

4128 Cheney

Name David Cheney

4128

By _____

Address Cecil Star Route

Jone, OR 97843

DESCRIPTION OF WATER RIGHT

Name of stream Willow Creek

Trib. of _____ County of Morrow

Use _____

Quantity of water _____ No. of acres _____

Name of ditch Ewing, High Line

Date of priority 1892

In name of H.S. Ewing

Willow Creek Adjudication, Vol. 1, page 22

App. No. _____ Per. No. _____ Cert. No. 139

Certificate cancelled _____

Notation made on record by _____

Change in Add'l POD

Date filed Jan 15, 1979

Date of hearing May 3, 1979

Place of hearing Heppner

✓ Date of order 5-22-79 Vol. 32, page 131

Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued AUG 27 1985 Vol. 48, page 53379

FEEES PAID

Date	Amount	Receipt No.
<u>1-15-79</u>	<u>35-</u>	<u>8498</u>
TOTAL . . .		
	<u>0</u>	Cert. Fee

FEEES REFUNDED

Date	Amount	Check No.
	<u>EX 20-</u>	
	<u>POD 15-</u>	
	<u>35</u>	

REMARKS

Surveyed 8/79

See T. 3911 for report, A# 6-5515 for FP map

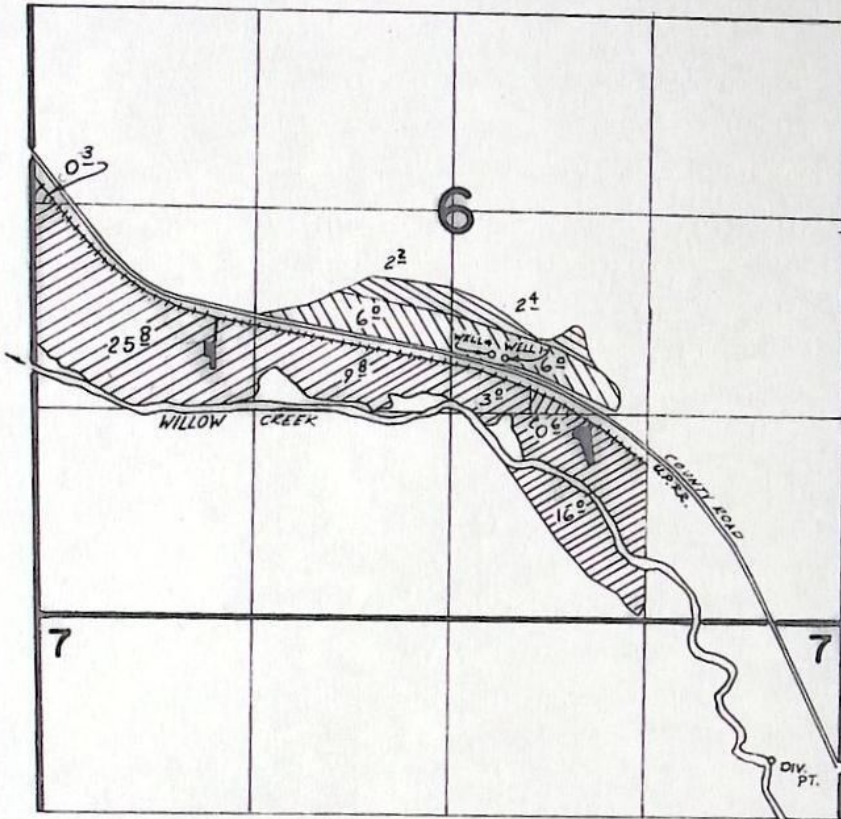
to survey 7/79

W.R.I.S.	
Assembled <u>7-12-85</u> by <u>SK</u>	
Entered _____ by _____	
Verified _____ by _____	

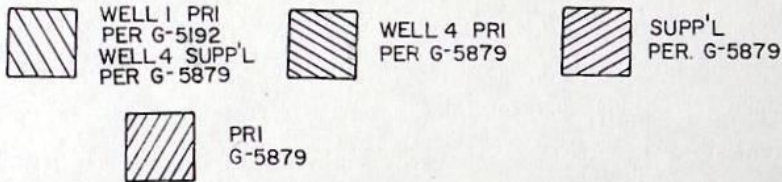
TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
	✓ Name	<u>[initials]</u>	
	✓ Stream	<u>[initials]</u>	
	✓ Pt. of Div.	<u>[initials]</u>	
	✓ Calendar	<u>[initials]</u>	
	CHECKED TO RECORDS:		
	✓ Twp. & Rge.	<u>[initials]</u>	
	✓ Decree-vault	<u>[initials]</u>	
	✓ Decree-safa	<u>[initials]</u>	
	✓ Cert. of W/R	<u>[initials]</u>	
Per. Folder			
Chaindex			
Cross Ref.			
✓ Power Claim	<u>[initials]</u>		
Abstracts			

