

Name Sam C. LeFore

4371

By _____

Address Rt 1, Box 174
Milton-Freewater, OR
97862Change in POUDate filed Jan 14, 1980

Date of hearing _____

Place of hearing _____

✓ Date of order 1-28-80 Vol. 32, page 698Date for application of water 10-1-81

Proof mailed _____

Proof received _____

Certificate issued JUN 27 1980 Vol. 43, page 49291FEB 11 19875155597

Certificate cancelled _____

Notation made on record by _____

OK Cert

DESCRIPTION OF WATER RIGHT

Name of stream Walla Walla RiverTrib. of _____ County of UmatillaUse irrigation

Quantity of water _____ No. of acres _____

Name of ditch EastsideDate of priority July 23, 1912In name of Walter R. Bitney

_____ Adjudication, Vol. _____, page _____

App. No. 2458 Per. No. 1299 Cert. No. 1323

FEES PAID

Date	Amount	Receipt No.
<u>1-14-80</u>	<u>30.00</u>	<u>15674</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

SEE T-3854 (concurrent) - for F.P. map printT-9437 & POU/POD V. 61 p. 216T 9584

W.R. I.S.

Assembled 7-7-85 by SPA

Entered _____ by _____

Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Checked
	Checked	Unchecked	
✓	Name		✓
✓	Stream		✓
✓	Pt. of Div.		✓
✓	Calendar		✓
✓	CHECKED TO RECORD		✓
✓	Twp. & Rge.		✓
✓	Decree-walt		✓
✓	Decree-safe		✓
✓	Cert. of W/R		✓
✓	Per. Folder		✓
✓	Chalindex		✓
✓	Cross Ref.		✓
✓	Power Claim		✓
✓	Abstracts		✓

T-4371

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Transfer Application)
T-9584, Umatilla County) ORDER WITHDRAWING A
TRANSFER APPLICATION

ORS 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

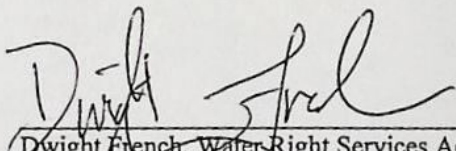
SAM LeFORE
54103 LeFORE RD
MILTON-FREEWATER, OR 97862

1. Transfer Application T-9584, in the name of the Sam LeFore, was filed September 30, 2003.
2. On April 15, 2011, Sam LeFore requested that Transfer Application T-9584 be withdrawn.

Now, therefore, it is ORDERED:

Transfer Application T-9584, in the name of the Sam LeFore, is withdrawn and of no further force or effect.

Dated at Salem, Oregon this 22 day of April, 2011.


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing date: APR 25 2011

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW
This is an order 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 137-004-080 and OAR 690-01-005, 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 UMATILLA

ORDER APPROVING A CHANGE IN PLACE OF USE,
POINT OF DIVERSION, CANCELLATION OF A WATER RIGHT, AND
DIMINUTION OF A PORTION OF A WATER RIGHT

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9437 submitted by

WALLA WALLA RIVER IRRIGATION DISTRICT
605 LAMB STREET
MILTON-FREEWATER, OREGON 97862.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by Certificate 12916. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1875.

The right allows the use of TUMALUM BRANCH OF WALLA WALLA RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 9.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE AND ONE HALF MINER'S INCHES per acre, if available at the authorized point of diversion: PRIVATE DITCH - SE¼ NW¼, SECTION 1, T 5 N, R 35 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an 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 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 9.0 ACRES
SECTION 1
TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.,

More specifically being within the following described tract: That portion of the E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 1, T. 5 N., R. 35 E., W.M., lying southerly of the OWR&N Co.'s right of way; EXCEPTING therefrom the lands deeded by Aaron Miller et ux to Edmund Wright et al, recorded Book 13, of Deeds, page 555, records of Umatilla County, Oregon; To Mary L. Raup, record in Book 15 of Deeds at page 105, records of Umatilla County, Oregon; to Milton Nursery Co., a corporation, recorded in Book 53 Deeds, at page 332, records of Umatilla County, Oregon; to George F. Massie, recorded in book 77 of Deeds at page 158, records of Umatilla County, Oregon, being 16.4 acres, more or less; ALSO: lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of Block 23, in the Town of Freewater, Umatilla County, Oregon.

The right to use 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 the decree.

The applicant proposes to change the place of use to:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 9.0 ACRES
SECTION 36
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

The applicant also proposes to change the point of diversion for the above described nine acres at the new place of use to:

EAST SIDE DITCH - NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 1, T 5 N, R 35 E, W.M.; 1080 FEET SOUTH AND 450 FEET WEST FROM THE N $\frac{1}{4}$ CORNER, SECTION 1.

The SECOND right to be modified, as evidenced by a portion of Certificate 49291, was perfected under Permit 1299 with a date of priority of JULY 23, 1912. The right allows the use of WALLA WALLA RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 9.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.11 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 1, T. 5 N., R. 35 E., W.M.; 1080 FEET SOUTH AND 450 FEET WEST FROM N $\frac{1}{4}$ CORNER, SECTION 1, or its equivalent in case of rotation, measured at the point of diversion from the source.

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

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 9.0 ACRES
SECTION 36
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the place of use to:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.3 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 7.7 ACRES
SECTION 31
TOWNSHIP 6 NORTH, RANGE 36 EAST, W.M.

On MAY 16, 2003, an affidavit for the above right was received from SAM LEFORE, JR. The affidavit states that Mr. Lefore, Jr., is the owner of certain lands and the above described water right is appurtenant to it. A portion of the water right is requested to be diminished to supplemental irrigation and is shown on the affidavit map.

