

NOTICE OF BEGINNING OF CONSTRUCTION

RECEIVED

I, Herschel J. McKague, the holder of Permit No. 45865 to appropriate the public waters of the state of Oregon, began the actual construction of the works described herein on the 15th day of July, 1982.

OK
2/9

Remarks: I have installed a pump in the creek & laid pipe with sprinklers on about an acre & have been watering the area.
The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of Aug, 1982.
Herschel J. McKague (Signature of Applicant) Box 95 Pilot Rock, Ore 97868 (Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.
SP*35567-690

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

OK
2/9

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

RECEIVED

I, Herschel J. McKague, the holder of Permit No. 45865 to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 5th day of September, 1984.

Remarks:

IN WITNESS WHEREOF, I have hereunto set my hand this 7 day of September, 1984.
Herschel J. McKague (Signature of Applicant) Box 95 Pilot Rock, Ore 97868 (Address)

OK
2/9

NOTICE OF COMPLETION OF CONSTRUCTION

RECEIVED

I, Herschel J. McKague, the holder of Permit No. 45865 to appropriate the public waters of the state of Oregon, completed the construction of the works described herein on the 5th day of September, 1984.

Remarks: If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 7 day of September, 1984.
Herschel J. McKague (Signature of Applicant) Box 95 Pilot Rock, Ore 97868 (Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

HERSCHEL J. MC KAGUE
PO BOX 95
PILOT ROCK, OREGON 97868

confirms the right to use the waters of EAST BIRCH CREEK, a tributary of BIRCH CREEK, for IRRIGATION OF 4.4 ACRES.

This right was perfected under Permit 45865. The date of priority is APRIL 29, 1981. This right is limited to 0.05 CUBIC FOOT PER SECOND (CFS) or its equivalent in case of rotation, measured at the points of diversion (POD) from the source, being 0.02 CFS from POD # 1, 0.005 CFS from POD # 2, and 0.025 CFS from POD #3.

The points of diversion (POD) are located as follows:

POD # 1: LOT 1 (NE 1/4 NW 1/4), SECTION 18, T 2 S, R 33 E, W.M.; 180 FEET SOUTH AND 270 FEET WEST FROM THE N 1/4 CORNER, SECTION 18.

POD # 2 - NW 1/4 NE 1/4, SECTION 18, T 2 S, R 33 E, W.M.; 200 FEET SOUTH AND 50 FEET EAST FROM THE N 1/4 CORNER, SECTION 18.

POD # 3 - NW 1/4 NE 1/4, SECTION 18, T 2 S, R 33 E, W.M.; 270 FEET SOUTH AND 300 FEET EAST FROM THE N 1/4 CORNER, SECTION 18.

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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

LOT 1	POD # 1 (NE 1/4 NW 1/4)	1.8 ACRES
	POD # 2 NW 1/4 NE 1/4	0.4 ACRE
	POD # 3 NW 1/4 NE 1/4	2.2 ACRES
	SECTION 18	
	TOWNSHIP 2 SOUTH, RANGE 33 EAST, W.M.	