CCB

T. 2N. R. 23E. W.M.



DIV. PT. LOC. 930'S & 470'W FROM NE COR SEC 7
WELL 1 LOC. 1750'N & 2300'W FROM SE COR SEC 6
WELL 4 LOC. 1770'N & 2390'W FROM SE COR SEC 6



FINAL PROOF SURVEY
UNDER

TRANSFER 3911, 4127, 4128

G-5515 G-5192

Application No. G-6232 Permit No. G-5879

IN NAME OF

..... DAVID CHENEY

Surveyed 8-14 1977, by *W. Church*

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION)
OF DAVID CHENEY FOR APPROVAL OF)
AN ADDITIONAL POINT OF DIVERSION)
OF WATER FROM WILLOW CREEK)

ORDER APPROVING
TRANSFER NO. 4128

On January 15, 1979, an application was filed in the office of the Water Resources Director by David Cheney for approval of an additional point of diversion of water from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 139, Volume 1, State Record of Water Right Certificates, in the name of H. S. Ewing, describes a right for the use of water from Willow Creek for domestic (stock use) with a date of priority of 1875 and for use of not to exceed 1.27 cubic feet per second from Willow Creek for irrigation of 2.37 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7; 28.01 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8; 9.67 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 19.95 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 15.52 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 2 North, Range 23 East, W.M., with a date of priority of 1892.

Water for said right is diverted, through the Ewing and Highline Ditches, from two points located (1) 1160 feet South and 1000 feet West from the Northeast Corner of Section 20, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20; and (2) 3800 feet South and 40 feet West from the Northeast Corner of Section 29, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, both in Township 2 North, Range 23 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 1010 feet South and 792 feet West from the Northeast Corner of Section 7, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 2 North, Range 23 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Heppner Gazette-Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of March 8, 15 and 22, 1979.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be established without injury to existing rights.

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

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

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the old points of diversion under the subject right.

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

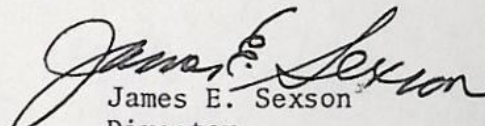
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that the construction work shall be completed and the additional point of diversion established on or before October 1, 1980.

It is FURTHER ORDERED that the certificate recorded at page 139, Volume 1, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

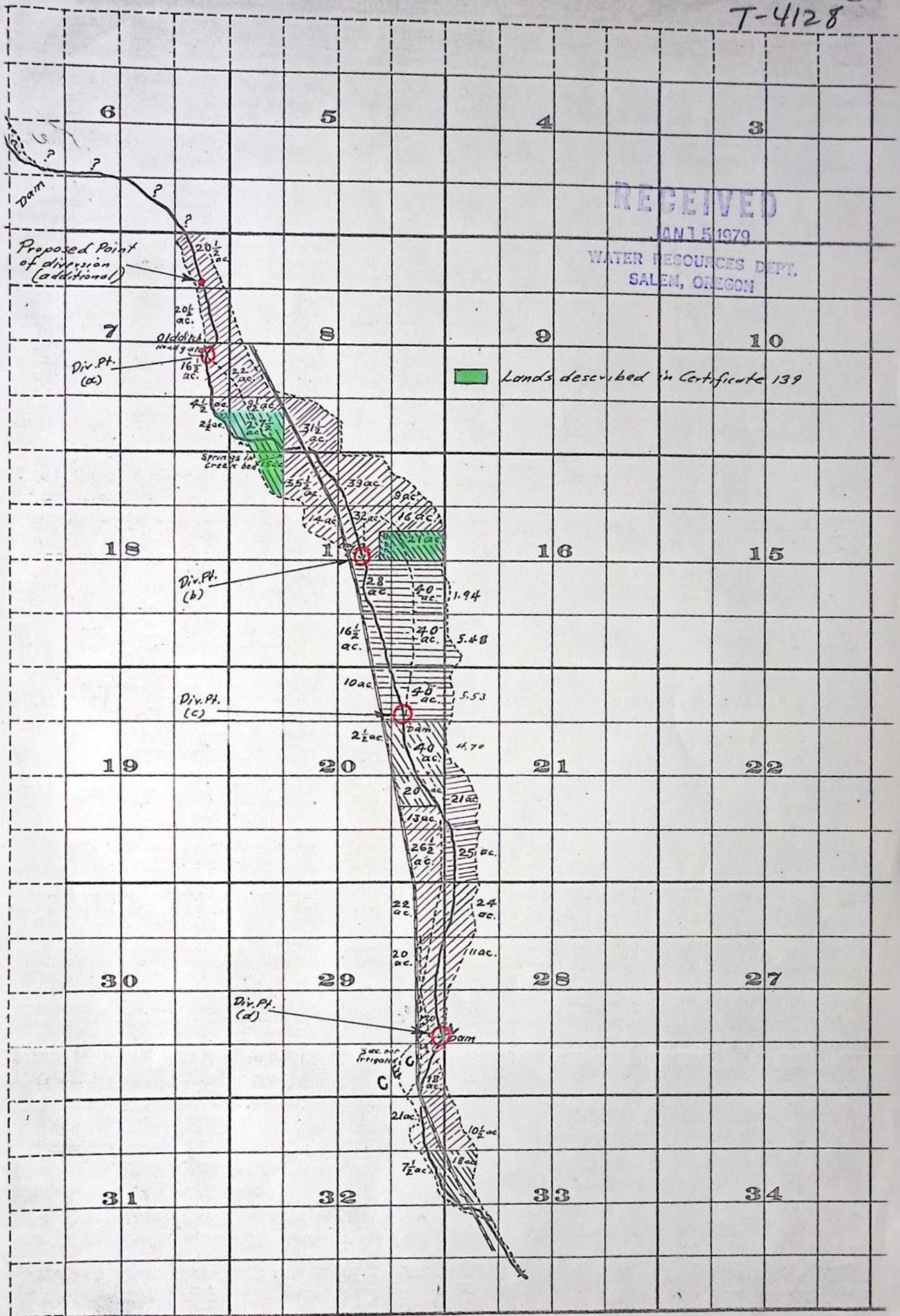
Dated at Salem, Oregon this 22nd day of May, 1979.