The right is described as a PORTION of Certificate 41017, and was perfected under Permit G-4014 with a date of priority of MARCH 4, 1968. The right allows the use of WELL, within the WALLA WALLA RIVER BASIN, for IRRIGATION OF 9.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.11 cubic foot per second, if available at the original well; SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 31, T 6 N, R 36 E, W.M., 580 FEET NORTH AND 570 FEET EAST FROM THE SW CORNER, SECTION 31, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

The portion to be diminished is located as follows:

NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.3 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	7.7 ACRES
SECTION 31	
TOWNSHIP 6 NORTH, RANGE 36 EAST, W.M.	

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The right to use water for the rights proposed for transfer or diminution are restricted to beneficial use on the lands or place of use described.

On MAY 16, 2003, an affidavit was received from SAM LEFORE, JR., owner of certain land and the water right appurtenant to it. The water right has been abandoned and is requested to be canceled.

The water right is described by Certificate 47020, and was perfected under Permit G-6290 with a date of priority of JANUARY 3, 1975. The right allows the use of A WELL, a tributary of WALLA WALLA RIVER, for IRRIGATION OF 1.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 8.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.12 cubic foot per second, if available at the authorized point of appropriation: SE¼ NW¼, SECTION 1, T. 5 N., R. 35 E., W.M.; 2120 FEET SOUTH AND 1960 FEET EAST FROM THE NW CORNER, SECTION 1, or its equivalent in case of rotation, measured at the point of diversion from the source.

The abandoned portion is located as follows:

PRIMARY

SE¼ NW¼ 1.4 ACRES
SECTION 1
TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.

SUPPLEMENTAL

NE¼ NW¼ 8.3 ACRES
SECTION 1
TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.

ORS 540.621 provides: "whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order canceling the water right."

THESE CHANGES TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed changes shall be completed on or before October 1, 2005.
2. The quantity of water diverted at the new points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
3. Water shall be acquired from the same aquifer as the original point of appropriation.

4. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
5. When required by the Department, the water user or irrigation district shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may monitor the accuracy of the measuring device, as needed.
6. Water shall be acquired from the same surface water source as the original point of diversion.
7. The former places of use shall no longer be irrigated as a part of these water rights as described herein.
8. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

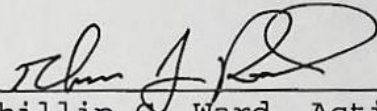
The abandoned water right evidenced by Certificate 47020 requested to be canceled is canceled.

A new water right certificate will be issued for the right perfected under Permit G-4014 to describe the right as diminished.

Certificates 12916, 49291, 41017 are cancelled. New certificates will be issued to describe those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed changes are received, new certificates will be issued describing the extent to which water is used beneficially under the terms and conditions of this transfer order.

WITNESS the signature of the Water Resources

Director, affixed AUGUST 11, 2004.


For Phillip C. Ward, Acting Director

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ESTATE OF J. WALDO BRADSHAW
c/o Dorothy Maren Bradshaw
330 DAVIN DRIVE
COLLEGE PLACE, WASHINGTON 99324

confirms the right to use the waters of A WELL in the WALLA WALLA RIVER BASIN for IRRIGATION OF 15.6 ACRES and SUPPLEMENTAL IRRIGATION OF 9.0 ACRES.

This right was perfected under Permit G-4014. The date of priority is MARCH 4, 1968. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.31 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW¼ SW¼, SECTION 31, T 6 N, R 36 E, W.M.; 580 FEET NORTH AND 570 FEET EAST FROM THE SW CORNER, SECTION 31.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

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

PRIMARY IRRIGATION

SUPPLEMENTAL IRRIGATION

NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.1 ACRES	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.9 ACRE	1.3 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	6.1 ACRES	7.7 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.5 ACRES	

SECTION 31

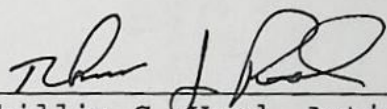
TOWNSHIP 6 NORTH, RANGE 36 EAST, W.M.

This certificate describes the water right confirmed by Certificate 41017, State Record of Water Right Certificates, as modified by the provisions of an order of the Water Resources Director entered AUG 11 2004.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director,
affixed August 11, 2004.


for Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80891.

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WALTER R. BITNEY
MILTON-FREEWATER, OREGON 97823

confirms the right to use the waters of WALLA WALLA RIVER, a tributary of SNAKE RIVER, for IRRIGATION OF 54.7 ACRES.

This right was perfected under Permit 1299. The date of priority is JULY 23, 1912. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.68 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 1, T 5 N, R 35 E, W.M.; 1080 FEET SOUTH AND 450 FEET WEST FROM N $\frac{1}{4}$ CORNER, SECTION 1.

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

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

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

NW¼ NE¼ 5.0 ACRES
SECTION 1
TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.

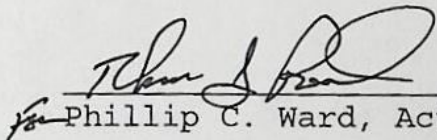
NE¼ SE¼ 23.2 ACRES
SW¼ SE¼ 17.5 ACRES
SE¼ SE¼ 9.0 ACRES
SECTION 36
TOWNSHIP 6 NORTH, RANGE 35 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 49291, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered AUG 11 2004, approving Transfer Application 9437.