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

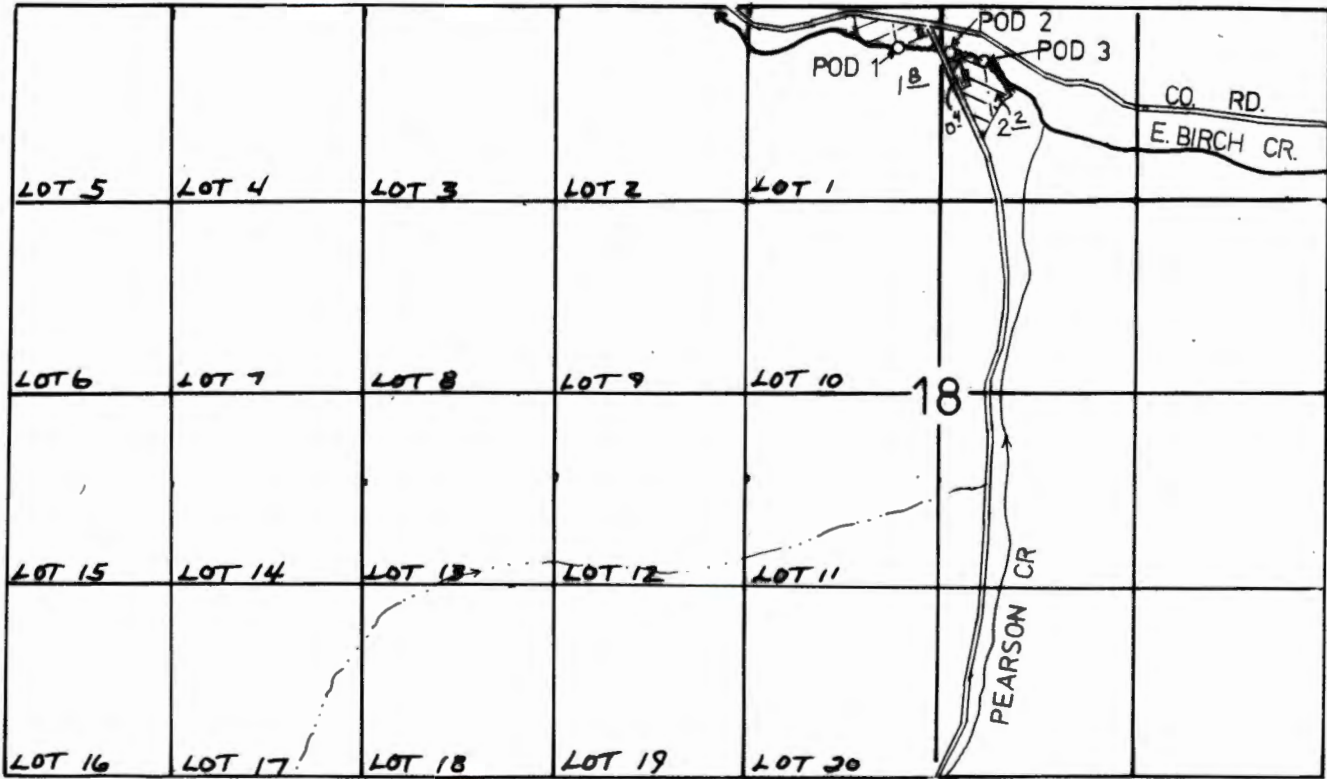
APR 27 2007


Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates Number 83221.

S-61611.JWG

T. 2 S., R. 33 E., W.M.



POD 1 - 180' S. & 270' W.
 POD 2 - 200' S. & 50' E.
 POD 3 - 270' S. & 300' E. > ALL FROM THE N. 1/4 CORNER OF SECTION 18.

- POD 1
- POD 2
- POD 3

FINAL PROOF SURVEY UNDER

Application No. 61611 Permit No. 45865
 IN NAME OF

HERSCHEL J. MC KAGUE

Surveyed May 3, 1994, by I. Miller



1" = 1320'



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

Date Mailed: April 27, 2007

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. 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.

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 **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. 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 any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

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

Mailing List for Proposed Certificate

Application S-61611
Permit 45865
Certificate 83221

Permit/Certificate Holder: (include copy of map)

HERSCHEL J. MC KAGUE ✓
PO BOX 95
PILOT ROCK, OREGON 97868

Copies Mailed
By: <u>Connie Vance</u> (SUPPORT STAFF)
DATE: <u>APR 27 2007</u> (DATE)

Other persons to receive copy of Proposed Certificate : (Include map)

- 1.
- 2.

For Final Certificate

Copies of Final Certificate to be sent to:

1. Watermaster #5: (include copy of map)
2. Water Availability
3. File
4. Vault
5. File

Other persons to receive copies: (Include map)

- 1.
- 2.

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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

PROPOSED

THIS CERTIFICATE ISSUED TO

HERSCHEL J. MC KAGUE
PO BOX 95
PILOT ROCK, OREGON 97868

confirms the right to use the waters of EAST BIRCH CREEK, a tributary of BIRCH CREEK, for IRRIGATION OF 4.4 ACRES.

This right was perfected under Permit 45865. The date of priority is APRIL 29, 1981. This right is limited to 0.05 CUBIC FOOT PER SECOND (CFS) or its equivalent in case of rotation, measured at the points of diversion (POD) from the source, being 0.02 CFS from POD # 1, 0.005 CFS from POD # 2, and 0.025 CFS from POD #3.

The points of diversion (POD) are located as follows:

POD # 1: LOT 1 (NE 1/4 NW 1/4), SECTION 18, T 2 S, R 33 E, W.M.; 180 FEET SOUTH AND 270 FEET WEST FROM THE N 1/4 CORNER, SECTION 18.

POD # 2 - NW 1/4 NE 1/4, SECTION 18, T 2 S, R 33 E, W.M.; 200 FEET SOUTH AND 50 FEET EAST FROM THE N 1/4 CORNER, SECTION 18.

POD # 3 - NW 1/4 NE 1/4, SECTION 18, T 2 S, R 33 E, W.M.; 270 FEET SOUTH AND 300 FEET EAST FROM THE N 1/4 CORNER, SECTION 18.

