purposes, in substitution for the 11.954 acres sought to be excluded from the District; and (e) Petitioners' request that the pro rata share of all outstanding indebtedness of the District applicable to the lands sought to be excluded, together with the obligation for payment of all future assessments for operation and maintenance of the District applicable to said lands be transferred to the Owyhee Irrigation District and the lands sought to be excluded be relieved and released of the obligation to pay said pro rata share of such indebtedness and future operation and maintenance assessments.

And it further appearing to the satisfaction of the Board of Directors that the lands for which exclusion from the District is being petitioned cannot be beneficially irrigated because they are no longer used for agricultural purposes; that said lands cannot be utilized for farming purposes through water deliveries from the District and the water rights appurtenant to said lands cannot be placed to full beneficial use thereon and said lands should, therefore, be excluded from the Advancement Irrigation District; and that there are no lands within the District having non-irrigable status, which are capable of beneficial irrigation for agricultural purposes to which

the water rights appurtenant to the lands sought to be excluded can be transferred.

And it further appearing to the satisfaction of the Board of Directors that the Advancement Irrigation District, the Owyhee Irrigation District and all of the other Districts in the Owyhee Federal Reclamation Project have entered into a repayment contract dated August 29, 1951, with the United States of America, acting by and through the Secretary of the Interior, which provides that each of the Districts in said Project will pay to the United States its proportionate share of the cost of construction of the Owyhee Project, based on the number of irrigable acres in each District as set forth in said repayment contract; that the Advancement Irrigation District has entered into an agreement with the said Owyhee Irrigation District and the Secretary of the Interior of the United States of America acting by and through the Bureau of Reclamation providing that upon the exclusion of said 11.954 acres of irrigable land by the said Advancement Irrigation District a like number of acres of land in the Owyhee Irrigation District presently susceptible of beneficial irrigation but now classified as non-irrigable will be included in the latter District as irrigable land and that thereafter said Secretary of the Interior would adjust the acreages of the Advancement Irrigation District and the Owyhee Irrigation District as set forth in said repayment contract by reducing the number of acres in the Advancement Irrigation District by the 11.954 acres excluded from said District and by increasing the number of acres in the Owyhee Irrigation District by the said 11.954 acres to be included therein and by transferring the unpaid construction charge indebtedness allocable to said 11.954 acres, amounting to \$1,474.65, from the Advancement Irrigation District to the Owyhee Irrigation District, and providing further that the Owyhee Irrigation District would assume payment to the United States of said unpaid construction charges so transferred, as well as all future in-

debtedness to the United States, and would also assume payment of all future operation and maintenance assessments and any other obligations which would be applicable to the lands being excluded if they had not been transferred to the Owyhee Irrigation District and that said Advancement Irrigation District shall be relieved and released from payment of said construction charges, operation and maintenance assessments and any and all other obligations chargeable to said 11.954 acres.

And it further appearing to the satisfaction of the Board of Directors that all assessments for construction charges and operation and maintenance charges payable by the Petitioners for the lands sought to be excluded, have been paid in full to the date of the filing of said Petition.

And it further appearing to the satisfaction of the Board of Directors that pursuant to the provisions of ORS 545.606, the Secretary of the Board of Directors has caused notice of the filing of said Petition to be duly given and published once each week, for two weeks, commencing on the 17th day of May, 1979, and ending on the 24th day of May, 1979, in the Ontario Argus-Observer, a daily newspaper of general circulation published in Malheur County, Oregon, which is the county in which the office of the Board is situated, which notice stated the filing of the aforementioned Petition for Exclusion, the name of the Petitioners, a description of the lands mentioned in the said Petition, the prayer of the Petition for a hearing thereon and the granting of an Order of Exclusion and gave notice to all persons interested to appear at the office of the Board at 514 S. W. Fourth Avenue, in the City of Ontario, County of Malheur, State of Oregon, on the 5th day of June, 1979, at 5:30 o'clock P.M. to show cause in writing, if any they have, why the exclusion and change in boundaries proposed in the Petition should not be made.

And it further appearing to the satisfaction of the Board of

Directors that the said notice of hearing has been duly published as required by law; that an Affidavit of Publication of said notice by Francis R. McLean, Publisher of the Ontario Argus-Observer has been duly filed with the Board; and that the date of said hearing is the regular meeting of the Board of Directors next after the expiration of the time for publication of said notice.

And it further appearing to the satisfaction of the Board of Directors that there are no bonds or unpaid interest thereon, issued by the Advancement Irrigation District, and that the consent to said exclusion by the Secretary of the Interior of the United States of America, acting by and through the Regional Director of the Pacific Northwest Region of the Bureau of Reclamation has been granted to the Board of Directors, subject to an equal number of acres being included in the Owyhee Irrigation District in substitution therefor.