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

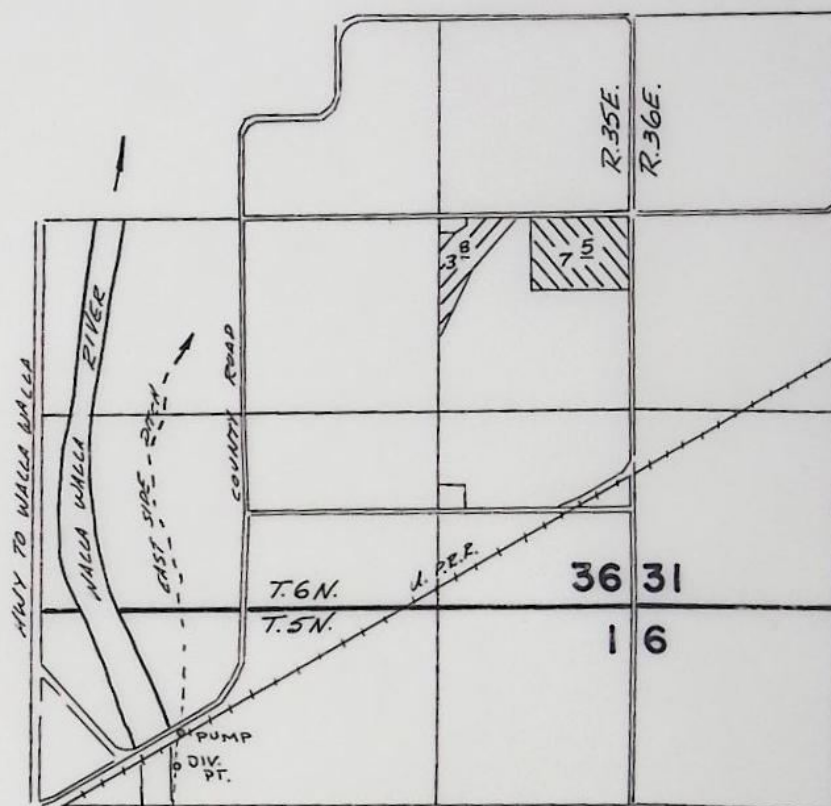
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources
Director, affixed August 11, 2004.


Phillip C. Ward, Acting Director

Recorded in State Record of Water Right Certificates numbered 80892.

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



⊗ T-4371

⊗ T-3854

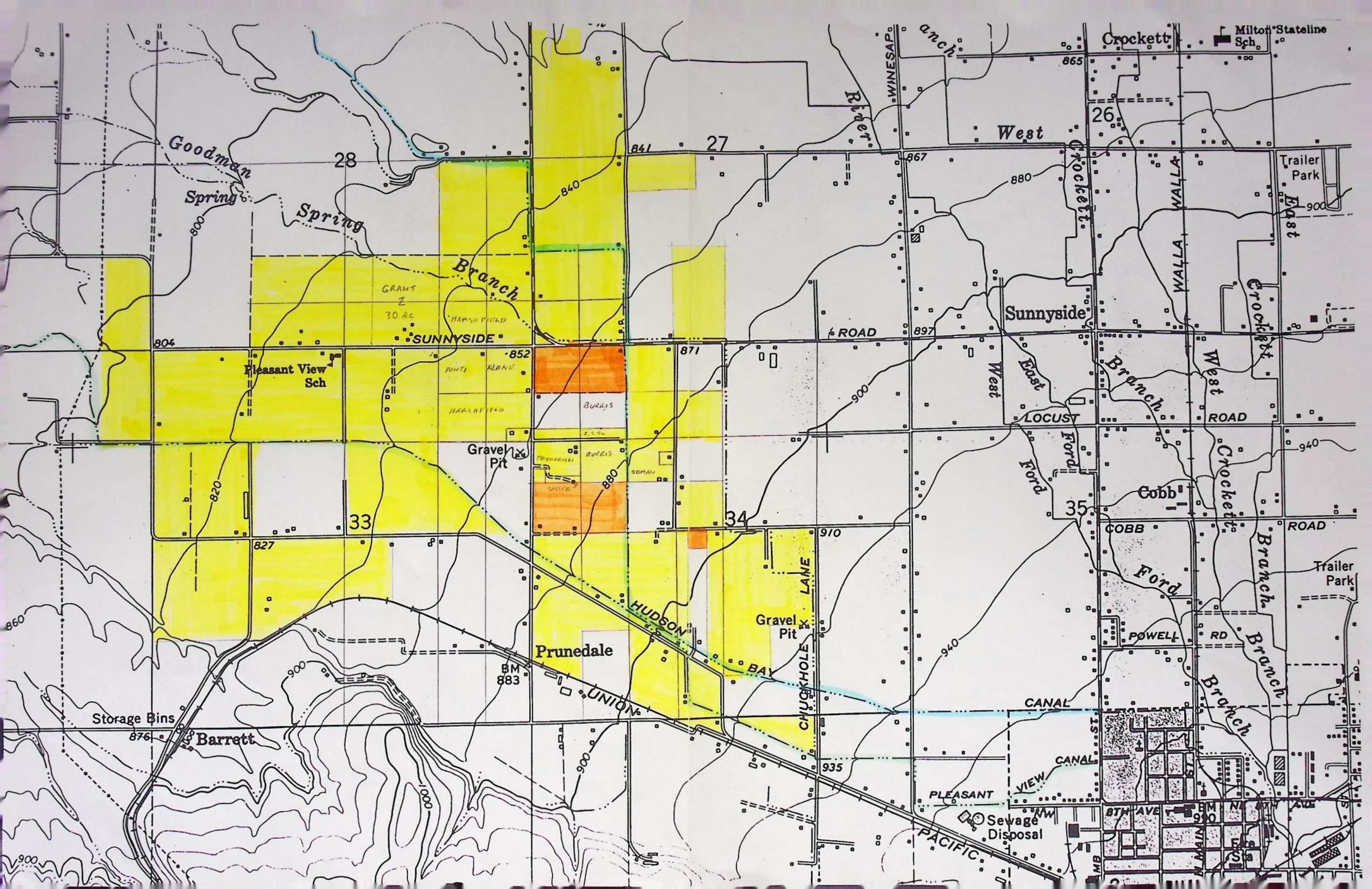
FINAL PROOF SURVEY
UNDER

TRANSFER 3854, 4371

IN NAME OF

SAM C. LeFORE

Surveyed 3-31 1982, by *Harmon Lee Church*



STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That WALTER R. BITNEY

of Milton-Freewater , State of Oregon 97862 , has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
Walla Walla River

