

Name Oliver B. & Violet Munger

4199

By _____

Address West Star Route

DESCRIPTION OF WATER RIGHT

FEES PAID

Mt. Vernon, Or. 97865

Name of stream Wyllie Creek

Date	Amount	Receipt No.
<u>4-16-79</u>	<u>85-</u>	<u>10309</u>

Trib. of _____ County of Grant

Use irrigation

Quantity of water _____ No. of acres 2² Ac

Name of ditch _____

Date of priority Oct 7, 1896

In name of Sam Thompson

John Day River Adjudication, Vol. 10, page 483

App. No. _____ Per. No. _____ Cert. No. 36600

Certificate cancelled _____

Notation made on record by _____

Change in POD

Date filed April 16, 1979

Date of hearing July 19, 1979

Place of hearing Canyon City

Date of order 7-30-79 Vol. 32, page 292

Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued 36600
36601 Vol. _____, page 12/06/2006

REMARKS

W.R.I.S.	
Assembled <u>7-23-89</u> by <u>SDX</u>	
Entered _____ by _____	
Verified _____ by _____	

Blue Mt. Eagle \$39.00 pd 6/24/79 ck# 3468

FEES REFUNDED

Date	Amount	Check No.
<u>4-22-79</u>	<u>11⁰⁰</u>	<u>3469</u>

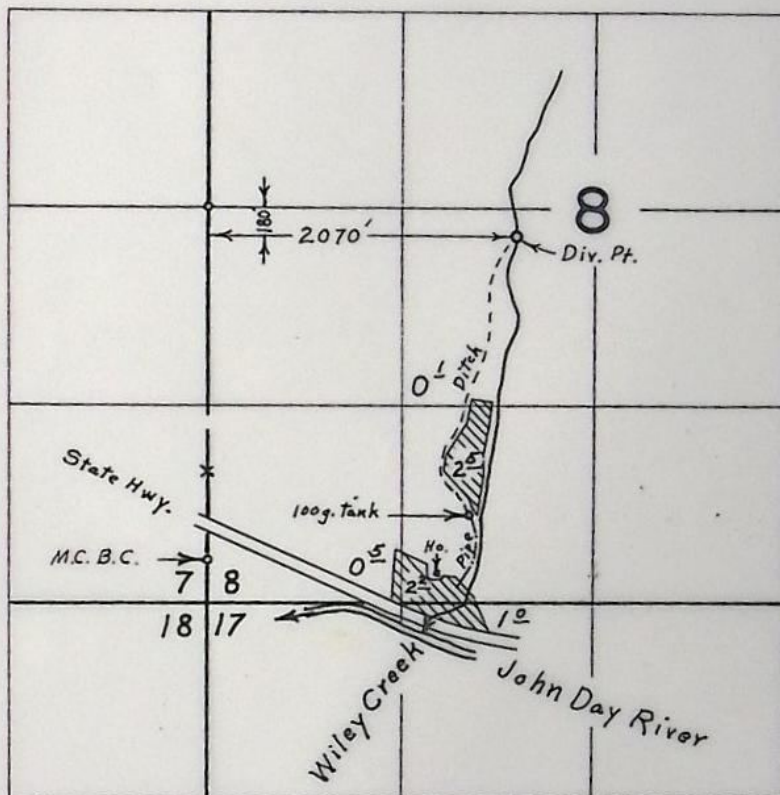
EX 20-
POD 16-
PON 39-
74

INDEX CARDS:	Entered	Checked
Name	<u>lig</u>	_____
Stream	<u>lig</u>	_____
Pt. of Div.	<u>lig</u>	_____
Calendar	<u>lig</u>	_____
CHECKED TO RECORDS:		
Twp. & Rge.	<u>4.26</u>	_____
Decree-vault	<u>WJO</u>	_____
Decree-safe	<u>WJO</u>	_____
Cert. of W/R	<u>WJO</u>	_____
Per. Folder	_____	_____
Chainindex	_____	_____
Cross Ref.	_____	_____
Power Claim	_____	_____
Abstracts	<u>lig</u>	_____

COPY

acres under Transfer No. T-79
to the SW portion of SE $\frac{1}{4}$ SW $\frac{1}{4}$
T. 13 S. R. 28 E. W.M.

T. 13 S. R. 28 E. W.M.

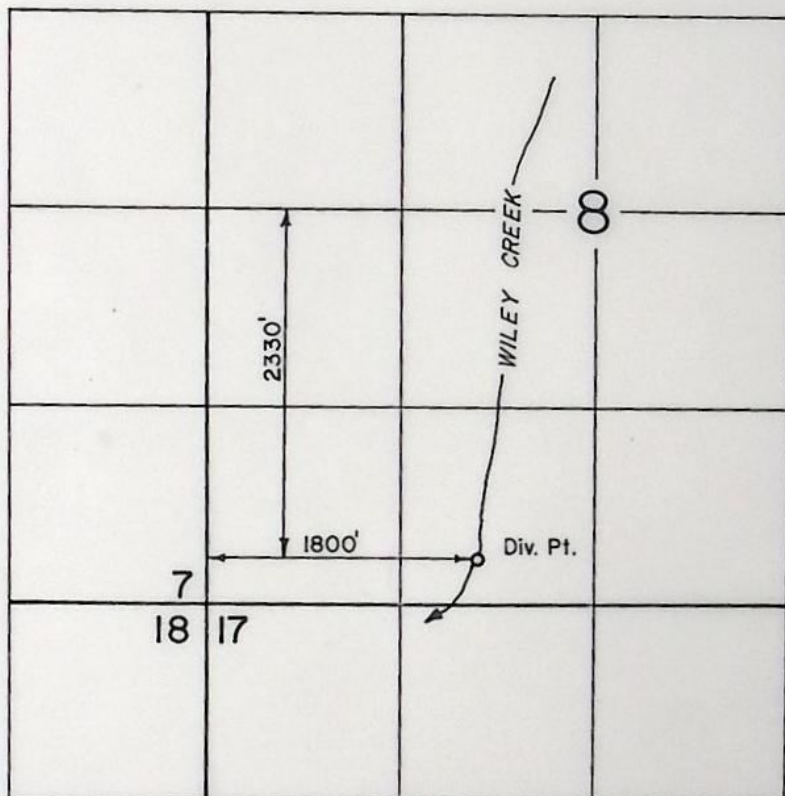


FINAL PROOF SURVEY
UNDER

Transfer T-79 = 4199
Application No. Permit No.
IN NAME OF
SAM THOMPSON

Surveyed June 4, 1968, by L. E. Gould

T.13S., R.28E., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 4199

IN NAME OF
NANCY GRIMM

Surveyed SEPT. 2, 1981, by *W.B. Brown*

Township	Range	Section	Tax Lot	Address
13S	28E	14	1703	Fran & Sharon Cox 51055 Hwy 26 Mt Vernon, OR 97856 T3746
13S	28E	14	1800	James W. Bay 51219 Hwy 26 Mt Vernon, OR 97856 T3746
13S	28E	08	600	Todd & Delinda Kluser P O Box 8 John Day, OR 97845 T4199
13S	28E	08	800	Ronald & Joyce 50125 Hwy 26 Mt Vernon, OR 97856
13S	28E	08	1000	Jeffrey Reid 1085 SW Falcon Crest Dr. Dundee, OR 97115
13S	28E	08	1001	Bruce A. Chaney & Jeanne Chinery 745 S Tacoma Place Kennewick, WA 99336
13S	27E	06	1400	Tony & Linda Hand P O Box 325 Dayville, OR 97825 T5407

RECEIVED
AUG 30 2007
 WATER RESOURCES DEPT
 SALEM, OREGON

Connie Vance

From: Hailey Boethin
Sent: Thursday, August 30, 2007 9:11 AM
To: Connie Vance
Subject: Current Property Owners and Addresses
Attachments: Address Request for Connie Vance.doc

RECEIVED

AUG 30 2007

WATER RESOURCES DEPT
SALEM, OREGON

Connie,

Here is a list of landowners and addresses to cross reference with your map and tax lot list. Hope this is of some assistance.