And it further appearing that no person has appeared in opposition to the granting of the Petition for Exclusion, nor presented in writing any objections to the granting of said Petition, and after due consideration, the Board finds it is in the best interests of the District that the lands described in the Petition be excluded therefrom.

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Petition of Floyed F. Blankenbaker and Joyce E. Blankenbaker, husband and wife, and John Koopman and Nellie Koopman, husband and wife, for the Exclusion from Advancement Irrigation District of the lands described in said Petition, totaling 11.954 acres, be, and the same is hereby granted and said lands are hereby excluded from said District and the boundaries of said District are hereby changed by excluding therefrom all of the lands described in said Petition.

IT IS HEREBY FURTHER ORDERED that the irrigable status of said lands excluded herein, together with the water rights of the Owyhee

Federal Reclamation Project appurtenant to said 11.954 acres of land so excluded, be, and the same are hereby transferred to the Owyhee Irrigation District for beneficial use on lands of said District upon condition that the Owyhee Irrigation District shall pay all of the obligations of Advancement Irrigation District and said excluded lands, for unpaid construction charges to the United States of America on said 11.954 acres of land, amounting to \$1,474.65, and all future assessments for operation and maintenance and capital improvements of the Owyhee Project applicable to said excluded lands.

IT IS HEREBY FURTHER ORDERED that upon completion of the transfer of irrigable status and the appurtenant water rights of said excluded lands to the Owyhee Irrigation District, the Petitioners, as owners of said excluded lands, shall be exonerated and released from the obligation of paying their respective proportionate share of the unpaid construction charges owing to the United States of America under the Owyhee Federal Reclamation Project repayment contract, as aforesaid, as well as all future assessments for operation and maintenance and capital improvements of the Owyhee Project and the District's lien against said lands for payment of said obligations shall be released.

IT IS HEREBY FURTHER ORDERED, that the Secretary of the Board of Directors shall record in the minutes of the Board the aforementioned Petition, Notice of Hearing, Affidavit of Publication and the within Order and shall make an entry in the minutes of the change in the boundaries of the District.

IT IS HEREBY FURTHER ORDERED, that a copy of this Order changing the boundaries of the District and excluding therefrom the lands hereinbefore described, and the entry of the minutes of the Board of Directors excluding the said lands, both certified by the Secretary as true copies of the originals thereof, shall be filed by the Secretary for record in the office of the County Clerk of Malheur County, State

of Oregon.

Done and dated at Ontario, Oregon, this 5th day of June, 1979.

William J. Dunn
Chairman of the Board and Director

ATTEST:

Carl H. Hunter
Director

Melvin Cammack
Secretary

Leo K. Knepper
Director

STATE OF OREGON)
) ss.
County of Malheur)

I, Melvin Cammack, do hereby certify that I am the duly appointed, qualified and acting Secretary of the Advancement Irrigation District, a quasi-municipal corporation organized and existing pursuant to the laws of the State of Oregon, and that as such Secretary, I have in my possession and under my control the original records of said District; that the foregoing copy of the Order of the Board of Directors of said District dated the 5th day of June, 1979, is a true and correct copy and transcript of the original order and of the whole thereof, as the same appears in my custody and under my control.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the seal of Advancement Irrigation District, this 5th day of June, 1979.

Melvin Cammack
Secretary of the Advancement
Irrigation District

[illegible]

BEFORE THE BOARD OF DIRECTORS
OF OWYHEE IRRIGATION DISTRICT
OF MALHEUR COUNTY, STATE OF OREGON

RECEIVED
JUN 20 1979
WATER RESOURCES DEPT
SALEM, OREGON

In the Matter of the Petition)

of)

) PETITION FOR INCLUSION
)

MARK E. HARTLEY and JUNE S. HARTLEY,
husband and wife, for the inclusion
of land within the Owyhee Irrigation
District for irrigable status.)

COME NOW the above named petitioners and for their petition for inclusion of certain lands to irrigable status within the Owyhee Irrigation District, respectfully show:

I

That the Owyhee Irrigation District and the Advancement Irrigation District are two of the nine irrigation districts comprising the Owyhee Federal Reclamation Project. That said two districts are in the north division of said project and the irrigable lands of both districts receive delivery of irrigation water through the North Board of Control of the Owyhee Project, which is the operating agency of the seven irrigation districts in the north division of the Owyhee Project.