a tributary of Snake River for the purpose of
irrigation of 63.7 acres

under Permit No. 1299 and that said right to the use of said waters has been perfected in
accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from
July 23, 1912

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.79 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, T. 5 N., R. 35 E., W.M.;
1080 feet South and 450 feet West from N $\frac{1}{4}$ Corner, Section 1.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre,

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

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

SEE NEXT PAGE

5.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 1
T. 5 N., R. 35 E., W.M.

23.2 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
17.5 acres S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$
18.0 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 36
T. 6 N., R. 35 E., W.M.

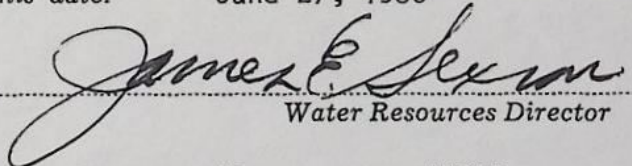
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 1323, Volume 2, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on January 28, 1980, approving transfer application No. 4371.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. June 27, 1980


Water Resources Director

WNR
W 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. 1000043711 PERMIT NO. 001299 CERTIF. NO.
ORIG. NO. A000024581 PREV. NO. A000024581/SUPER. NO.

NAME: SAM C. LE FORE

ADDRESS: RT1, Box 174

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

STREAM-ID 07 2700

RIV. MI.

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

30

CANCEL YEAR--->

CONSTR. COMPLT---> 05 05 1980

YR. LAST USED----->

NEXT ACTION DUE-->

PRIORITY-----> 07 23 1912

PUT TO USE-----> 05 05 1980

LAST TRANS. DATE-->

LAST TRANS. TYPE-->

APPLICATION---> 01 14 1980

SURVEYED----->

EXAM. FEE-----> 20.00

RECORDING FEE-----> 10.00

PERMIT ISSUE---> 01 28 1980

CONCURRENCE----->

CYCLE STATUS----->

REPORTED FLAG----->

CONSTR. STRT.---> 01 28 1980

CERTIFIED----->

CORRES. INIT.----->

CORRES. DATE----->

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

RIV. MI.

RATE

STATUS S OR P

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

050N 350E 01 B A 07 2700

0.050

V

P

** POP: EAST SIDE DITCH, 1080'S F
** 450' W FM N 1/4 COR S 1. CHANGES
** POV PART OF C-1327, RR C-49291.

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

060N 350E 36 D A 30 1R 100 3.80

V

P

**----->
**----->
**----->
**----->

49291

W.R.I.S.

Assembled 4-9-85 by SDA
Entered _____ by _____
Verified _____ by _____

RECEIVED
MAY 5 1980
WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

place of use of water from Walla Walla River

PURSUANT TO TRNASFER APPLICATION NO. 4371

I, Sam Letore, 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 3/30, 1980

4/30/80
Date

Sam Letore
Signature

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



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: January 24, 1980.FROM: ** Steven P. Applegate, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4371IN THE NAME OF Sam C. LeFore

RECEIVED

JAN 28 1980

WATER RESOURCES DEPT
SALEM, OREGON

In my opinion the proposed change in place of use of water from Walla Walla River
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 _____

**

Steven P. Applegate
Watermaster's signature or initials

30.00
RECEIVED

MAY 14 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

T-4371

To the WATER RESOURCES DIRECTOR OF OREGON:

(see T-3854)

I, SAM C. LEFORE

(Name of applicant)

of RT. 1 Box 174

(Mailing address)

MILTON-FREEWATER

(City)

State of OREGON

97862

(Zip Code)

938-3528

(Phone number)

, do hereby make application for change

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 WALTER R. BITNEY

(If not, give name)

2. Was your water right determined by Decree of Court? No If so, give title of proceedings

(Yes or No)

number of certificate

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

(Yes or No)

of permit 1299 Number of certificate 1323

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 WALLA WALLA RIVER

5. What is the date of priority of your water right? JULY 23, 1912

6. The authorized point of diversion is located 1080 ft. S. and 450 ft. W. from the NE 1/4

(N. or S.)

(E. or W.)

corner of SEC. 1 being within the NE 1/4 NW 1/4 of Section 1 Tp. 5N R. 35E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of UMATILLA The name of the ditch used is EASTSIDE

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 _____ 1/4 _____ 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 _____

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
6N	35E	36	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.8 0.05 cfs

(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.? Yes
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
6N	35E	36	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.8

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are To MAKE ROOM FOR WATER RIGHT BEING

TRANSFERRED UNDER T-3854.

15. Construction work will be completed on or before

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

Remarks THIS TRANSFER IS PENDING UNTIL APPROVAL OF TRANSFER T-3854.