James E. Sexson
Director

See T 3911 for report

Township 2 N., Range

T-4128



RECEIVED

JAN 15 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Lands described in Certificate 139

Surveyed by H.K. Donnelly July 1909.

John H. Lewis - State Engineer.

Application for Transfer of Water Right

RECEIVED

JAN 15 1979

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, David Cheney

(Name of applicant)

of Cecil Star Route

(Mailing address)

Jone

(City)

State of Oregon

97843
(Zip Code)

422-7252
(Phone number)

do hereby make application for ~~change~~

an additional point of diversion

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

1. Is the water right recorded in your name? H. S. Ewing

(If not, give name)

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

(Yes or No)

Willow Creek adjudication

number of certificate 139

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

(Yes or No)

of permit _____ Number of certificate _____

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

4. The source of water is Willow Creek

5. What is the date of priority of your water right? 1892 for irrigation

3800ft S 40ft W NE

6. The authorized point of diversion is located 1160 ft. S and 1000 ft. W from the NE

SEC 29 NE 1/4 SEC 4 SEC 29 2 N 23 E

corner of SEC 20 being within the NE 1/4 NE 1/4 of Section 20 Tp. 2 N R. 23 E W. M.,
(No. N. or S.) (No. E. or W.)

in the county of MORROW The name of the ditch used is Ewing High Line

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

7. The proposed additional point of diversion is located 1010 ft. S and 792 ft. W from the NE

(N. or S.) (E. or W.)

corner of Sec 7 being within the NE 1/4 NE 1/4 of Section 7 Tp. 2 N R. 23 E W. M.,
(No. N. or S.) (No. E. or W.)

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

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
2 N	23 E	7	SE 1/4 SE 1/4	2.37
		8	SW 1/4 SW 1/4	28.01
		17	SW 1/4 NE 1/4	9 2/3
		17	SE 1/4 NE 1/4	19.95
		17	NW 1/4 NW 1/4	15.52

(If more space required, attach separate sheet)

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

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

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

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are improve efficiency in use of water

15. Construction work will be completed on or before 6/1/78

16. The water will be completely applied to the proposed use on or before 6/1/78

Remarks

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, David Cheney, 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 10 day of JAN, 1979.

David Cheney
(Name of applicant)

Subscribed and sworn to before me this day of, 19.....

[Notarial Seal]

NOTARY PUBLIC FOR OREGON

My commission expires

WILLOW CR

WR T-0982-C1

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

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

WATER RIGHT NO. T000041281 PERMIT NO. 001022 CERTIF. NO.
ORIG. NO. 000001391 PREV. NO. 000001391 SUPER. NO.

NAME: DAVID CHENEY

ADDRESS: CECIL STAR RT

CITY/STATE/ZIP/COUNTY: IONE, OR 97843

25

STREAM-ID 07 2420

RIV. MI.

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

CANCEL YEAR---->

CONSTR. COMPLT--> 07 05 1979

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 12 31 1892

PUT TO USE-----> 07 05 1979

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION--> 01 15 1979

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 15.00

PERMIT ISSUE--> 05 22 1979

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.--> 05 22 1979

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

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

RIV. MI.