II

That the petitioners are husband and wife and are the owners in fee simple of irrigable land within the boundaries of the Owyhee Irrigation District, together with 11.954 acres of non-irrigable lands which are situated in Malheur County, Oregon, within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, Twp. 20, S., R. 46 E., W.M. and lying West of the Klingback Drain.

III

That 11.954 acres of land situated within the said SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, Twp. 20 S., R. 46 E., W.M., are situated within the boundaries of the Owyhee Irrigation District and are classified by the said District as non-irrigable therein. That since the last official classification of irrigable lands within the Owyhee Irrigation District, the said

11.954 acres have been converted from non-irrigable to irrigable condition and the said lands are now feasible for beneficial irrigation and are readily accessible for delivery of water from the north canal of the Owyhee Project in the same manner that petitioners are now receiving delivery of irrigation water to the irrigable land within the said SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 22, Twp. 20 S., R. 46 E., W.M. That the said lands sought to be included for irrigable status within the district are now of acceptable land classification to permit the granting of inclusion within the district.

IV

That petitioners are informed and verily believe and, therefore, allege that simultaneously with the filing of the within petition for inclusion, a petition will be filed with the Advancement Irrigation District by the owners of land therein, for the exclusion from said district of a total of 11.954 acres which are situated within the Advancement Irrigation District and now have irrigable status therein but which cannot feasibly be beneficially irrigated for agricultural purposes.

V

That the total number of acres sought to be included in the Owyhee Irrigation District for irrigable status under the within petition are equal in number to the lands sought to be excluded from the Advancement Irrigation District, as hereinbefore alleged.

VI

That the United States of America acting by and through the Secretary of the Interior has entered into a repayment contract with all of the irrigation districts of the Owyhee Project, dated August 29, 1951, to which contract the Owyhee and Advancement Irrigation Districts are parties, which contract provides that each of said districts shall pay to the United States of America its proportionate share of the cost of construction of the Owyhee Federal Reclamation

Project, which share is based on the number of irrigable acres in each of said districts as set forth in said repayment contract.

VII

That petitioners are informed and verily believe, and, therefore, allege that in the event the Advancement Irrigation District shall exclude from irrigable status within its district the 11.954 acres sought to be excluded under the petition to be filed with said district simultaneously herewith, and the Owyhee Irrigation District shall include within its district the 11.954 acres for which irrigable status is sought under the within petition, the Bureau of Reclamation of the Department of the Interior, Pacific Northwest Region, acting by and through its regional director, will approve an adjustment of the aforementioned repayment contract with the United States so that the irrigable acreage of the Advancement Irrigation District, as set forth in said repayment contract, will be reduced by the number of acres to be excluded under the aforementioned petition to be filed with Advancement Irrigation District and the total amount of unpaid construction charges applicable to such excluded acreage shall likewise be deducted from the Advancement Irrigation District's repayment obligation to the United States; that simultaneously therewith, the irrigable acreage of the Owyhee Irrigation District, as set forth in said repayment contract, shall be increased by the number of acres to be included in the within proceedings before said district and the total amount of unpaid construction charges applicable to the lands to be excluded from the Advancement Irrigation District shall be transferred and added to the construction charge obligation of the Owyhee Irrigation District and payment thereof shall be chargeable proportionately to the acres to be included within the Owyhee Irrigation District for irrigable status under the within petition.

VIII

That petitioners agree to pay all costs and expenses in connec-

tion with the proceedings for inclusion of the within described lands for irrigable status and the transfer to the lands of the petitioners herein of the water rights, now appurtenant to the lands to be excluded from the Advancement Irrigation District and in the event the within petition is acted upon favorably by the Board of Directors of the Owyhee Irrigation District, petitioners respectively further agree to assume and to pay their share of the outstanding obligations and charges attributable to the lands to be excluded from the Advancement Irrigation District, and to be transferred to the Owyhee Irrigation District by adjustment of the existing repayment contract between the United States of America and said district, together with their share of all future assessments for operation and maintenance of said district, as well as capital improvements thereof insofar as the same may be applicable to the irrigable acreages to be included herein.

IX

In the event favorable action is taken on the within petition, petitioners further agree to abide by all rules and regulations of the district duly enacted for the operation of the district and to pay all assessments and other charges levied by the district against their said lands promptly when due.