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) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

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

LOT 1	POD # 1 (NE 1/4 NW 1/4)	1.8 ACRES
	POD # 2 NW 1/4 NE 1/4	0.4 ACRE
	POD # 3 NW 1/4 NE 1/4	2.2 ACRES
	SECTION 18 TOWNSHIP 2 SOUTH, RANGE 33 EAST, W.M.	

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

PROPOSED

Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates Number.

S-61611.JWG

Mailing List for Proposed Certificate

Mailing Date:

Application **S-61611**
Permit **45865**
Certificate

Permit/Certificate Holder: (include copy of map)

HERSCHEL J. MC KAGUE
PO BOX 95
PILOT ROCK, OREGON 97868

Copies Mailed
By: <i>Connie Oane</i> (SUPPORT STAFF)
on: <i>12/18/2006</i> (DATE)

Other persons to receive copy of Proposed Certificate : (Include map)

- 1.
- 2.

For Final Certificate

Copies of Final Certificate to be sent to:

1. Watermaster #5: (include copy of map)
2. Water Availability
3. File
4. Vault

Other persons to receive copies: (Include map)

- 1.
- 2.



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

MAILED: December 18, 2006

NOTICE

Reference: Permit S-45865 Application S-61611

Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a survey and inspection.

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

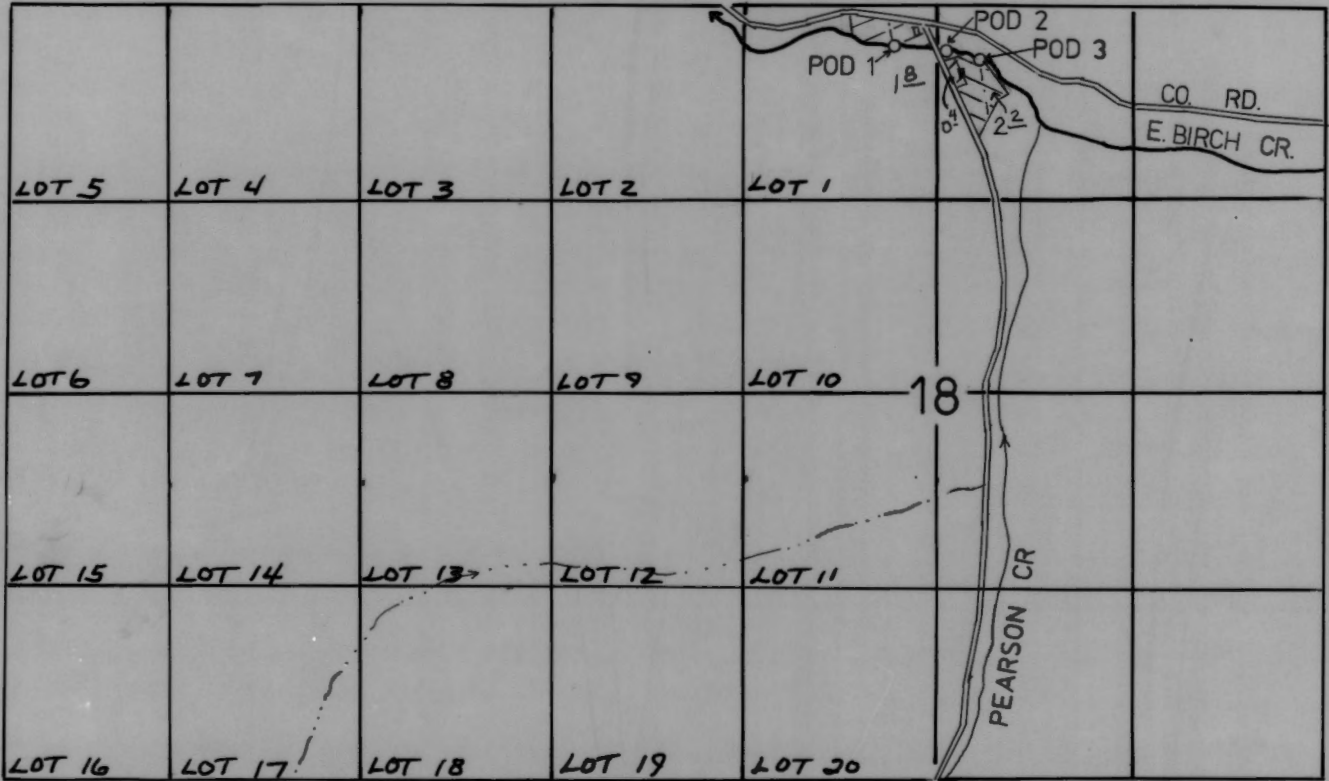
If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, the recorded certificate of water right will be mailed to the permittee.