Hailey D. Boethin

Assistant Watermaster Dist. 4
201 S. Humbolt St., STE 180
Canyon City, OR 97820
541-575-0119 voice
541-575-0641 fax
Hailey.D.Boethin@ wrd.state.or.us

8/30/2007

I work for the Oregon Water Resources Department in Salem and I need to know the current property owners name and mailing address for the following so I can send a Certificate of Water Rights to them.

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>TAX LOT</u>
13S	28E	14	1703 1800 T3746
13S	28E	8	600, 800, 1000, T4199 1001
13S	27E	6	1400 T5407

Thank you for your assistance.

Connie Vance
Water Rights Section
Water Resources Department
725 Summer Street, NE, Suite A
Salem, OR 97301
Phone 503-986-0810
Fax 503-986-0901

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
725 Summer St NE, Ste A
Salem, OR 97301-1266
Phone #: (503) 986-0900
Fax#: (503) 986-0901
www.wrd.state.or.us

FAX TRANSMITTAL

TO: Grant County FAX NUMBER: 541-575-2248

DATE: 8/21/2007 PAGES: 2, INCLUDING COVER SHEET

FROM: Connie Vance PHONE: (503) 986-0810

COMMENTS: Request for property ownership name
and mailing address.

Thank you and have a great day - Connie

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

FAX: (503) 986-0901

TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping
- Dam Safety
- Enforcement
- Water Use Reporting

FAX: (503) 986-0902

FIELD SERVICES

- Regional Liaisons
- Transfers
- Hydrographics

NORTHWEST REGION

- District 16 Watermaster

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FAX: (503) 986-0903 or
503-986-0904



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

August 31, 2007

Dear Landowner,

Our research has indicated that you are the current land owner of the lands involved in the attached water right certificate. The certificate was initially mailed to the transfer holder of record.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use.

Attached is a certificate that confirms the water right established under the terms of a transfer order issued by this department. The owner of the land is the owner of the water right. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Gerry Clark at 503-986-0811.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OLIVER B. AND VIOLET MUNGER
STAR ROUTE
MT VERNON, OREGON 97865

confirms the right to use the waters of WILEY CREEK, a tributary of the JOHN DAY RIVER, for IRRIGATION OF 2.2 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for GRANT COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at Page 461. The date of priority is OCTOBER 7, 1896.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall exceed ONE-FORTIETH cubic foot per second per acre for each acre irrigated to June 1 and ONE-EIGHTIETH cubic foot per second per acre thereafter; further limited to ONE acre-foot per acre per calendar month to June 1 and FOUR acre-feet per acre during season April 1 to September 30, measured at point of diversion.

The point of diversion is located as follows:

SE 1/4 SW 1/4, SECTION 8, T 13 S, R 28 E, W.M.; 2330 FEET SOUTH
AND 1800 FEET EAST FROM THE W 1/4 CORNER, SECTION 8.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old points of diversion under the subject rights.

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

SE 1/4 SW 1/4 2.2 ACRES
SECTION 8
TOWNSHIP 13 SOUTH, RANGE 28 EAST, W. M.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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

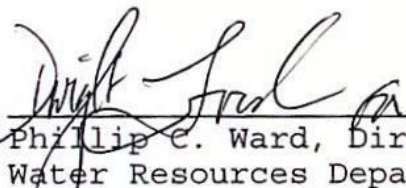
the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JULY 30 , 1979, and supersedes Certificate 36600, State Record of Water Right Certificates.

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

WITNESS the signature of the Water Resources Director, affixed

DEC 06 2006

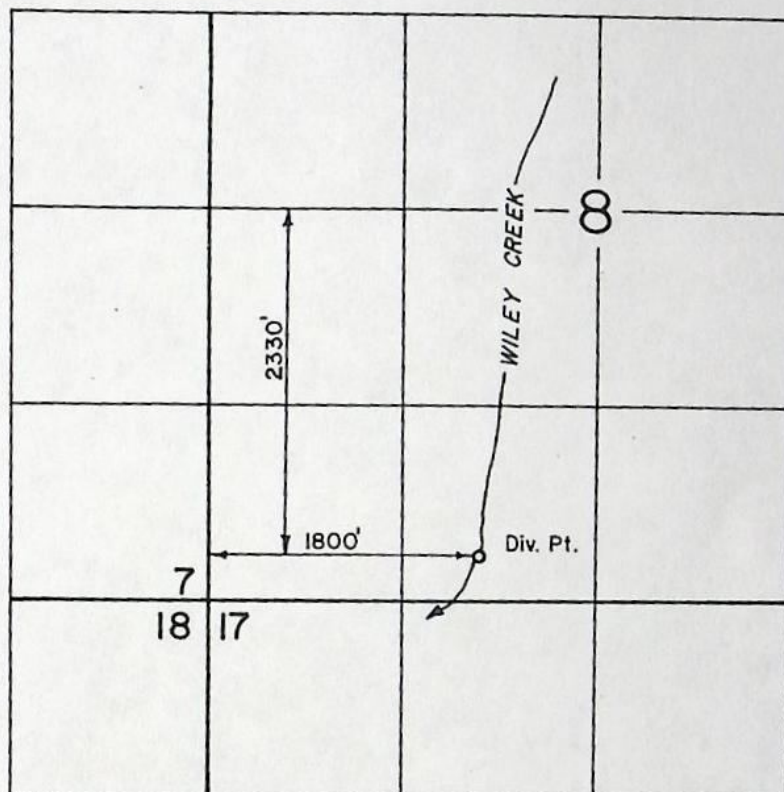


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 82507

T-4199_Cert_36600.JWG

T.13S., R.28E., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 4199

IN NAME OF
NANCY GRIMM

Surveyed SEPT. 2, 1981, by *H. B. Brown*

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OLIVER B. AND VIOLET MUNGER
STAR ROUTE
MT VERNON, OREGON 97865

confirms the right to use the waters of WILEY CREEK, a tributary of the JOHN DAY RIVER, for IRRIGATION OF 0.2 ACRE.

This right was confirmed by decree of the Circuit Court of the State of Oregon for GRANT COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at Page 461. The date of priority is OCTOBER 7, 1896.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall exceed ONE-FORTIETH cubic foot per second per acre for each acre irrigated to June 1 and ONE-EIGHTIETH cubic foot per second per acre thereafter; further limited to ONE acre-foot per acre per calendar month to June 1 and FOUR acre-feet per acre during season April 1 to September 30, measured at point of diversion.

The point of diversion is located as follows:

SE 1/4 SW 1/4, SECTION 8, T 13 S, R 28 E, W.M.; 2330 FEET SOUTH
AND 1800 FEET EAST FROM THE W 1/4 CORNER, SECTION 8.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old points of diversion under the subject rights.