WHEREFORE, petitioners pray that the Board of Directors of the Owyhee Irrigation District cause a notice of the filing of the petition herein to be published in the manner required by law and further notifying all persons interested in said proceeding to appear at the office of the Board at a time to be specified in said notice, to show cause, if any they have, why the inclusion prayed for in the petition herein should not be made; and that said Board, upon the hearing of said petition, shall thereupon make its order as follows:

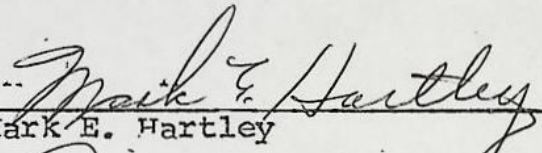
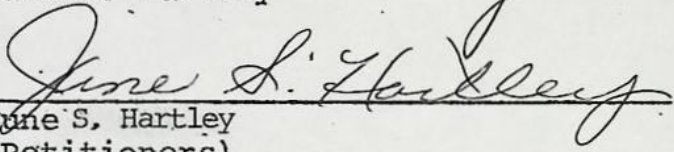
- (a) Authorizing the district to accept the transfer from Advancement Irrigation District of the water rights appurtenant to 11.954 irrigable acres of land of the latter district.
- (b) Assuming the obligation of Advancement Irrigation District

for payment to the United States of America of all unpaid construction charges applicable to said acreage to be transferred, as aforesaid.

(c) Including the lands described in the within petition to irrigable status within the Owyhee Irrigation District.

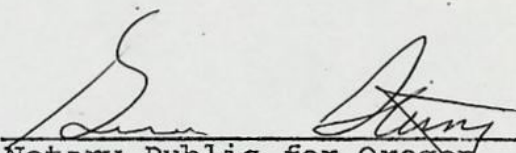
(d) Allocating the water rights appurtenant to the lands of Advancement Irrigation District being excluded from that district and being transferred to the Owyhee Irrigation District, to the lands being petitioned for inclusion herein; and

(e) For such other relief as to the Board shall seem proper.


Mark E. Hartley

June S. Hartley
(Petitioners)

STATE OF OREGON)
)
County of Malheur) ss.

I, Gene Stunz, a Notary Public, do hereby certify that on the 1st day of May, 1979, personally appeared before me Mark E. Hartley and June S. Hartley, husband and wife, who, being by me first duly sworn, severally declared that they are the persons who signed the foregoing Petition and that the statements therein contained, applicable to each, are true.


Notary Public for Oregon
My Commission Expires: 2/23/80

A regular meeting of the Board of Directors of the Owyhee Irrigation District was held on May 1, 1979, at 8:00 P.M. at the office of the North Board of Control, 17 S. 1st St., Nyssa, Oregon, in conjunction with a meeting of the North Board of Control.

The following members were present and answered the roll call:

E. H. Brandt
Alvin M. Griffin
William H. Kennington

Also present: John E. Ross, Project Manager and Gene Stunz, Secretary.

MINUTES. The minutes of the meetings of the Board of Directors held on October 27, November 2, November 15, 1976, January 4, September 6, 1977, February 7, and November 7, 1978, had been previously mailed to each of the Directors and after consideration Mr. Brandt questioned the accuracy of the minutes of February 7, 1978, and there being no objection to the remainder of the minutes, the Chairman approved all of the minutes with the exception of the minutes of February 7, 1978, and requested the Secretary to obtain further information concerning those minutes.

FOWLER AND BLEDSOE. The Secretary presented a statement from the firm of Fowler and Bledsoe for the 1977/1978 audit. The amount of the statement is \$1,200, and after discussion a motion was made by Mr. Griffin and seconded by Mr. Kennington that the said account be paid. The motion passed unanimously.

HARTLEY INCLUSION. The Secretary reported that a petition for the inclusion of 11.954 acres of land within the District had been filed with him by Mark E. Hartley and June S. Hartley, Petitioners, water users within the District. Upon a motion duly made, seconded and carried with a unanimous vote, the following resolution was duly adopted:

RESOLVED, that the filing of the said Petition be noted in the records of the District and that a hearing thereon shall be held by the Board of Directors on June 5, 1979, at the hour of 8:00 P.M., at the office of the District, on which date, time and place, all persons interested in said inclusion or who may be affected thereby may appear to show cause, if any, why inclusion of said lands as proposed in the Petition should not be made.

RESOLVED FURTHER, that the Secretary of the District shall cause notice of the said hearing to be published as provided by law, in the Nyssa Gate City Journal in the issues of May 10, 17, 24 and 31, 1979.

There being no further business to come before the meeting, the President declared the same adjourned.

APPROVED: 6/5/79

E. H. Brandt
President

Gene Stunz
Secretary

A regular meeting of the Board of Directors of the Owyhee Irrigation District was held this 5th day of June, 1979, at the office of the District at 8:00 P.M.