THIS APPLICATION PREPARED BY:

Michael J. Ladd

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, Sam J. Fran, 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 30 day of August, 1978

Sam J. Fran

(Name of applicant)

Subscribed and sworn to before me this 30 day of August, 1978

[Notarial Seal]

Michael J. Ladd

NOTARY PUBLIC FOR OREGON

My commission expires 4-13-1981



:
POD
POU
USE
Add'1 POD

No proof
necessary per
BAE -
5/6/85

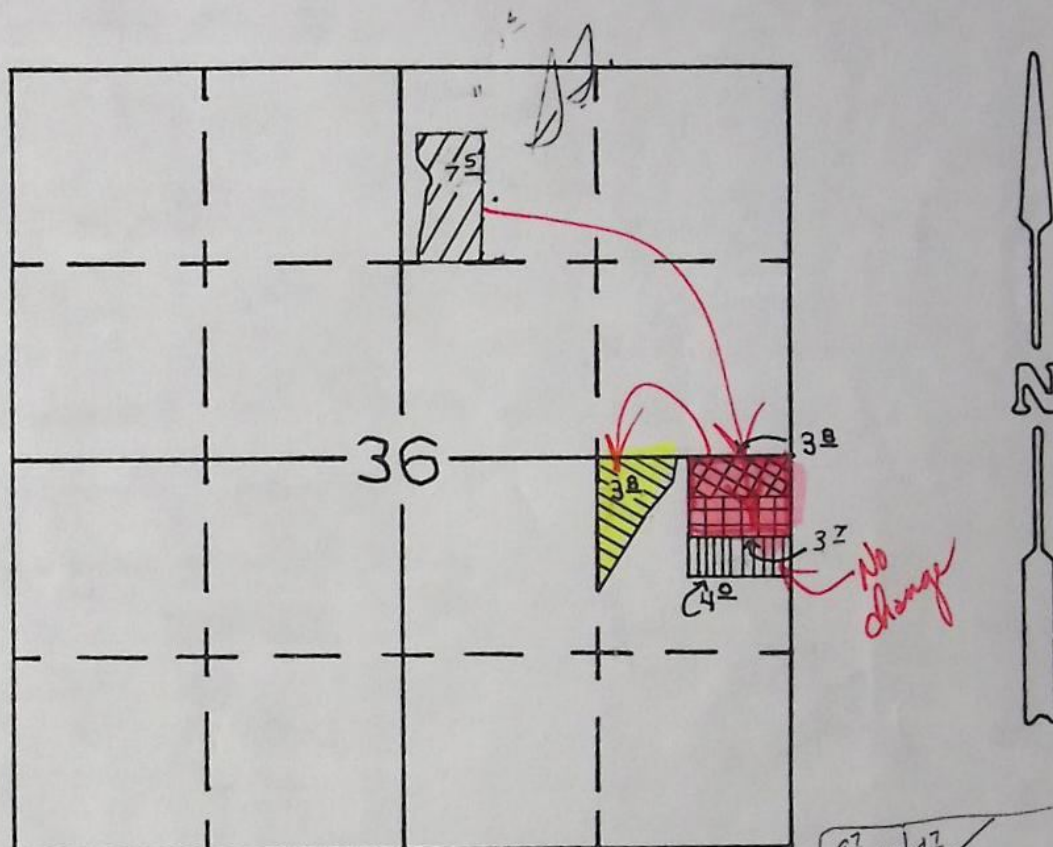
County Umatilla

[illegible]

MAY 14 1979

WATER RESOURCES DEPT,
SALEM, OREGON

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



-  AREA THAT WATER RIGHT CERTIFICATE # I2547 IS TRANSFERRED FROM
-  AREA THAT WILL RECEIVE WATER RIGHT CERTIFICATE # I2547 & ALSO AREA THAT WATER RIGHT CERTIFICATE # I323 IS TRANSFERRED FROM
-  AREA THAT WILL RECEIVE WATER RIGHT CERTIFICATE # I323
-  AREA THAT WILL ALSO RECEIVE WATER RIGHT CERTIFICATE # I2547
-  LOCATION OF WATER RIGHT CERTIFICATE # I29II

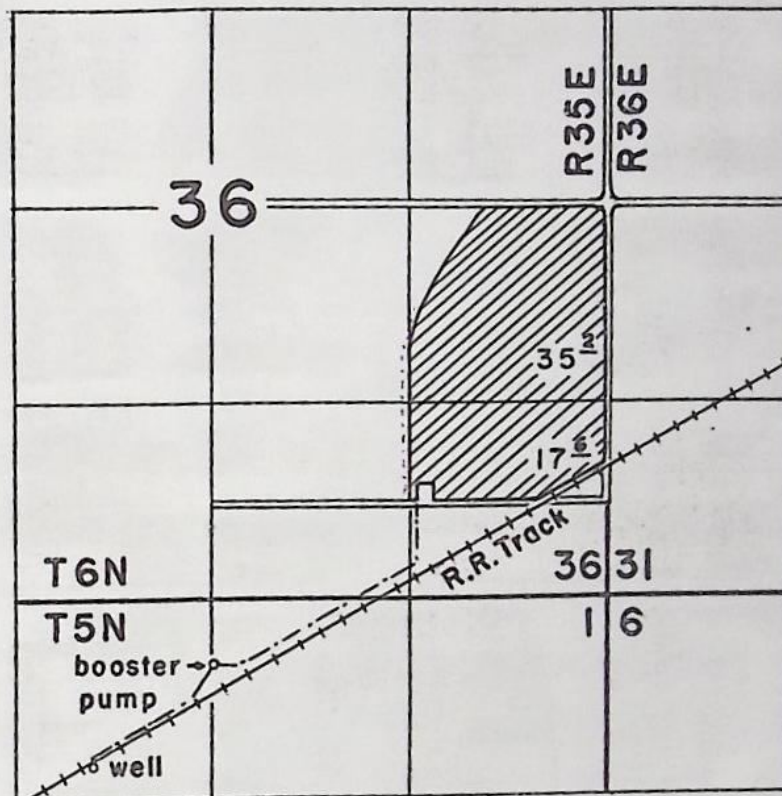
SCALE 4"=1 MILE

THIS MAP PREPARED BY:

FROM INFORMATION FURNISHED BY
THE APPLICANT.