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

SW 1/4 SW 1/4 0.2 ACRE
SECTION 8
TOWNSHIP 13 SOUTH, RANGE 28 EAST, W. M.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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

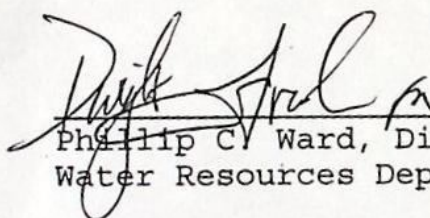
the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JULY 30, 1979, and supersedes Certificate 36601, State Record of Water Right Certificates.

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

WITNESS the signature of the Water Resources Director, affixed

DEC 06 2006

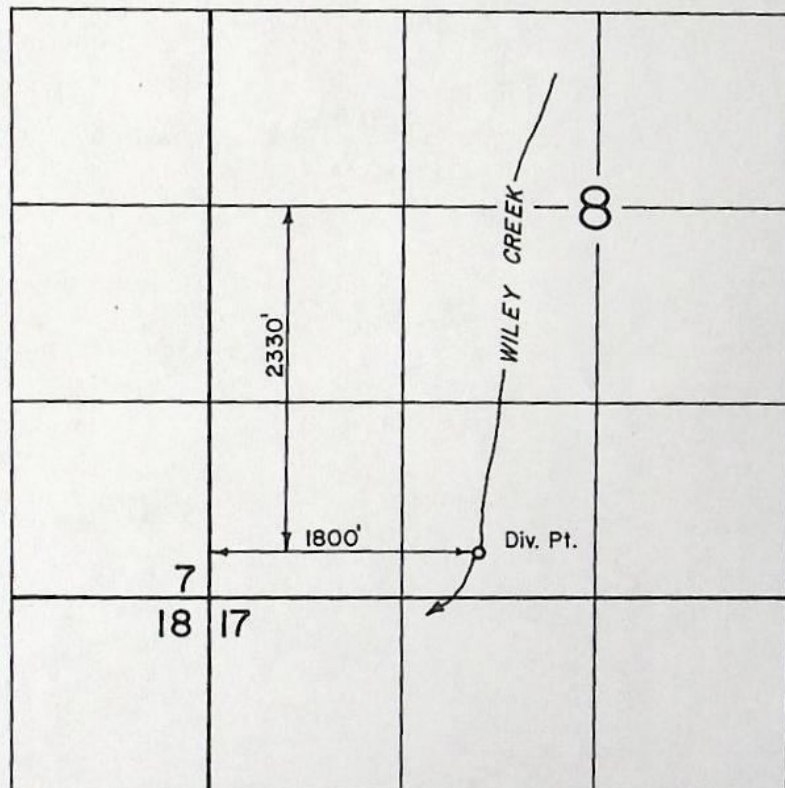


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates numbered 82508

T-4199_Cert_36601.JWG

T.13S., R.28E., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 4199

IN NAME OF
NANCY GRIMM

Surveyed SEPT. 2, 1981, by *W.B. Brown*

: POD
POU
USE
Add'l POD

County Grant

1. Name Oliver + Violet Murger
Address West Star Route MT. Vernon, OR 97865

3. Use irrigation

5. Proposed Point of Diversion 450 FT. N. + 1900 FT. E. From SW
Corner, Sec. 8, being w/in SE 1/4 SW 1/4, Sec. 8, T. 13 S, R.
28 E, W. M.

7. Place of Use:

[illegible]

9-2-81

Info: Nancy GRIM (Blaylock) New Owner
Box 75, DAYVILLE OR

Source: Wyllie Creek

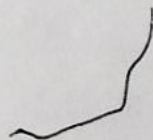
Use: irrigation

Crops: Pasture

Diversion: Small earth dam in creek
diverts wtr into ditch

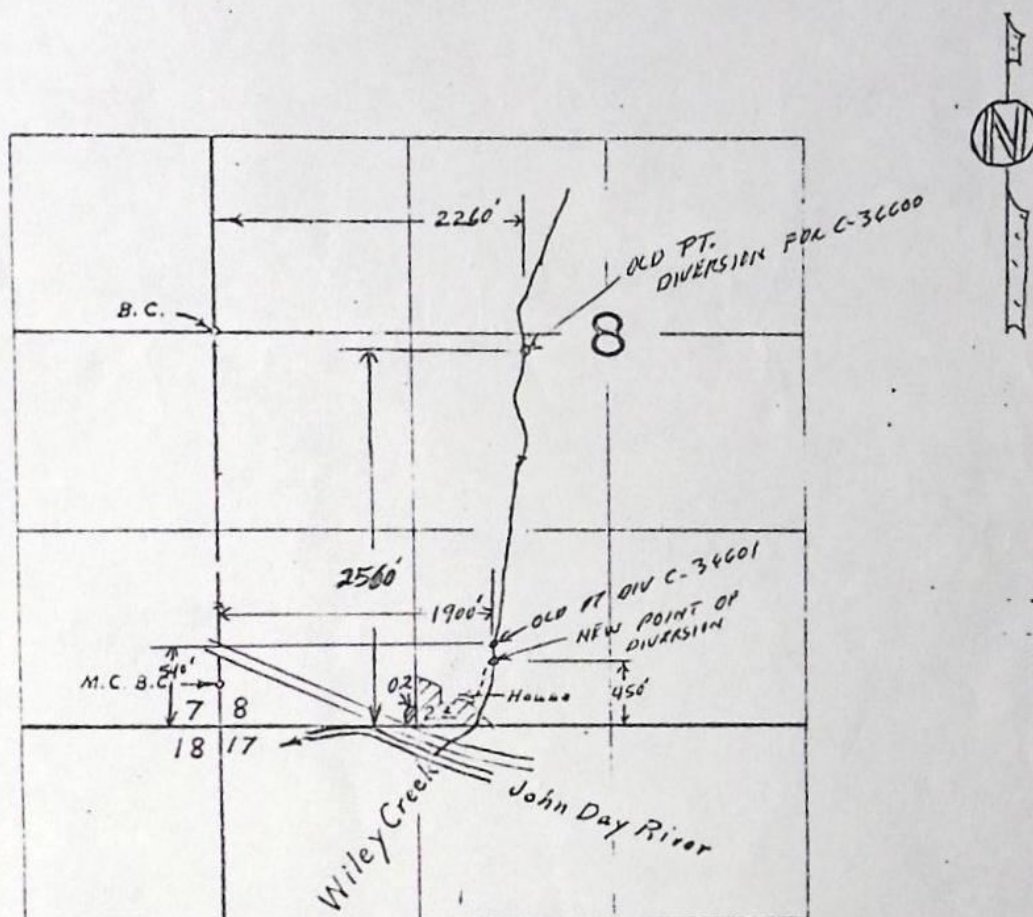
tie pts 1981B to
FC & photo

AlBm
F.E.



T-4199

T.13 S.R.28 E.W.M.



APPLICATION MAP FOR- OLIVER B. + VIOLAT MUNGER

APPROVED

Oliver B. Munger O.B.M.
Violt Munger V.M.

THIS MAP PREPARED BY:

Charles J. Claffeth 4-9-79

FROM INFORMATION FURNISHED BY
THE APPLICANT.