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

Sincerely,

Dwight French
Administrator
Water Rights Division

T. 2 S., R. 33 E., W.M.



POD 1 - 180' S. & 270' W.
 POD 2 - 200' S. & 50' E.
 POD 3 - 270' S. & 300' E.

} ALL FROM THE N. 1/4 CORNER OF SECTION 18.

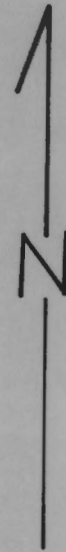
- POD 1
- POD 2
- POD 3

FINAL PROOF SURVEY UNDER

Application No. 61611 Permit No. 45865
 IN NAME OF

HERSCHEL J. MC KAGUE


Surveyed May 3, 1994, by J. Miller



1" = 1320'

MEMORANDUM

TO: Application 16903, Certificate 15572 , and Application 61611

FROM: Jerry Gainey 

SUBJECT: Cancellation and Conflict with Application 61611

DATE: December 6, 2006

In reviewing the survey claim for application 61611 for the issuance of a certificate, it was noted that a possible conflict may exist with Certificate 15572 for a portion of the lands requested under application 61611. An affidavit was found in Certificate 15572 file requesting to cancel 2.8 acres in the NW NE, Section 18. A review of Certificate 15572 indicates that only 1.7 acres in the NW NE, Section 18 was certificated. At this time a determination cannot be made of the location of the 1.7 acres in the NW NE, Section 18 to be cancelled as a final proof map reflects 7.0 acres in the NW NE, Section 18. The affidavit was received by the Department on June 18, 1981, and no action was taken on the affidavit of cancellation.

Application No. 66611

NZ-60111 42

Permit No. 45865

STATE OF OREGON WATER RESOURCES DEPARTMENT RECEIVED

Application for Permit to Appropriate Surface Water APR 29 1981

WATER RESOURCES DEPT SALEM, OREGON

I, Herschel J. McKague (Name of Applicant)

of Box 95 (Mailing Address), Pilot Rock (City)

State of Ore. 97868 (Zip Code) Phone No. 443-3241 do hereby

make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is East Birch Creek, a tributary of Birch Creek

2. The point of diversion is to be located 2490 ft N and 40 ft W from the center corner of Section 18

(If there is more than one point of diversion, each must be described)

being within the Lot 1, 1/4 of the Sec. 18 Tp. 25 S R. 33 E, W. M., in the county of Umatilla

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

Table with 5 columns: Township, Range, Section, List 1/4 of Section, List use and/or number of acres to be irrigated. Includes handwritten entries like 'Lot #1', 'NW 1/4 NE 1/4', and '3" MC fl'.

TT3 10-3-90 KAL

Final 05/17/74 Chan Survey NSurvey

Form 680-1-0-1-77

Handwritten notes: 18 - POD #1 -> Lot 1, 04 - POD #2, 22 - POD #3, NWNE

Handwritten notes: in conflict, partially conflicts with OK, P#126639m, 4/1/88, 3pm, 3pm

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.05 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from East Birch Creek

The use to which this water is to be applied is irrigation

If for irrigation, this appropriation shall be limited to 1/80th 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 3 acre-feet per acre for each acre irrigated during the irrigation season of each year,

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

The priority date of this permit is April 29, 1981

Actual construction work shall begin on or before August 20, 1982 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1983 ⁵⁻¹⁻⁸⁴ ₁₀₋₁₋₈₄

Complete application of the water to the proposed use shall be made on or before October 1, 1984