WATER RESOURCES DEPT
SALEM, OREGON

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



FINAL PROOF SURVEY

UNDER

Supplemental C# 33111

Application No. G-2645. Permit No. G-2543.
IN NAME OF

Sam LeFore

Surveyed Aug. 25 1964, by C.J. Gardner...

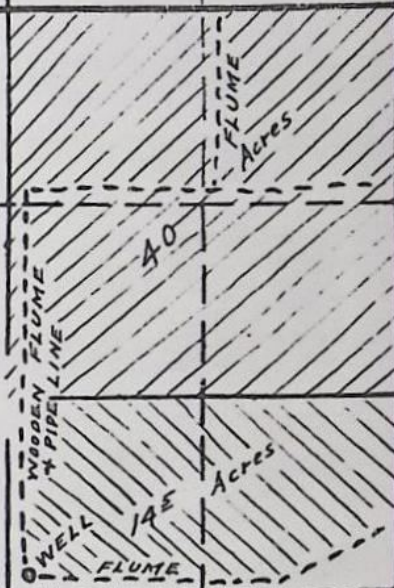
TOWNSHIP 6N, RANGE 35E, W. M.

North

West

East

36



South

Copied from applicant's
sketch - 10/10/34 -

APPLICATION No. U-87
PERMIT No. U-82

Cert No 12272



Water Resources Department
MILL CREEK OFFICE PARK

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

PHONE 378-3066

April 7, 1978

Sam C. LeFore
Route 1, Box 174
Milton-Freewater, Oregon 97862

RE: File No. T-3854

Dear Mr. LeFore:

The lands from which you wish to transfer the water right, as located in your transfer application No. 3854, are also covered by the use of water from a well as claimed in the ground water registration statement filed by Orland F. Hubbs and Eber L. Hurst. According to the registration statement, the use of ground water is a supplemental supply. Therefore, since the claim for supplemental supply of water from the well cannot exist without the primary right, it will be necessary to clear our records of that part of the claim to the use of ground water involved before the transfer application can be considered for approval. We can prepare the necessary affidavit of abandonment for Mr. Jim Busch to complete and submit. Your supporting map should be corrected to show only the 8.0 acres where the existing right will be removed.

As mentioned in our recent telephone conversation, it will be necessary to file another transfer application if you wish to change the place of use of part of the water right described in the certificate 1323. I am enclosing the proper transfer application and instructions.

T-4371 3854

The proposed place of use, as located in your transfer application, in addition to being partly covered by the water right described in certificate 1323, is also covered by two water rights of record providing for the use of water from two wells as described in certificates 12242 and 33111. It will be necessary for you to advise us of the manner you wish to use water from the Walla Walla River in relationship to the use of water from the wells. If you wish to use water from Walla Walla River as the primary source at the proposed place of use and retain the right to the use of water from the wells as supplemental supplies, this should be so stated in your transfer application No. 3854.

Since our records do not specifically locate the lands under the water rights described in certificates 12547, 1322 and 12911, it may be best at this time for Mr. Busch to show the location of the 5.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36 where the portion of the right described in certificate 12547 will remain and for you to show the location of the lands where the rights evidenced by certificates 1322 and 12911 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36 are appurtenant.

This information may be added to the map supporting your application, providing Mr. Busch and you sign the map agreeing to the information supplied.

I am returning your application and map for completion.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj

cc: Michael F. Ladd, Deputy Watermaster

AGREEMENT

* * * * *

December,

THIS AGREEMENT, entered into this 15th day of ~~August~~
1977, between SAM LEFORE, JR. and DONNA M. LEFORE, herein
called LEFORE and JOHN BIER and ANNA BIER, husband and wife,
herein called BIER;

WITNESSETH;

RECITALS:

RECEIVED
MAY 14 1979
WATER RESOURCES DEPT.
SALEM, OREGON

LEFORE is the owner of a surplus water right as described
in Certificate No. 1323, Oregon records, which is for use on
the property described on the attached Exhibit "A", which is
by reference made a part hereof; and

BIER owns the property described on the attached Exhibit "B",
which is by reference made a part hereof; and

LEFORE desires to relinquish and transfer to BIER such
surplus water right insofar as it pertains to 4.72 acres
in the Northwest corner of his property; and

There is designated on the attached Exhibit "C" the land
on which the water right will be relinquished and transferred
and the land to which it will be transferred.

NOW THEREFORE, in consideration of the following stipulations
and covenants IT IS MUTUALLY AGREED AS FOLLOWS:

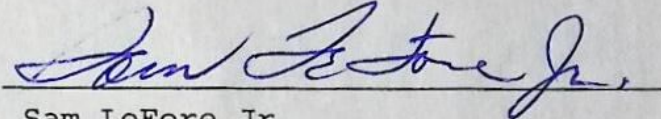
I

LEFORE hereby relinquishes such surplus right as shown
on the attached Exhibits and relinquishes such right to BIER
to be used on the property as shown on the attached Exhibits B&C.