RECEIVED

APR 16 1979

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
MAY 08 1979
WATER RESOURCES DEPT.
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF OLIVER B. AND VIOLET MUNGER)
FOR APPROVAL OF CHANGES IN POINTS)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4199

On April 16, 1979, an application was filed in the office of the Water Resources Director by Oliver B. and Violet Munger for approval of changes in points of diversion of water from Wyllie Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 36600, Volume 26, State Record of Water Right Certificates, in the name of Sam Thompson, describes a right for use of water from Wyllie Creek for irrigation of a certain 2.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 13 South, Range 28 East, W. M., with a date of priority of October 7, 1896. The authorized point of diversion for this right is located 180 feet South and 2070 feet East from the West Quarter Corner of Section 8, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 13 South, Range 28 East, W. M.

The certificate recorded at page 36601 of said record, in the name of W. O. Cummings, describes a right for use of water from Wyllie Creek for irrigation of a certain 0.2 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 13 South, Range 28 East, W. M., with a date of priority of October 7, 1896. The authorized point of diversion for this right is located 540 feet North and 1900 feet East from the Southwest Corner of Section 8, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 13 South, Range 28 East, W. M.

The applicants herein propose to change from the two points of diversion above described, without loss of priority, to one point located 450 feet North and 1900 feet East from the Southwest Corner of Section 8, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 13 South, Range 28 East, W. M.

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

Mr. Jerry Rodgers, Watermaster, has filed a statement to the effect that

the proposed change in points of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed change in points 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 points 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 points 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;

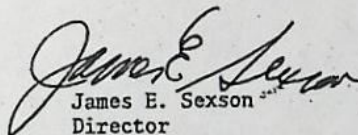
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 changes in points of diversion of water made on or before October 1, 1980.


It is FURTHER ORDERED that the certificates recorded at pages 36600 and 36601, Volume 28, 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 applicants herein.

Dated at Salem, Oregon, this 30th day of July, 1979.


James E. Sexson
Director

August 16, 2006

TO: File T-4199

FROM: Jerry Gainey 

In preparing the certificate for Transfer Application 4199, two final proof surveys were found. One was completed in 1981 by Steve Brown and the other in 1999 by June Miller. There is no documentation within the file as to why two final proof surveys. Based upon the information, it has been determined that the first final proof survey be used in completing the certificate(s), as reflects when the construction work shall be completed, "C" date.

August 2, 1999

I conducted the Final Proof Survey today for Transfer 4199, in the Name of Oliver B. and Violet Munger

Info: Mr. Faught (phone # 541-932-4791, address HC 1, Box 374, Mt. Vernon, OR 97865)

Mr. Ken Faught, land owner of tax lot 1001, T 13S, R 28 E, Sec 8. Irrigation is from Wiley Cr. There is a small 1 1/2 Horse power CDD electric pump on an in-channel bulge in the system pond on Wiley Creek. The suction to the pump is 2" and the discharge is 1-1/2" out to 4" PVC buried Main Line laid about 200 feet to the West. From here the main line is reduced to 1/2" or 2" and there is another 200' of this buried. There are 3 spigots set off the main line. They irrigates lawn and garden with 3 lawn type sprinklers. They claim to irrigate an area South of the house site. He says he irrigated here, with Wiley Cr. water by just flooding from moving the hose around. He stated he has not irrigated this area for about 3 years, but said he will to keep water right valid. Tax lot 1001 is the portion of the land involved in this transfer that is under old certificate # 36600.

The 0.2 acre parcel under old certificate 36601, is located within tax lot 600, which is owned by Ned and Thayus Londo. They presently live in Long Creek. HCR 79, Box 94, Long Creek, OR 97856. Phone # 541-421-5100. They do not irrigated from Wiley Creek, per phone conversation with Mrs. Londo.

I figured the amount of time it took to fill a five gallon bucket from the spigot.

Maximum amount allowed:

Mr. Faught claims 3 spigots, all turned on at the same time are used to flood irrigate, through garden hose.

5 gallons in 16 seconds, times 3 spigots = 18.75 Gallons X 3 = about 60 GPM.

$$16/60 = 3.15 \times 5 = 18.75$$

Aerial survey, number 41023-179-153L

Tie: Intersection with driveway to Mr. Faught's residence and St. Hwy 26.

Fall: The fall is about 1 or 2 feet in 200 feet.

(lift 5' to pump.)

June Miller
Field Inspector

comments: I am sending Mr. Faught an assignment form to be completed and sent to our Salem office. I explained the assignment stuff to him. This should be a partial assignment.

T-4199
11/29/00

continue report on final proof. page 2 of 2

The records in the assessors office has Oral Chaney, PO Box 399, Mt. Vernon, OR 97865 as the land owner of tax lot 1001. I called Mr. Chaney yesterday about the portion of this transfer that is on his tax lot. Mr. Faught is purchasing from Chaney. Chaney still has interest and does not want to do an assignment. He said he did not know anything about this transfer and stated the diversion has been there for a long time.

He did not know who Oliver B. and Violet Munger are, (the names this transfer is in). I did not do any search on this tax lot to know who had the place before Chaney. Chaney talked like he has this place a long time.

Tax lot 600, owned by Londo at the time of final proof has been sold to Todd Kluser, PO Box 8, John Day, OR 97845. This is info. from the assessors office on 11-28-00. I tried to make contact with Kluser by phone yesterday and there is no answer. *Kluser's phone #*

Londo, Ned J. and Thayus, phone # has been disconnected.

541-932-2722

June Miller
Field Inspector

comments: I am proposing the portion of this transfer under old cert 36600 with a confirming proposed certificate and the portion of this transfer under old cert 36601 need to revert back to the old diversion. As the new diversion does not irrigate the parcel as proposed under the transfer order.

June

Calculations for quantity T-4199 (A)

$$\text{ACRES} \quad \frac{2.2}{40^+} = 0.055 \text{ cfs} = 24.7 \text{ gpm}$$

$$\text{A pump} \quad \frac{1.5 \text{ HP} \times 6.6}{5 + 114.3 \text{ (assume 45 PSI)}} = \frac{9.9}{119.3} = 0.08 \text{ cfs} = 36 \text{ gpm}$$

$$\text{sprinklers} \quad 3 \times 5 \text{ GPM} = 15 \text{ gallons}$$

or can open discharge flooding out end of hose.