The following members were present and answered the roll call:

E. H. Brandt
William H. Kennington
Alvin M. Griffin

Also present: John E. Ross, Project Manager, and Gene Stunz, Secretary.

The minutes of the meeting of Directors held on May 1, 1979, had previously been mailed to each of the members of the Board. There being no objection to the minutes, the Chairman approved the same.

This being the date, time and place for the hearing of objections, if any, to the Petition of Mark E. Hartley and June S. Hartley, husband and wife, for the inclusion into the Owyhee Irrigation District of 11.954 acres of non-irrigable land situated within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 22, Twp. 20 S, R. 46 E., W.M., and lying west of the Klingback Drain, in Malheur County, Oregon.

And said Petitioners having offered proof by John E. Ross, Project Manager of the North Board of Control of the Owyhee Project, that the total acreage of the tract owned by the Petitioners seeking inclusion of their land in the District is 11.954 acres; that the said tract of land is now situated within the boundaries of the Owyhee Irrigation District but does not have irrigable status therein; that said tract of land is feasible of beneficial irrigation and is accessible to delivery of water from the North Canal of the Owyhee Federal Reclamation Project; and that said land is of acceptable land classification to be included for irrigable status within said District and all of said lands should, therefore, be included in the District.

And said Petitioners having agreed to pay all costs of the proceedings for inclusion of the lands described in their Petition; and the Advancement Irrigation District, one of the Districts of the Owyhee Project, having excluded 11.954 acres of land having irrigable status, upon agreement with the Owyhee Irrigation District and the United States of America acting by and through the regional Director of the Pacific Northwest Region of the Bureau of Reclamation, providing that irrigable status of the excluded lands be transferred to the Owyhee Irrigation District, together with the water rights appurtenant to said lands; and said Petitioners having also agreed upon inclusion of their land with irrigable status in the Owyhee Irrigation District to assume payment of and to pay their share of the balance of all repayment contract obligations for construction charges now a lien against the lands to be excluded from the Advancement Irrigation District, together with all future assessments which may be

made by the District against the lands to be included; and said Petitioners having also agreed to abide by all rules and regulations of the District duly enacted for the operation of the District; and it appearing to the satisfaction of the Board that all requirements of law for the inclusion of the lands petitioned herein have been duly met and complied with; no person having appeared in opposition to the Petition for Inclusion filed by the Petitioners and good cause existing therefor, on motion of Mr. _____, and seconded by Mr. _____

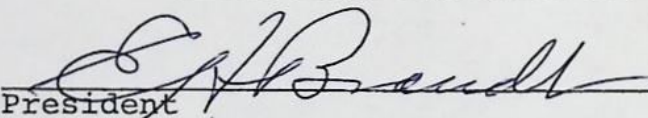
and carried unanimously, the following resolution was adopted:

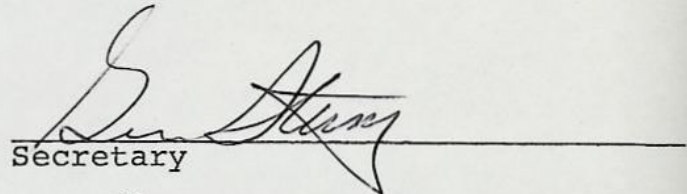
RESOLVED, that the Petition of Mark E. Hartley and June S. Hartley, husband and wife, whose names appear as owners of the parcel of land within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 22, Twp. 20 S, R. 46 E., W.M., Malheur County, Oregon, be, and the same is hereby granted and said lands are hereby included in the Owyhee Irrigation District and granted irrigable status therein and the boundaries of the District are hereby modified accordingly, upon condition that said Petitioners shall comply with all of the terms and provisions of the Order of Inclusion to be entered herewith.

FURTHER RESOLVED, that concurrently herewith, the District shall enter its Order granting irrigable status to the lands hereinbefore described and including said lands within the boundaries of the District and if no protest has been filed within thirty (30) days after entry of said Order, the Secretary shall file for record a certified copy of said Order in the office of the County Clerk of Malheur County, Oregon.

There being no further business to come before the Board, the Chairman declared the meeting adjourned.

APPROVED: June 5, 1979

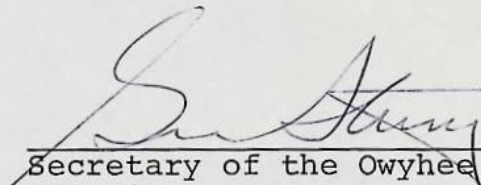

President


Secretary

STATE OF OREGON)
)
County of Malheur) ss.