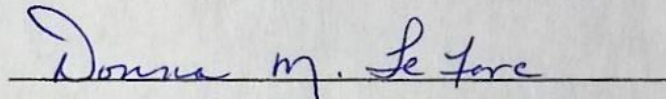
II

BIER hereby accepts such surplus right and agrees to use it in accordance with the laws of the state of Oregon.

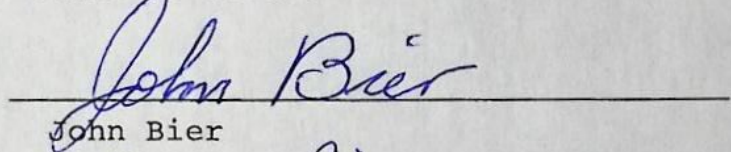
IN WITNESS WHEREOF, the parties hereto have hereunto set their hands in duplicate the day and year first above written.



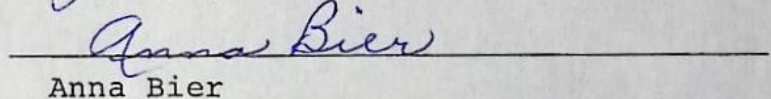
Sam LeFore, Jr.



Donna M. LeFore



John Bier



Anna Bier

EXHIBIT "A"

The North Half of the Southeast Quarter of the Southeast Quarter of Section Thirty-six, Township Six North, Range Thirty-five East of the Willamette Meridian, excepting and reserving therefrom such land as is used therefrom on the Southerly line of said described tract for Public Road or Highway purposes;

Also, reserving the right of way across said land for such irrigating ditches as are now located thereon and the rights for which have heretofore been granted;

Also, reserving from said described lands the right of way belonging to the O. W. R. & N. Co.

Commencing at a point 80 rods North of the Southeast Corner of Section Thirty-six, Township Six North, Range Thirty-five East of the Willamette Meridian, (said point being the Northeast Corner of the Southeast Quarter of the Southeast Quarter of said Section Thirty-six), thence running North on the East line of said Section Thirty-six 80 rods, more or less, to the Northeast Corner of the Southeast Quarter of said Section Thirty-six, thence running West 80 rods, more or less, to the Northwest Corner of the Northeast Quarter of the Southeast Quarter of said Section Thirty-six, thence running South 80 rods, more or less, to the center of said Southeast Quarter of said Section Thirty-six, thence running East to the place of beginning.

Excepting therefrom: Commencing at the Northwest Corner of the Northeast Quarter of the Southeast Quarter of Section Thirty-six, Township Six North, Range Thirty-five, running thence South along the West line of said Northeast Quarter of the Southeast Quarter of Section Thirty-six a distance of 863 feet, thence at deflection angle left $153^{\circ}41'$ a distance of 553 feet, thence at deflection angle right $14^{\circ}37'$ a distance of 381 feet, thence at deflection angle left $24^{\circ}38'$ a distance of 89 feet, more or less, to the East and West center line through said Section Thirty-six, thence West along said center line 520.8 feet to the place of beginning.

Together with all interest of mortgagor in that certain lease agreement, dated May 1, 1930, between Samaria Miller and Evert S. Miller, recorded in Book 139 Deeds page 344, records of Umatilla County, which lease was assigned to G. W. Miller and by him extended by agreement dated January 31, 1951 and recorded in Book 195 Deeds page 522, records of Umatilla County, Oregon. Together with all pumps, motors and other irrigating equipment now or hereafter used on said premises, all of which is declared appurtenant to said land.

All being in the County of Umatilla and State of Oregon.

EXHIBIT "B"

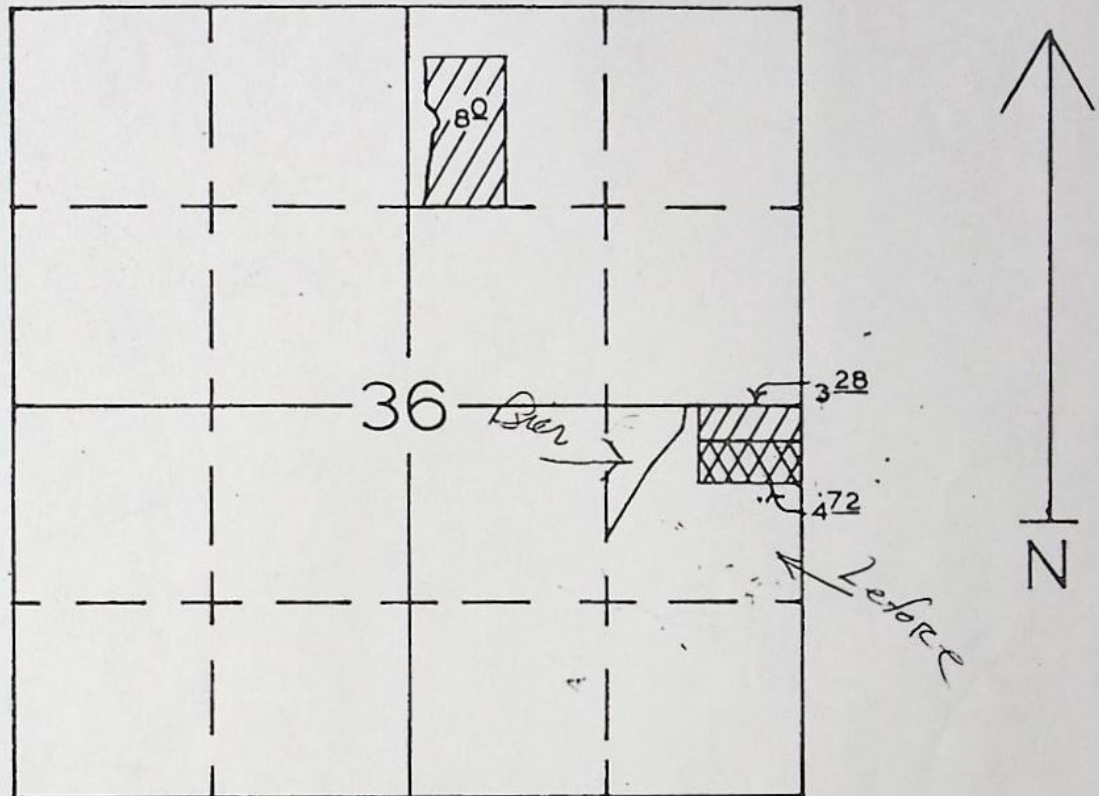
the following described lands situate ...