$$3 \text{ spigots} \times 16 \text{ seconds each} = \underline{5 \text{ GALLONS}} \text{ each} = 15 \text{ gal/16 seconds}$$

$$16 \sqrt{100.00} = 3.75 \times 15 = 56 \text{ GPM}$$

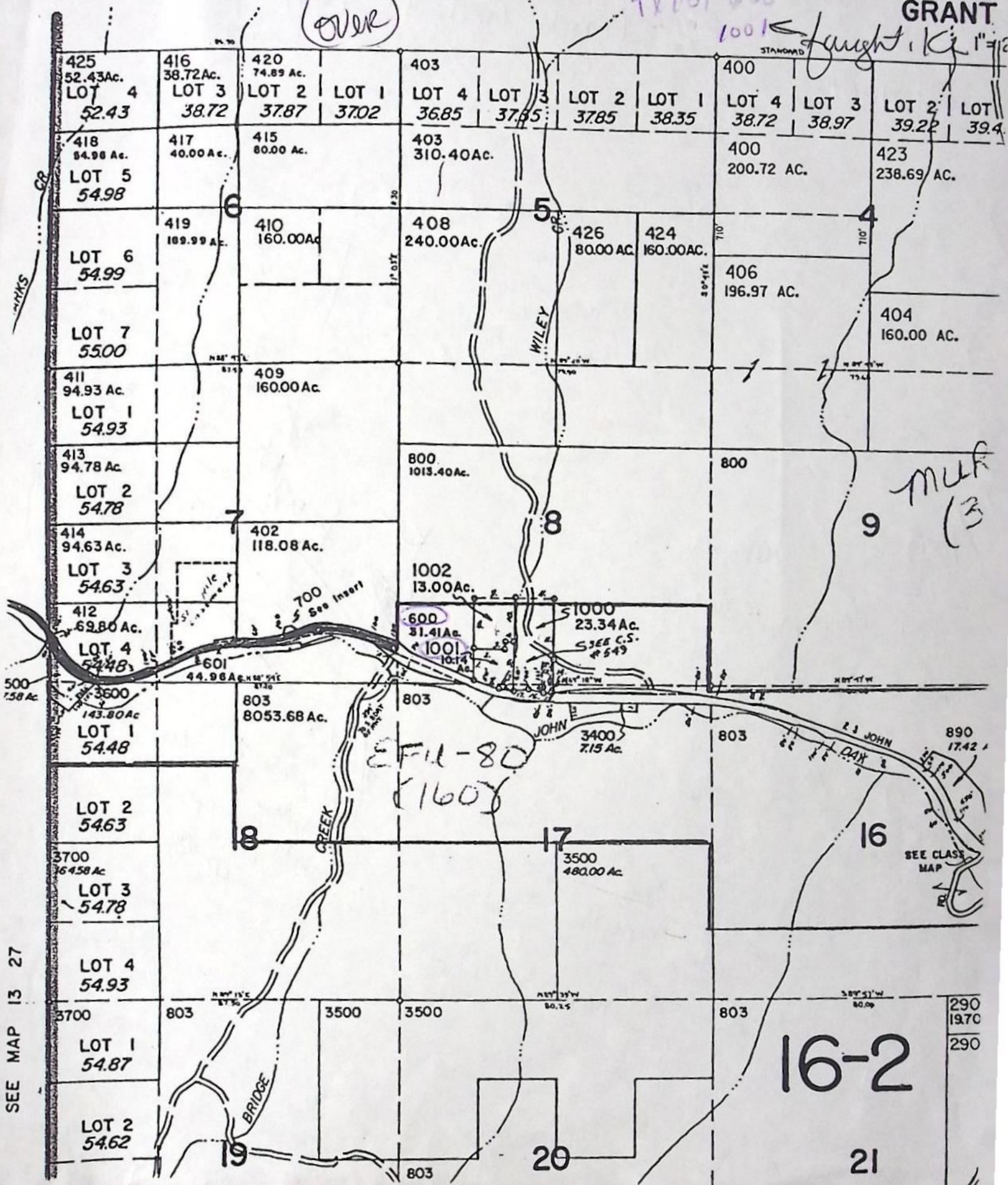
allow 0.055 as the system capacity is enough to deliver this rate.

Jane Miller
Field Inspector
11/29/00

NAMU

T135 R28
tx lot 600

T13S R2
GRANT



tv lot 600, Steed, Sandra

421-5100 → 0/o Londo, Ned J. & Thayer
HCR 79 Box 94 (on contract)
Long Creek OR 97854

tv lot 1001

Chaney Oral A.

PO Box 399
Mt. Vernon OR 97865.

per Mrs. Londo to
neighbor
East

1000 -
Horsten, aka Carlen 23.3 AC -

1001 - Chaney. 10.14 AC -

1002 - 13.0 AC -

600 - Steed, Sandra
0/o Londo, Ned J. &
Thayer.

Ken
Savage
932-4791

Ken
Savage
932-4792

not right #
not in phone book

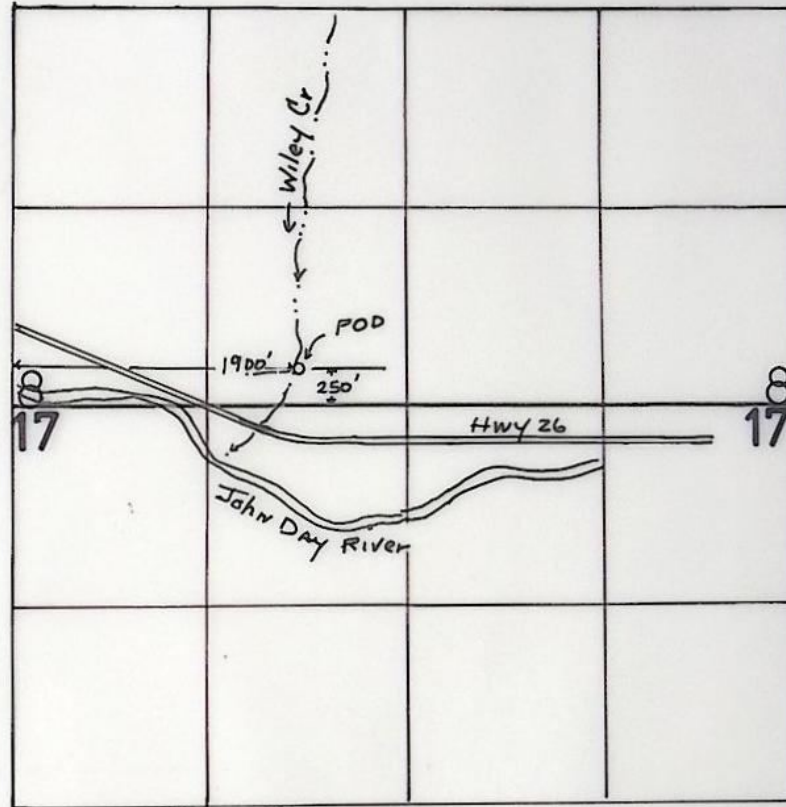
this # is
Stokes or
Larson
Co.

7/28/99
left message
machine to return
call for FPS.
grate

Kluser, Todd

PO Box 8 John Day.

Township 13 S., Range 28 E., W.M.



1" = 1320'

FINAL PROOF SURVEY
UNDER

TRANSER NO. 4199

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

..... OLIVER B. AND VIOLET MUNGER

Surveyed Aug. 2... 19.9.9., by J. Miller.....

41023-179-153L

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION)
OF SAM THOMPSON FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM WYLLIE CREEK)

1st TRANS DOD
ORDER APPROVING
TRANSFER NO. T-79
2.2A

On March 28, 1968, Sam Thompson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Wyllie Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Grant County, Oregon, entered June 26, 1930, In the Matter of the Determination of the Relative Rights to the Use of the Waters of John Day River and Its Tributaries, a water right was established in the name of W. O. Cummings for the use of the waters of Wyllie Creek for the irrigation of, among other lands, 2.2 acres in SE¼ SW¼, Section 8, Township 13 South, Range 28 East, W.M., with a date of priority of October 7, 1896. This right was confirmed by certificate recorded at page 25039, Volume 17, State Record of Water Right Certificates. This land is irrigated by means of the Wyllie Creek Ditch, the point of diversion being located 540 feet north and 1900 feet east from the SW corner of Section 8 being within the SE¼ SW¼ of Section 8, Township 13 South, Range 28 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Wyllie Creek Ditch from a point of diversion located 2560 feet north and 2260 feet east from the SW corner of Section 8 being within the NE¼ SW¼ of Section 8, Township 13 South, Range 28 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections

to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse at Canyon City, Oregon, on July 17, 1968, at 9:30 a.m. The notice was published in the Blue Mountain Eagle, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three weeks in the issues of May 23, 30, and June 6, 1968. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Wayne J. Overcash, Watermaster of District No. 4, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed point of diversion of water may be established without injury to existing rights the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Wyllie Creek, to-wit:

From a point located 540 feet north and 1900 feet east from the SW corner of Section 8 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 13 South, Range 28 East, W.M.