WITNESS my hand this 20 th day of August, 19 81

James E. Seaman
Water Resources Director

Copy A

9
POO#1

1 1/2 HP
3450 PPM

Pod # 3

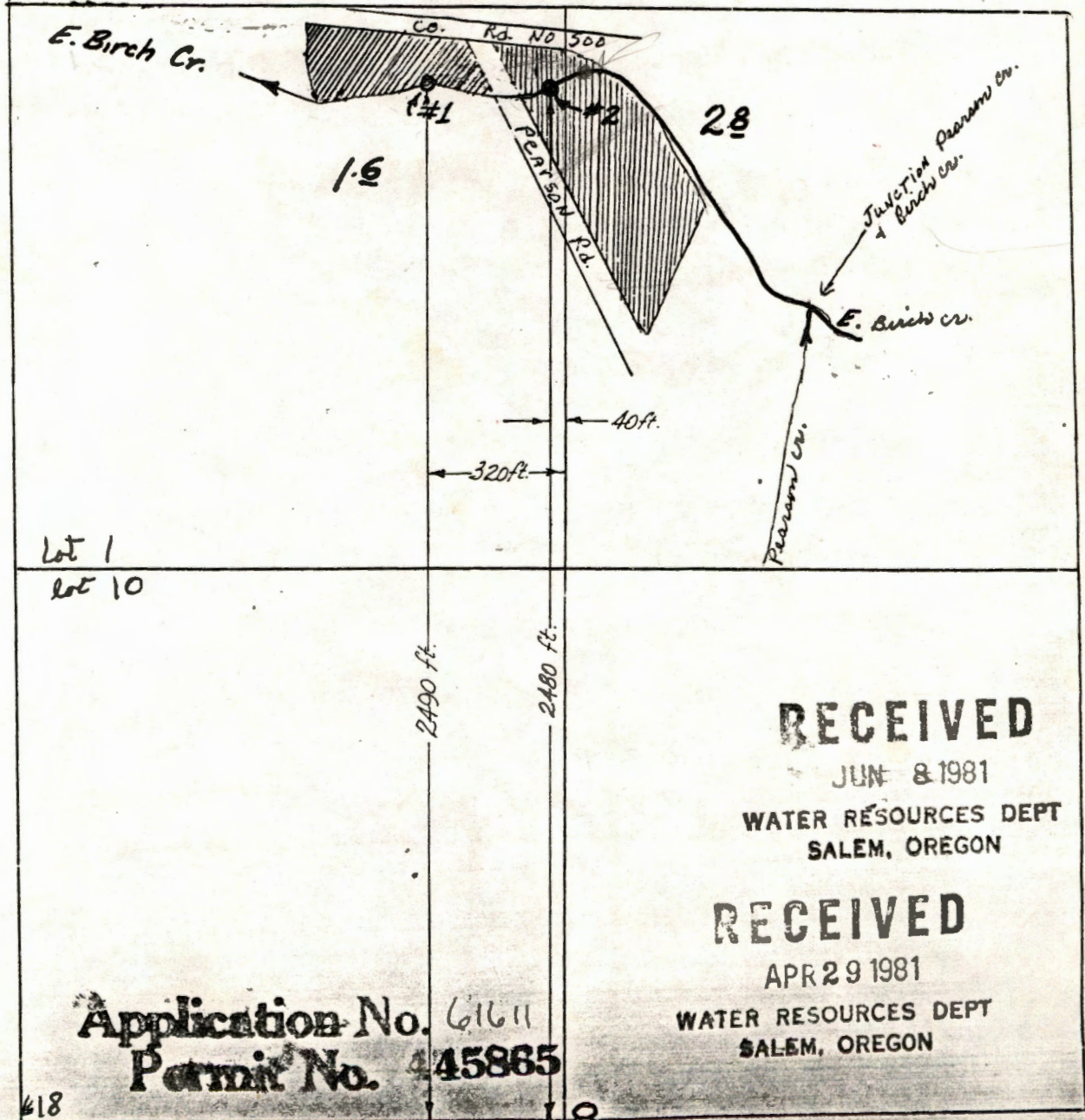
Black
plastic
on N side
E. Birch
5HP
Brisson shaft
gas
pump
3/16 on West
side
30' lateral
w/ seams pump
1 1/2 out. 2" w

Electric
13/16 out
1 1/2 in
yard buried
PVC

Add PSD

T. 25. R. 33 E

Pod # /
Gas power p.
Pasture grass
Countryside
garden



RECEIVED

JUN 8 1981

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 29 1981

WATER RESOURCES DEPT
SALEM, OREGON

Application No. 61611
Permit No. 445865

418

18

1" = 400'