RATE

STATUS S OR P

0204 230E 20 A A 07 2420
| | 29 D A | |
| | 07 A A | |

1.270

V P

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

** POD; EWING DITCH, 1160'S & 1000' W FM

** NE COR S 20; HIGHLINE DITCH,

** 3800'S & 70' W FM NE COR S 29. ADPS

** POD TO C-139. NEW POD: 1010'S &

** 792' W FM NE COR S 7. INCLUDES

** DO FLV WITH PRIORITY OF 1875.

----->

PLACE-OF-USE DATA:
TWNSP RNGE SECT QTR/QTR CNTY

USE % CNSMTV ACRES

STATUS S OR P

0204 230E 07 D D 25 1R 100 2.37 V P
| | 08 C C | | 28.01
| | 17 A C | | 9.67
| | A D | | 19.95
| | BB | | 15.52

W.R.I.S.

Assembled 4-12-85 by SDA

Entered _____ by _____

Verified _____ by _____



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

February 1, 1979

David Cheney
Cecil Star Route
Ione, Oregon 97843

RE: Files Nos. T-3911, T-4127, T-4128

Dear Mr. Cheney:

We received your original transfer application No. 3911, along with the separate water right transfer applications for each of the three rights involved January 15, 1979. The supporting maps and additional fees of \$70 were also received.

In reviewing the Decree of Circuit Court which allowed the rights involved, it is noted "That the use of water for domestic purposes includes household use and water for livestock throughout the year". Therefore, if you wish to use water from the proposed additional point of diversion for household or stock purposes, I can add this information to your applications upon receipt of your written authorization. The location of the housesites or stock facilities, if to be supplied, must be shown. You may illustrate their location on the enclosed copy of the map prepared during the Willow Creek adjudication proceedings.

We will also need additional information on your proposed irrigation system. The sizes and locations of the main lines must be shown on a map. This information may be given on the enclosed map copy, providing the information can be shown clearly. It will also be necessary to explain how the additional point of diversion will be used in connection with the existing ditch systems.

Upon receipt of the additional information, the notice of your proposed additional point of diversion will be prepared for publication, providing the applications are in satisfactory form.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj

RECEIVED

JUL - 5 1979

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN
additional point of diversion from Willow Creek
PURSUANT TO TRANSFER APPLICATION NO. 4128

I, DAVID CHENEY, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by 7/3, 1979

7/3/79
Date

David Cheney
Signature

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

ok
by

T-4128

RECEIVED
Compared-M.B.W.

JAN 15 1979

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF MORROW.

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That H. S. EWING,
of Cecil, State of Oregon, has a right to the use of
the waters of WILLOW CREEK, tributary to the Columbia River, in Morrow County,
Oregon,

for the purpose of irrigation and domestic use; (irrigation during the irrigation
season)

and that said right has been confirmed by decree of the Circuit Court of the State of
Oregon for Morrow County, and the said decree entered of record at Salem,
in the Order Record of the Board of Control of the State of Oregon, in Volume 1, at
page 73; that the priority of the right hereby confirmed dates from 1875
for domestic use and from 1892 for the irrigation of seventy-five and eight-
tenths (75.8) acres;

that the amount of water to which such right is entitled and hereby confirmed for the
purpose aforesaid, is limited to an amount actually beneficially used for said pur-
pose, and shall not exceed 1.27 cubic feet per second as of date 1892.

A description of the lands irrigated under such right, and to which the water
hereby confirmed is appurtenant, or, if for other purposes, the place where such water
is put to beneficial use, is as follows:

Nine and two-thirds (9 2/3) acres in SW 1/4 of NE 1/4; nineteen and ninety-five
hundredths (19.95) acres in SE 1/4 of NE 1/4; fifteen and fifty-two hundredths (15.52)
acres in NW 1/4 of NW 1/4; all in section 17; two and thirty-seven hundredths (2.37)
acres in SE 1/4 of SE 1/4; Sec. 7; twenty-eight and one one-hundredth (28.01) acres in
SW 1/4 of SW 1/4; Sec. 8; All in Twp. 2 N. R. 23 E., W. M., in Morrow County, Oregon.

75.8

The right to the use of the water aforesaid hereby confirmed is restricted to the
lands or place of use herein described.

WITNESS the seal and signature of the Board
of Control, affixed this 29th day
of November, 1911.

BOARD OF CONTROL

By JOHN H. LEWIS,
State Engineer, President

(Seal of Board of Control)

Attest:
M. B. Wann,
Secretary

Recorded in State Record of Water Right Certificates, Volume 1, page 139

T-3911