To a point to be located 2560 feet north and 2260 feet east from the SW corner of Section 8 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 13 South, Range 28 East, W.M.

for the irrigation of 2.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, Township 13 South, Range 28 East, W.M., with a date of priority of October 7, 1896, is approved.

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, 1969.

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 and shall not exceed 0.028 cubic foot per second.

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

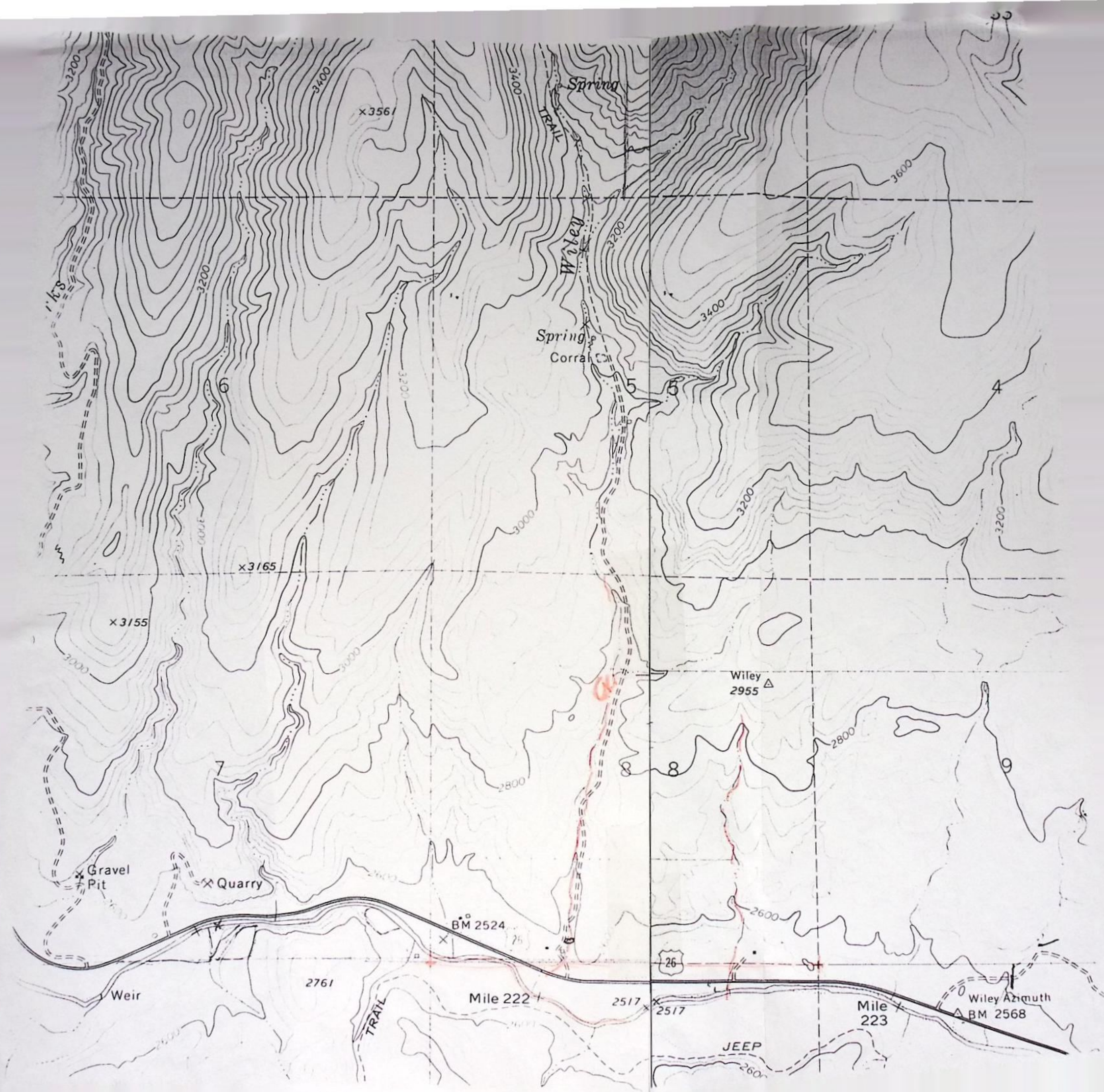
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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.

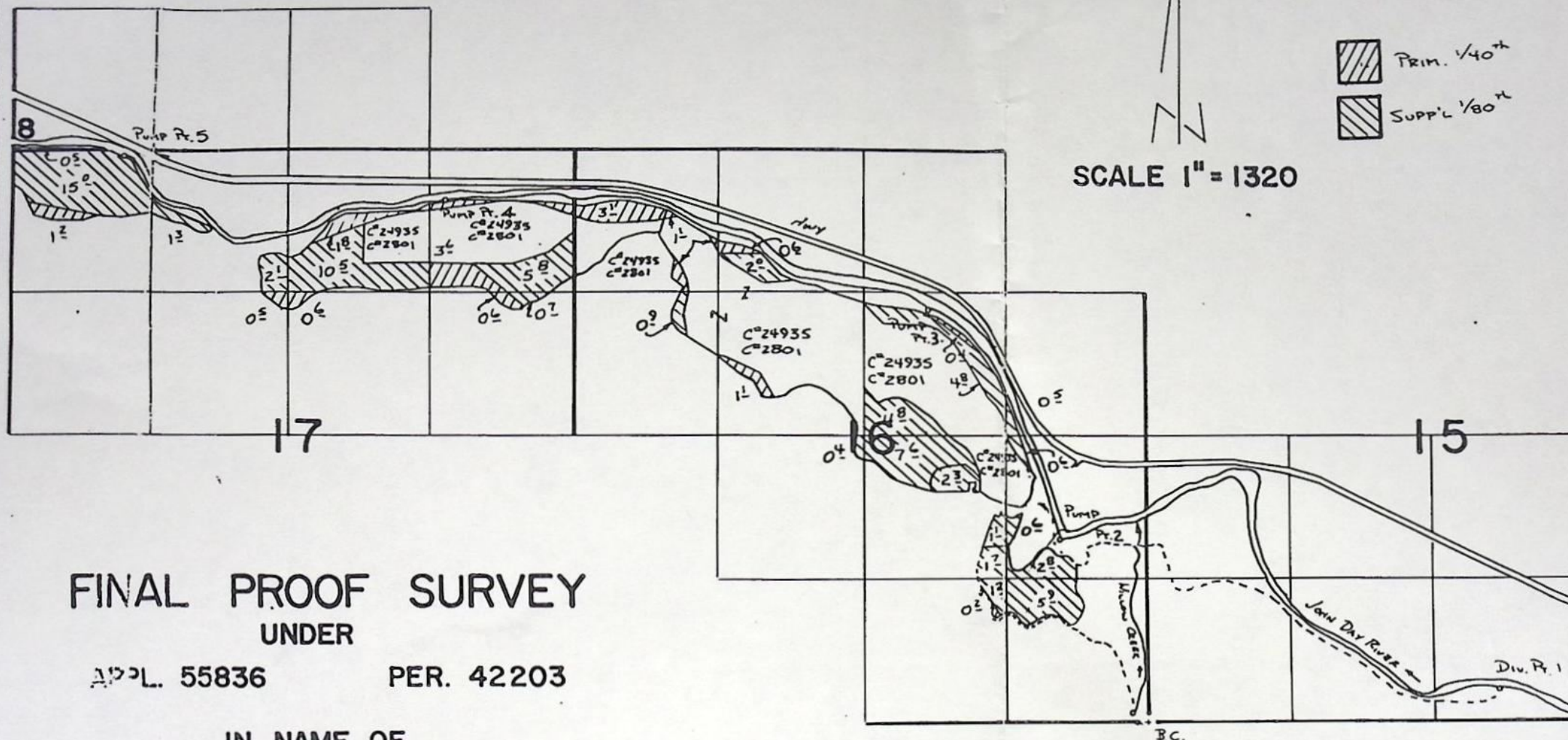
It is FURTHER ORDERED that certificate of water right heretofore issued to W. O. Cummings and recorded at page 25039, Volume 17, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Sam Thompson confirming said change in point of diversion.