9

POO#1

1 1/2 HP
3450 RPM

Pod # 3

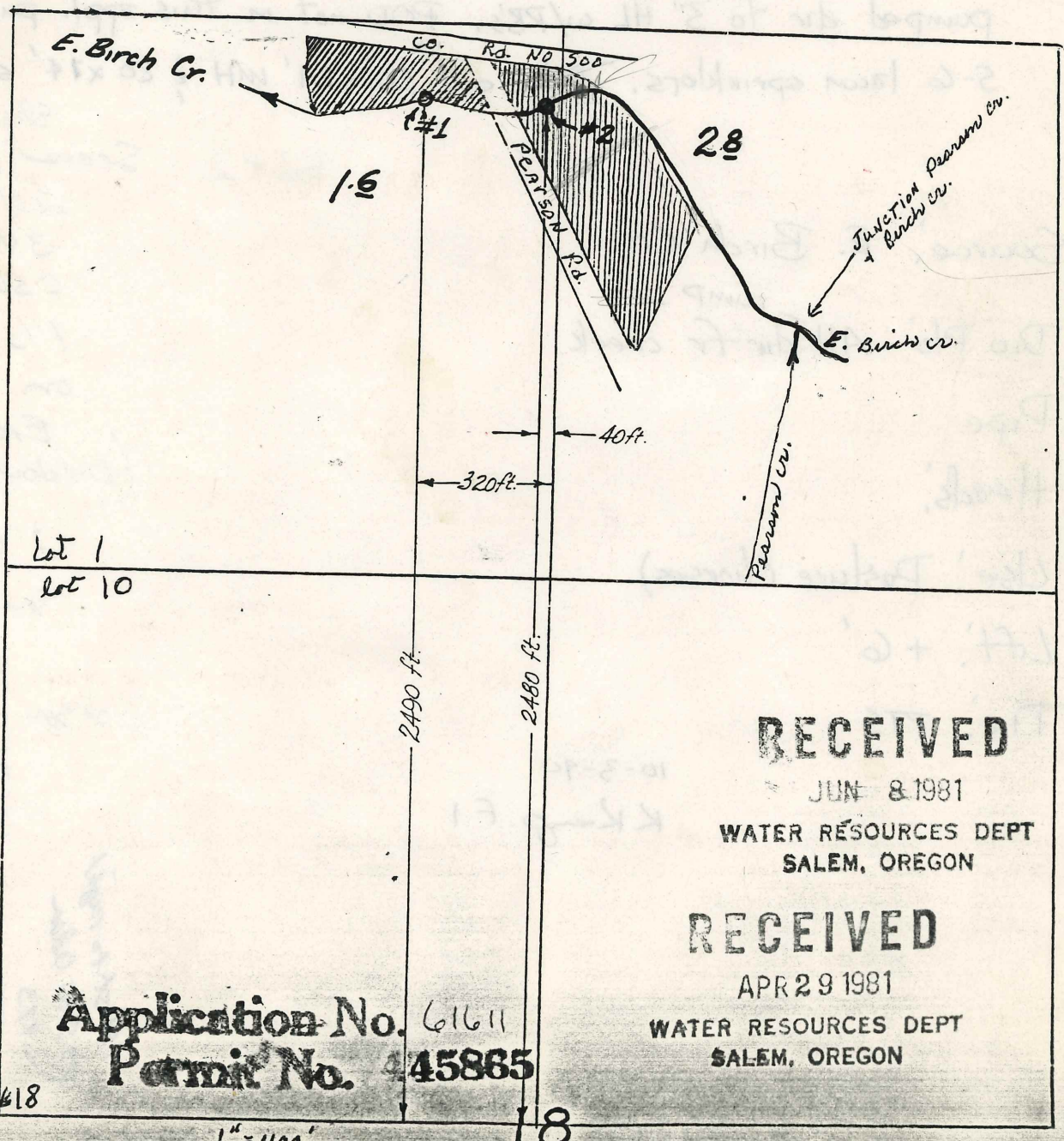
5 HP
Buzza photo
3/16 on West side
30' lateral
w/ sears pump
1 1/2 out 2" in
Black
plastic
pipe
on N side
E. Birch

Electrical
13/4 out
1 1/2 in
yard buried
PVC

T. 25. R. 33 E

Add PSD

Pod # /
GWS powered.
Pasture grass
lawns
yard



RECEIVED

JUN 8 1981

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 29 1981

WATER RESOURCES DEPT
SALEM, OREGON

Application No. 61611
Permit No. 45865

18

18

1" = 400'

Info: Herschel J McKague
- same -

Mr Mc showed areas irr'd & POD's. Apparently there is one POD that was not included w/ this appl - ie for irr of lawn area between MH & creek (3 POD's). Mr Mc showed POD for field W. of Pearson Rd; a POD just E of Pearson Rd (as appl'd for) & another POD E. of the one just stated that was not included in this appl (for irr of lawn area around MH per Mr Mc). H₂O is pumped thru 3" st ML to 3" HL w/ RB's to irr pasture (horses) E of Pearson Rd. For pasture (horses) W. of Pearson Rd. H₂O is pumped dir to 3" HL w/ RB's. POD not in this appl. pumps to 5-6 lawn sprinklers. Take out 50' x 24' MH & 20' x 14' shed.

Source: E. Birch Cr.

Div Pts: All dir fr creek

Pipe:

Heads:

Use: Pasture (horses)

Lift: +6'

Tie: PTS

10-3-90

K Kemp F1

Pod #2

Electric water pump
Sears Pump

2HP

3450 RPM

C56M2S1K2

1 1/2" in 1 1/4" out

on S side

East Birch Cr.