I, Gene Stunz, do hereby certify that I am the duly appointed, qualified and acting Secretary of the Owyhee Irrigation District, a quasi-municipal corporation organized and existing pursuant to the laws of the State of Oregon, and that as such Secretary, I have in my possession and under my control the original records of said District; that the foregoing copy of the minutes of the meeting of the Board of Directors of Owyhee Irrigation District, held on the 1st day of May, 1979, and the 5th day of June, 1979, is a true and correct copy and transcript of the original minutes of said meeting and of the whole thereof, as the same appears in my custody and under my control.

Dated: June 5, 1979.



Secretary of the Owyhee Irrigation
District

NOTICE

NOTICE IS HEREBY GIVEN

that the persons whose names appear below have filed a petition with the Owyhee Irrigation District praying that certain lands mentioned in said petition and hereinafter described, owned by the petitioners, be included in said District as irrigable land and further praying that a hearing be held on said petition and an order of inclusion granted thereon.

That the lands petitioned for inclusion, all of which are in Malheur County, Oregon, with the names of the petitioners who are the owners thereof, are as follows:

11.954 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 22, Twp. 17 S., R. 46 E., W.M., lying West of the Klingback Drain; Mark E. Hartley and June S. Hartley.

NOW, THEREFORE, all persons interested in this inclusion and the change of the boundaries of said District are hereby directed to appear at the office of the said District, at 17 South First Street, in the City of Nyssa, County of Malheur, State of Oregon, on the 5th day of June,

1979, at 8:00 P.M., to show cause, if any they have, why said petition should not be granted and why said inclusion of lands, as proposed in said petition, should not be made.

By order of the Board of Directors made this 1st day of May, 1979.

OWYHEE IRRIGATION DISTRICT

By Gene Stunz
Secretary

First Publication, May 10, 1979
Last Publication, May 31, 1979
Published May 10, 17, 24, 31, 1979

Affidavit of Publication

STATE OF OREGON,

COUNTY OF MALHEUR.

ss.

I, James Peterson, Editor, being first duly sworn, upon my oath say: That I am advertizing manager of THE NYSSA GATE CITY JOURNAL, a weekly newspaper printed and published at Nyssa, Malheur County, Oregon, That the attached notice of Interested Persons

was duly and regularly published in the said Gate City Journal once each week for 4 consecutive weeks, being

4 issues of said newspaper, commencing with the issue of May 10, 19 79 and ending with the issue of May 31, 19 79 being the issues of May 10, 19 79 May 17, 19 79 May 24, 19 79 May 31, 19 79

That said newspaper was duly and regularly published and circulated during said period; that said attached notice of

Interested Persons

was so published in a regular edition and not in any supplement thereof; that the said GATE CITY JOURNAL is a newspaper of general circulation, made up of at least 4 pages of at least 5 columns each, of at least 17 $\frac{3}{4}$ inches in depth of type matter; that said newspaper has a bonafide subscription of more than 200 bonafide subscribers living within Malheur County, Oregon, and that said newspaper has been established and regularly and uninterruptedly published in Malheur County, Oregon, at least once a week during a period of at least 12 consecutive months immediately preceding the publication of this

Notice of Interested Persons

The cost of this publication is \$ 27.61

James Peterson

Subscribed and sworn to before me this thirty-first day of May, 19 79

D. Ralph G. Lawrence
Notary Public for the State of Oregon

My Commission Expires 9/3, 19 79

BEFORE THE BOARD OF DIRECTORS
OF OWYHEE IRRIGATION DISTRICT
OF MALHEUR COUNTY, STATE OF OREGON

-----)	
In the Matter of the Petition)	
)	
of)	
)	ORDER FOR INCLUSION
MARK E. HARTLEY and JUNE S. HARTLEY,)	
husband and wife, for the inclusion)	
of land within the Owyhee Irrigation)	
District for irrigable status.)	

This matter coming on to be heard before the Board of Directors of the Owyhee Irrigation District, at the regular meeting of said Board duly held at its office at 17 South First Street, in the City of Nyssa, Malheur County, State of Oregon, on the 5th day of June, 1979, at 8:00 o'clock P.M., at which meeting a quorum of said Board was present, based on the verified Petition of Mark E. Hartley and June S. Hartley, husband and wife, for inclusion within the boundaries of said District of 11.954 acres of land hereinafter described, and the Petitioners having appeared and having offered evidence and proofs in support of said Petition for Inclusion.