Commencing at the Northeast corner of the Northwest quarter ($\frac{1}{4}$) of the Southeast quarter ($\frac{1}{4}$) of Section thirty-six (36) in Township six (6) North of Range thirty-five (35) East, running thence West twenty-one (21) rods thirteen and one-half ($13\frac{1}{2}$) feet, thence South forty (40) rods, thence East twenty-one (21) rods thirteen and one-half ($13\frac{1}{2}$) feet, thence North twenty-seven (27) rods five and one-half ($5\frac{1}{2}$) feet, more or less, to a point two hundred nine (209) feet South of the Northeast corner of the Northwest quarter ($\frac{1}{4}$) of the Southeast quarter ($\frac{1}{4}$) of said Section thirty-six (36), thence East two hundred eight and one-half ($208\frac{1}{2}$) feet, thence North two hundred nine (209) feet, thence West two hundred eight and one-half ($208\frac{1}{2}$) feet, more or less, to the place of beginning, All of said lands being East of the Willamette Meridian in the County of Umatilla and State of Oregon. Also, commencing at the Northwest corner of the Northeast quarter ($\frac{1}{4}$) of the Southeast quarter ($\frac{1}{4}$) of Section thirty-six (36) in Township six (6) North of Range thirty-five (35) East of the Willamette Meridian, and running thence South along the West line of said Northeast quarter ($\frac{1}{4}$) of the Southeast quarter ($\frac{1}{4}$) of said Section thirty-six (36) a distance of eight hundred sixty-three (863) feet; thence at deflection angle left one hundred fifty-three (153) degrees and forty-one (41) minutes a distance of five hundred fifty-three (553) feet; thence at deflection angle right fourteen (14) degrees and thirty-seven (37) minutes a distance of three hundred eighty-one (381) feet; thence at deflection angle left twenty-four (24) degrees and thirty-eight (38) minutes a distance of eighty-nine (89) feet, more or less, to the East and West center line running through the said Section thirty-six (36); thence West along said center line five hundred twenty and eight-tenths (520.8) feet to the place of beginning, excepting and reserving therefrom one (1) acre in square form, in the Northwest corner of the Northeast quarter ($\frac{1}{4}$) of the Southeast quarter ($\frac{1}{4}$) of said Section thirty-six (36). Excepting any and all water rights, water rights of way, water location notices and litigation affecting water rights,

All being in the County of Umatilla and State of Oregon.

EXHIBIT "C"

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



AREA THAT WILL RECEIVE 3.28 ACRES OF WATER RIGHT CERTIFICATE # 12547 & ALSO AREA THAT WATER RIGHT IS TRANSFERRED FROM



AREA THAT WILL RECEIVE 4.72 ACRES OF WATER RIGHT CERTIFICATE # 12547 & ALSO AREA WHICH CANCELS 4.72 ACRES OF WATER RIGHT CERTIFICATE 1323

SCALE 4" = 1 MILE

Application No. 2458

Proof of Appropriation of Water

(In accordance with the provisions of Chapter 216, Laws of Oregon for 1909, and the regulations of the State Water Board thereunder.)

From Walla Walla River Tributary of Snake River

1. Name Walter R. Bitner

2. Postoffice address Milton, Oregon.

3. For what purpose is water used? Irrigation

4. Did you begin the actual construction of the East side Company's Ditch

(or other distributing works described in said permit), on or before

September 16, 1913. Yes

5. Give the date of completion of such construction work About May 15, 1916.

6. When was all the water completely applied to the proposed use? During June, 1916.

7. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described.

Tp.	Rg.	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6n	35E	36	NE ⁴ SE ⁴	38 acres	27 T-4371
			SE ⁴ SE ⁴	22 acres	18
			SW ⁴ SE ⁴	38 acres	37-1/2
5n	35E	1	NW ⁴ NE ⁴	5 acres	5
			In Umatilla County		

MAP of Walter R. Bitney's
Irrigation Ditch, Flume, and Pump Station
WASHINGTON.
OREGON.

OFFICE OF STATE ENGINEER
BUREAU OF IRRIGATION
JUL 28 1914

Application No. 2458
Permit No. 1299

C# 13224 1323

I, J.W. Kimbrell of Pendleton Oregon do hereby Certify that this map was made from notes taken during an actual survey made by me on the 14th day of July 1912 and that it correctly represents the Works described in the accompanying application together with the Location of streams and other ditches in the immediate vicinity, and has written thereon the area in each smallest Legal subdivision which it is proposed to irrigate.

John W. Kimbrell Surveyor

NOTE SHADING IN Red Gravel or Orchard land.
SHADING IN Yellow Gravel or Orchard land, water applied for
SHADING IN Blue Volcanic ash or Alfalfa Land, water applied for

T. 6. N. R. 35. E. W. NE
T. 5. N. R. 35. E. W. NE.