(Err) down from Ridge
100'

2" Blank pipe for

section pipe

10'

drze into 2"

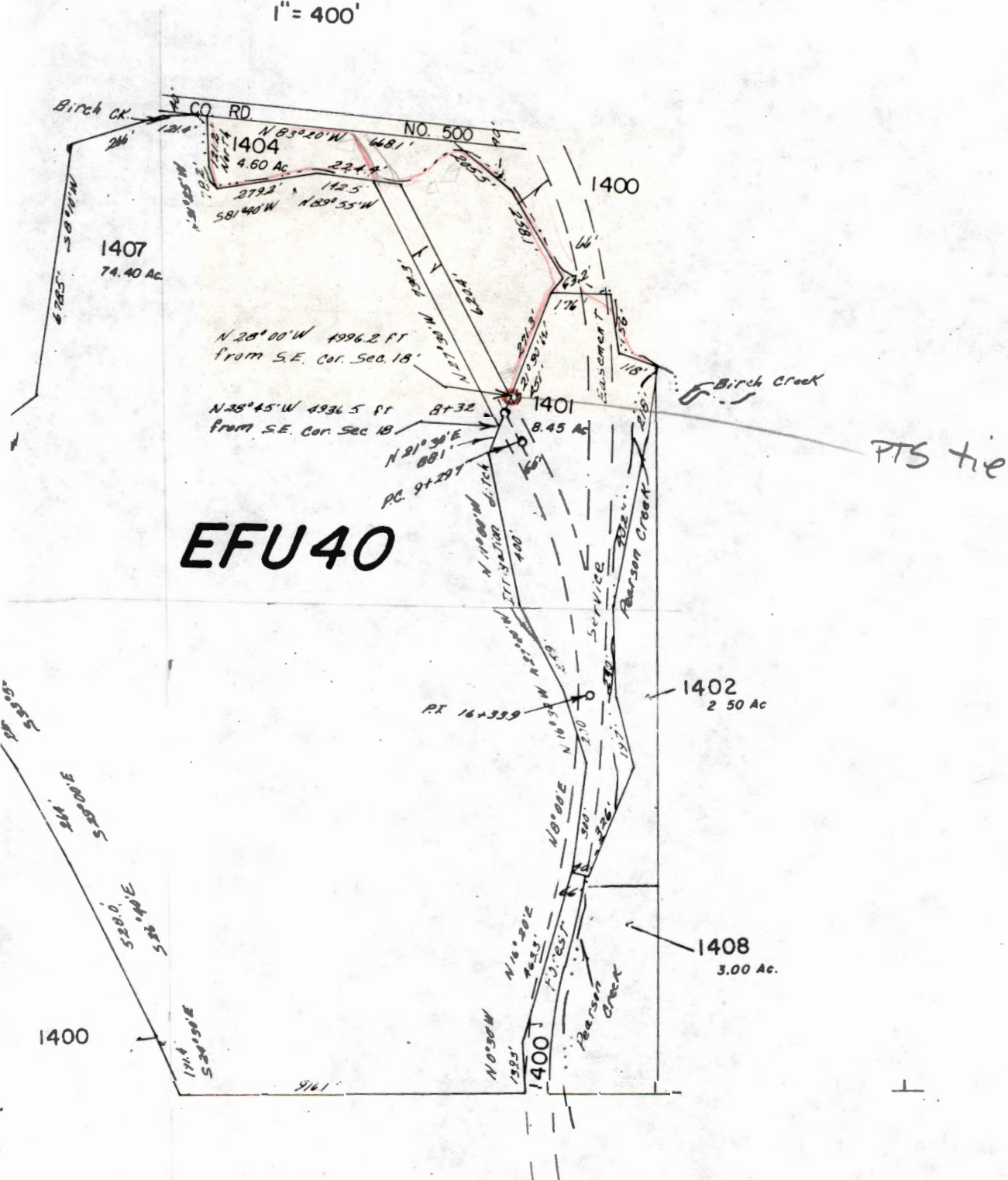
Black plastic

miter

Ø 12 max

1st st to right
→ SW Corner
973

1" = 400'



5/32 RB

Pod #2
open
area

Pod #2

S. field

2'5"

5-3-94

A# 61611

P# 45865

Info: Herschel J. McKague

PO Box 95

Pilot Rock, OR 97868

503-443-3241

Source: East Birch Creek.

diversion: Mr. McKague has 3 POD's off the creek.

POD#1

Gas powered 5HP Briggs & Stratton motor w/
Sears pump.

1 1/2" out 2" in.

30' lateral Alum. HL 2 1/2" x 6' sections
irrigates pasture on West side Pearson Cr. Rd.

w/ RB 5/32 sprinklers x 9.
pump sets on N side of creek.