And it appearing to the satisfaction of the Board of Directors from the records and papers in the within proceeding that the Petitioners are the owners in fee simple of 11.954 acres of non-irrigable lands situated within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, Twp. 20 S., R. 46 E..W.M. and lying west of the Klingback Drain, in Malheur County, Oregon, that said Petition was duly filed with the Board of Directors on the 1st day of May, 1979, at a regular meeting of said Board; that said Petition set forth: (a) the names of the said Petitioners, (b) a description of the lands owned by said Petitioners, (c) their agreement, in the event inclusion is granted, to assume and pay promptly when due their pro rata share of all obligations and charges of the Owyhee Irrigation District under the existing repayment contract between the

United States of America and said District, including all the future assessments for operation and maintenance of said District, as well as all capital improvements, which may be applicable to their irrigable acreage subject of inclusion, together with the costs and expenses of these proceedings, and (d) their agreement to abide by all rules and regulations of said District.

And it further appearing to the satisfaction of the Board of Directors that there are no bonds or unpaid interest thereon issued by the Owyhee Irrigation District and that said inclusion has been tentatively approved by the Secretary of the Interior of the United States of America by and through the Regional Director of the Pacific Northwest Region of the Bureau of Reclamation.

And it further appearing to the satisfaction of the Board of Directors that the lands for which inclusion within the District is being petitioned are situated within the boundaries of the Owyhee Irrigation District and do not have irrigable status therein; that said lands are feasible for beneficial irrigation and are accessible for delivery of water from the North Canal of the Owyhee Federal Reclamation Project; that said lands are of acceptable land classification to be included for irrigable status within said District; that 11.954 acres of irrigable land of the Advancement Irrigation District not presently susceptible of beneficial irrigation by the Owyhee Federal Reclamation Project have been petitioned for exclusion from said District by the owners thereof and a hearing on said Petition has been duly had and said lands have been ordered excluded by said District.

And it further appearing to the satisfaction of the Board of Directors that the Owyhee Irrigation District, the Advancement Irrigation District, and the other Districts in the Owyhee Federal Reclamation Project have entered into a repayment contract, dated August 29, 1951, with the United States of America, acting by and through

the Secretary of the Interior, which provides that each District in said Project shall pay to the United States its proportionate share of the cost of construction of the Project, based on the number of irrigable acres in each District, as set forth in said repayment contract; that the Owyhee Irrigation District has entered into an agreement with said Advancement Irrigation District and the Secretary of the Interior of the United States of America acting by and through the Regional Director of the Pacific Northwest Region of the Bureau of Reclamation providing that upon the exclusion of said 11.954 acres of irrigable land by said Advancement Irrigation District, a like number of acres of land in the Owyhee Irrigation District presently susceptible of beneficial irrigation but now classified as non-irrigable will be included in the latter District as irrigable land and that thereafter said Secretary of the Interior would adjust the acreages of the Advancement Irrigation District and the Owyhee Irrigation District as set forth in said repayment contract, by reducing the number of acres in the Advancement Irrigation District by the 11.954 acres excluded from the said District and by increasing the number of acres in the Owyhee Irrigation District by the 11.954 acres to be included herein and by transferring the unpaid construction charge indebtedness allocable to said 11.954 acres, amounting to \$1,474.65, from the Advancement Irrigation District to the Owyhee Irrigation District, and providing further, that the Owyhee Irrigation District would assume payment to the United States of said unpaid construction charges so transferred, as well as all future indebtedness to the United States, and would also assume payment of all future operation and maintenance assessments and any other obligations which would be applicable to the lands being excluded if they had not been transferred to the Owyhee Irrigation District and that said Advancement Irrigation District shall be relieved and released from the payment of said construction charges, operation and maintenance assess-

ments and any and all other obligations chargeable to said 11.954 acres.

And it further appearing to the satisfaction of the Board of Directors that pursuant to the provisions of ORS 545.586, the Secretary of the Board of Directors has caused notice of the filing of said Petition to be duly given and published once each week, for three (3) successive weeks, being four consecutive publications, commencing on the 10th day of May, 1979, and ending on the 31st day of May, 1979, in the Nyssa Gate City Journal, a weekly newspaper of general circulation published in Malheur County, Oregon, which is the County in which the office of the Board is situated, which notice stated the filing of the aforementioned Petition for Inclusion, the names of the Petitioners, a description of the lands mentioned in said Petition, the prayer of the Petition for a hearing thereon and the granting of an Order of Inclusion and gave notice to all persons interested to appear at the office of the Board at 17 South First Street in the City of Nyssa, County of Malheur, State of Oregon, on the 5th day of June, 1979, at 8:00 P.M. to show cause, if any they have, why the Petition should not be granted.