Dated at Salem, Oregon, this 21st day of August, 1968.

/s/ CHRIS L. WHEELER
State Engineer



T. 13S., R. 28E., W. M.



FINAL PROOF SURVEY UNDER

APPL. 55836

PER. 42203

IN NAME OF

EDWARD HINES LUMBER COMPANY

Surveyed 3-21-1986, by V.L.CHURCH

Div. Pt. 1 Loc: 300' N. & 3220' E.
Pump Pt. 2 Loc: 1680' N. & 810' W.
Pump Pt. 3 Loc: 3800' N. & 2050' W.
Pump Pt. 4 Loc: 460' S. & 4100' E.
Pump Pt. 5 Loc: 50' S. & 1040' E.

FROM SE COR. SEC. 16

FROM NW COR. SEC. 17

RECEIVED

AUG 27 1979

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGES IN

place of use and point of diversion of water from Wylie Creek.

PURSUANT TO TRANSFER APPLICATION NO. 4199

I, Oliver B. Munger, 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 15 July, 1979.

8 / 25 / 79
Date

Oliver B. Munger
Signature

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

OK
Lij

RECEIVED

MAY 08 1979

WATER RESOURCES DEPT.
SALEM, OREGON**RECEIVED**

APR 16 1979

WATER RESOURCES DEPT.
SALEM, OREGON**Application for Transfer of Water Right**

T-4199

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Oliver B. & Vidley Munger

(Name of applicant)

of West Star Rt.

(Mailing address)

Mt Vernon

(City)

State of Oregon97865

(Zip Code)

932-4928

(Phone number)

do hereby make application for change
in point of diversion.

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

W. O. Cummings for C-36601

1. Is the water right recorded in your name? Sam Thompson for C-36600

(If not, give name)

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

(Yes or No)

John Day Adjudication Vol. 10 Page 483Number of certificate C-25039

NOTE- is now on C-36600 as per Vol 17 P 296

3. Was your water right acquired by Water Right Permit? C-36601 no If so, give number

(Yes or No)

of permit see note above. Number of certificate see note above.

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 Wyllie Cr. both certificates, see attachment for
old div. pt. of C-366015. What is the date of priority of your water right? Oct. 7, 1896 both certsFinal Proof survey -> FOR C-366006. The authorized point of diversion is located 180 ft S & 2070 ft E from the NW 1/4
2560 ft. N and 2260 ft. E from the SW

(N. or S.)

(E. or W.)

corner of Sec. 8 being within the NE 1/4 SW 1/4 of Section 8 Tp. 13 S. R. 28 E. W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Grant The name of the ditch used is Unnamed

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

7. The proposed point of diversion is located 450 ft. N and 1900 ft. E from the SW

(N. or S.)

(E. or W.)

corner of Sec. 8 being within the SE 1/4 SW 1/4 of Section 8 Tp. 13 S. R. 28 E. W. M.,

(No. N. or S.)

(No. E. or W.)

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

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
13 S.	28 E.	8	SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.2 C# 36600
13 S.	28 E.	8	SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.2 C# 36601

(If more space required, attach separate sheet)

9. Are you the legal owner of the above described lands? NO - Contract purchasers
(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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

T-4199

ATTACHMENT FOR TRANSFER APPLICATION FOR Oliver B. & Viola Munger

The old pt. div. for C-36601 was 540' N. & 1900' E. from the SW cor. Sec. 8, T. 13 S. R. 28 E. being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 8 as shown on the accompanying application map.

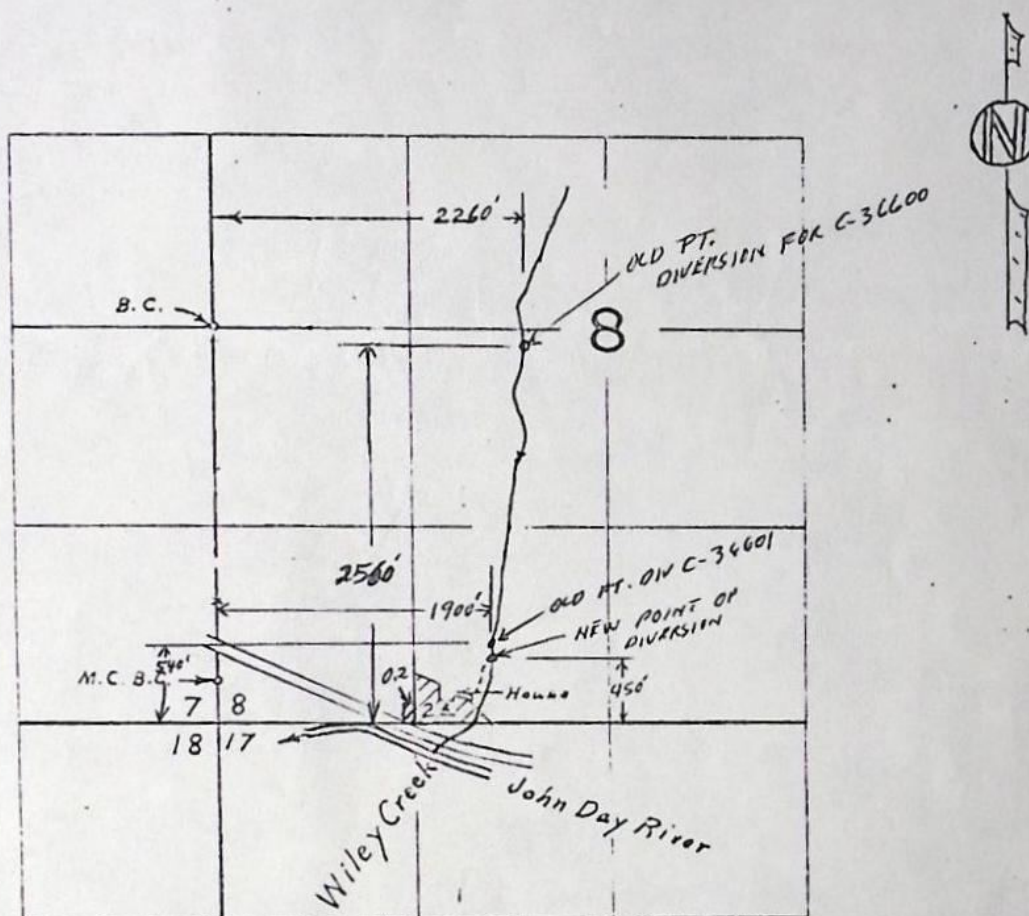
O. B. M. &
V. M.