And it further appearing to the satisfaction of the Board of Directors that said notice of hearing has been duly published as required by law; that an Affidavit of Publication of said notice by James S. Peterson, Editor of the Nyssa Gate City Journal, has been duly filed with the Board; and that the date of said hearing is the regular meeting of the Board of Directors next after the expiration of the time for publication of the said notice.

And it further appearing that no person has appeared in opposition to the granting of the Petition or presented in writing any objections to the granting of said Petition and after due consideration, the Board finds it is in the best interests of the District that the lands described in the Petition be included therein with

irrigable status.

NOW, THEREFORE,

IT IS HERBY ORDERED that the Petition of the said Mark E. Hartley and June S. Hartley, husband and wife, for inclusion of their lands herein described to irrigable status within the Owyhee Irrigation District be, and the same is hereby granted and the boundaries of said District be, and they are hereby changed to include therein the said 11.954 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, Twp. 20 S., R. 46 E., W.M. and lying west of the Klingback Drain, Malheur County, Oregon, and that said lands shall be entitled to irrigable status.

IT IS HEREBY FURTHER ORDERED, that a condition precedent to the inclusion of said lands to irrigable status within the District, the Petitioners, within 15 days after the entry of this Order, shall enter into an agreement with the District which shall provide that Petitioners shall assume payment of and shall agree to pay the remaining unpaid construction charges amounting to \$123.36 per acre, computed on the number of acres included herein, which are payable by the Owyhee Irrigation District to the United States of America under the repayment contract obligating each District to pay its proportionate share of the cost of construction of the Owyhee Federal Reclamation Project, based on the irrigable acreage of each District, or any outstanding indebtedness under any contracts amendatory thereof or supplemental thereto, and shall also assume and agree to pay all assessments which may be made against said lands for annual operation and maintenance charges of the District including all other future obligations and liabilities of the District, and that all said indebtedness and other obligations and assessments shall be a charge and lien against the lands included in the District hereunder, and that said Petitioners shall comply with all rules and regulations of the District now or hereafter promulgated.

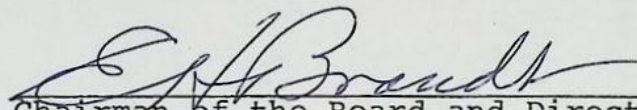
IT IS HEREBY FURTHER ORDERED, that in the event no protest shall

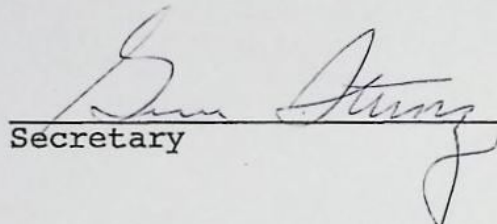
be filed with the Board within thirty (30) days after entry of this Order, a certified copy of this Order shall be filed for record in the office of the County Clerk of Malheur County, State of Oregon.

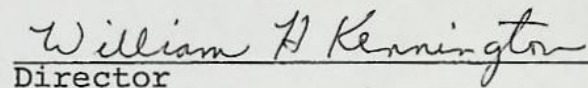
IT IS HEREBY FURTHER ORDERED, that the Secretary of the Board of Directors shall record in the minutes of the Board the aforementioned Petition, Notice of Hearing, Affidavit of Publication and the within Order.

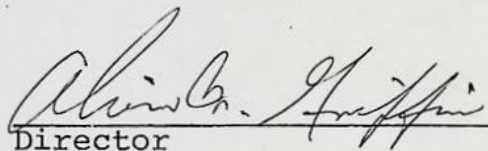
Done and dated at Nyssa, Oregon, this 5th day of June, 1979.

ATTEST:


Chairman of the Board and Director

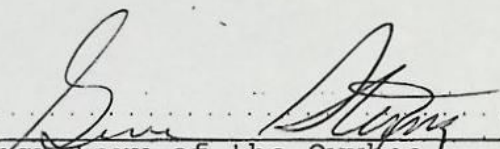

Secretary


Director


Director

STATE OF OREGON)
)
County of Malheur) ss.

I, Gene Stunz, do hereby certify that I am the duly appointed, qualified and acting Secretary of the Owyhee Irrigation District, a quasi-municipal corporation organized and existing pursuant to the laws of the State of Oregon, and that as such Secretary, I have in my possession and under my control the original records of said District; that the foregoing copy of the order of the Board of Directors of said District dated the 5th day of June, 1979, is a true and correct copy and transcript of the original order and of the whole thereof, as the same appears in my custody and under my control.


.....
Secretary of the Owyhee
Irrigation District