RECEIVED

MAY 08 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

T.13 S.R.28 E.V.M.



APPLICATION MAP FOR- OLIVER B. + VIOLA T MUNGER

APPROVED

Oliver B. Munger O. B. M.
Viola Munger V. M.

THIS MAP PREPARED BY:

Charles J. Gifford 4-9-79

FROM INFORMATION FURNISHED BY
THE APPLICANT.

RECEIVED

APR 16 1979

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
MAY 08 1979
WATER RESOURCES DEPT
SALEM, OREGON

14. Reasons for the proposed changes are Flood waters in winter of 1978 have
damaged ditch and stream bed to point not feasible to replace, new pt. div.
more feasible, to irrigate with less waste of water, and less labor involved.

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

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

Remarks _____

THIS MAP PREPARED BY: _____

Charles J. Duffin 4-9-79

FROM INFORMATION FURNISHED BY
THE APPLICANT.

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, Oliver B. Munger, and J. Violet Munger, 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 13 day of April, 1979.

Oliver B. Munger O.B.M.
Violet Munger V.M.
(Name of applicant)

Subscribed and sworn to before me this 13 day of April, 1979.

[Notarial Seal]



M. Bennett

NOTARY PUBLIC FOR OREGON

My commission expires March 5, 1980



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 4-23, 1979.FROM: ** Jerry Rodgers, Watermaster**RECEIVED**

APR 26 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4199IN THE NAME OF Oliver B. & Violet Munger

In my opinion the proposed change in point of diversion from Wyllie 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 . . .
 X (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 _____

NOTE- SEE ATTACHED MEMO DATED 4-23-79.

** Jerry Rodgers
Watermaster's signature or initials

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Grant

ss.

I, W. Bruce Anderson, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, principal clerk of THE BLUE MOUNTAIN EAGLE, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at John Day, in the aforesaid county and state; that

the notice of water right transfer application

No. 4199

, a printed copy of which is hereto attached, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues:

May 24, 31 and June 7, 1979 ok

W. Bruce Anderson

Subscribed and sworn to before me this 11th day of June, 1979.

Karla J. Dalton
Notary Public for Oregon

My commission expires Feb. 1, 1983

Cost of this publication was \$ 39.00

(Seal)



RECEIVED
JUN 14 1979
WATER RESOURCES DEPT.
SALEM, OREGON

Public Notices

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4199

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Oliver B. and Violet Munger for approval of a change in point of diversion of water from Wyllie Creek pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 36600, volume 28, State Record of Water Right Certificates, in the name of Sam Thompson, described a right for use of water from Wyllie Creek for irrigation of a certain 2.2 ac in SE 1/4 SW 1/4 of Sec. 8, T. 13 S., R. 28 E., W.M., with a date of priority of Oct. 7, 1896. The authorized point of diversion for this right is located 180 ft. S and 2070 ft. E from the W 1/4 Corner of Sec. 8, being within the NE 1/4 SW 1/4 of Sec. 8, T. 13 S., R. 28 E., W.M.

The certificate recorded at page 36601 of said record, in the name of W. O. Cummings, describes a right for use of water from Wyllie Creek for irrigation of a certain 0.2 ac in SW 1/4 SW 1/4 of Sec. 8, T. 13 S., R. 28 E., W.M., with a date of priority of Oct. 7, 1896. The authorized point of diversion for this right is located 540 ft. N and 1900 ft. E from the SW Corner of Sec. 8, being within the SE 1/4 SW 1/4 of Sec. 8, T. 13 S., R. 28 E., W.M.

The applicants herein propose to change from the two points of diversion above described, without loss of priority, to one point located 450 ft. N and 1900 ft. E from the SW Corner of Sec. 8, being within the SE 1/4 SW 1/4 of Sec. 8, T. 13 S., R. 28 E., W.M.

All persons interested are notified hereby that a hearing will be held at the County Courthouse at Canyon City, Ore., on July 19, 1979 at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing: one copy to be served on Oliver B. and Violet Munger, W. Star Rt., Mt. Vernon, OR 97865; and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Ore., this 16th day of May, 1979.

JAMES E. SEXSON,
Director
21-23

ok
Ley



STATE OF OREGON

INTEROFFICE MEMO

TO: Transfer Section

FROM: Jerry Rodgers
Watermaster Dis't 4

SUBJECT: Transfer Application No. 4199

DATE: April 23, 1979

RECEIVED

APR 26 1979

**WATER RESOURCES DEPT.
SALEM, OREGON**

Attached to this memo is the legal description of the property of Oliver B. & Violet Munger. Part of the SW SW $\frac{1}{4}$ is included in their property. (Sec. 8) WE missed that here in preparing the application. There is .2 acre irrigated ground in that 40 that should be included in this transfer. (Under Cert. 36601) The final proof survey map for A-42095 or P-31501 shows clearly the boundry in relation to the 40 line. I took the liberty to have the publication notice cancelled and returned to your office for corrections. I suppose the application will have to be returned to the owners for correction. Give me a call if more info is needed.

13	28					1001			16-2
TWP.	RGE.	SEC.	1/4	1/16	PARCEL NUMBER	Type	Spec. Int. In	CODE AREA NUMBER	
MAP NUMBER					NUMBER	REAL PROP.			
TAX LOT NUMBER					FORMERLY PART OF 1000				
Indent each new course to this point					DESCRIPTION AND RECORD OF CHANGE				Date of entry on this card
									Deed Record Vol. PG.
									Acres Remaining

OFFICIAL RECORD OF DESCRIPTIONS
OF REAL PROPERTY
Grant COUNTY ASSESSOR'S OFFICE

T13S R28E WM

Secs 8 & 17: A tr of land situated in the SW $\frac{1}{4}$ of Sec 8 and in the NW $\frac{1}{4}$ of Sec 17, desc as fol:

Beg at a pt on the Nly r/w li of U.S. Hwy #26, sd pt being 2727.41' S and 1234.85' E of the W $\frac{1}{4}$ cor of sd Sec 8;

th N 0 deg 27'00" E 525.66';

th S 88 deg 30'10" E 517.84';

th N 0 deg 27'00" E 130.16';

th S 88 deg 30'10" E 159.62';

th S 1 deg 46'45" W 841.12' to a pt on the Nly r/w li of U.S. Hwy 26, sd pt being 60.0' Nly of, when measured at r/a to, Engineer's Station 662+57.91 P.C.S;

th Wly, alg sd r/w li as fol:

263.40' alg the arc of a 1849.86' r/c right (the long chord of which bears N 77 deg 44'45" W 263.18');

N 69 deg 48'33" W 425.20' to the POB N of S 3-19-79 120 437 10.14

RECEIVED

APR 26 1979

WATER RESOURCES DEPT.
SALEM, OREGON