POD#2

POD#2 about 200' East of Bridge crossing.
East Birch Cr. pump sets on S. side of creek.

irrigates ~~low~~ pasture + garden area.

with Sears Electric water pump

2HP 3450 RPM

Serial# ~~34C~~ 56M2511C2

1 1/2" in 1 1/4" out

2" Black plastic pipe for suction hose 10'

2" Black plastic pipe 50' into 2" ~~HL~~ Alum.

irrigation
area

POD#3
on
FRAPS

pg.

30' sections Alum HL X 20 sections. 2"
w/ RB 5/32 leads X 20.
CAN operate 12 MAX w/ this pump.

POD #3. POD #2 & FPMmp.

Approx 100' West of POD #2 - #3 on FPA

pump sets on S. side of creek.

irrigates lawn area w/ this pump.

uses 1 1/2 HP 3450 RPM electric pump.

(NO NAME BRAND) 1 1/2" in 1 1/2" out.

into buried 1 1/2" ML w/ 4 risers
w/ RB 5/32 leads.

MAX - 4 sprinklers.

Use - lawn & garden & pasture for cows.

lift + 6' - 10' All PODS

tie - PTS. tied to Bridge that crosses
East Bridge Cr.

& Copy of ASCS Aerial photo. - Cham Survey.

Jane Miller
Field Inspector

Comments - This was a Resurvey job. K. Kemp
surveyed PTS in 10/90 - I needed add info to
figure H₂O Q.

~~4/29/94~~

3/31/94

Jake S called me this morning on P# 45865. This was surveyed 10-90 by K. Kemp.

Permit holder called Salem wanting a cert for this permit.

In the original survey not enough info was taken to issue a cert. no HP info # of heads etc.

This will be resurveyed.

I called Mr. McKague and we made an appo. for resurvey on 4/22/94 in the afternoon.

Gene Miller
F.I.

4/29/94

conducted FPS for P# 45865.

McKague was confused on his water right.

He thought since K. Kemp surveyed this in 10/90

he did not have a WR until he got a

Certificate. He has not migrated since K. Kemp's survey.

I informed him that his WR permit is valid.

And always has been.. He is going to migrate again this year.

Gene Miller
5/3/94

Calculations for Q. A# 61611. P# 45865.

POD #1

$$\frac{5 \text{ HP} \times 6.6}{6' \times 140 @ 60 \text{ psi}} = \frac{33}{146} = 0.23 \text{ cfs.}$$

Leads - $\frac{5}{32} \times 9 @ 60 \text{ psi (Assumed)} = 5.46 \text{ gpm} = 48.6 \text{ GPM.}$

$$\frac{48.6}{448.6} = 0.108 \text{ cfs.}$$

Q Acres ~~$\frac{1^8}{40} = 0.045 \text{ cfs.}$~~

$$\frac{1^8}{80} = 0.023 \text{ cfs}$$

Allow 0.02 cfs from POD #1 AS $\frac{1}{80}$ Allows for

$\frac{1}{80}$ Acres. —

Allow — for Quantity
cfs Acres

Miller, F.I.
4/2/98

POD #1	= 0.02	1 ⁸
POD #2	= 0.005	0 ⁴
POD #3	= 0.030 0.025	2 ²
	<u>0.055</u>	4.4
	0.05	

Proposed acres w/ Q allowed.
for en POD

$$\frac{4.4}{80} = \underline{0.055} = 0.05 \text{ AS Permitted}$$

Miller, F.I.
11/2/98

pg 2 # 6164
P# 45865.

pg 2 of 2

POD #2.

$$Q \text{ acres} - \frac{0.4}{80} = 0.005 \text{ cfs} = 2.2 \text{ gpm}$$

$$\frac{1\frac{1}{2} \text{ HP} \times 6.6}{6 + 140 @ 60 \text{ PSI}} = \frac{9.9}{146} = 0.067 \text{ cfs} = 30.6 \text{ gpm}$$

$$\frac{5}{32} \text{ leads} \times 4 \text{ max} = 5.4 \text{ gpm} @ 60 \text{ PSI} = 21.6 \text{ GPM.}$$

Allow 0.005 cfs as $\frac{1}{80}^{\text{th}}$ per acre allows. POD #2

Jane Miller, F.I.
4/2/99

POD #3.

$$Q \text{ acres} - \frac{2.2}{80} = 0.0275 = 12 \text{ gpm}$$

$$\frac{2 \text{ HP} \times 6.6}{6 + 140 @ 60 \text{ PSI}} = \frac{13.2}{146} = 0.09 \text{ cfs} = \underline{40.4 \text{ gpm.}}$$

$$\text{leads} - \frac{5}{32} \times 12 \text{ max} = 5.4 \text{ gpm} @ 60 \text{ PSI} = \underline{64.8 \text{ gpm.}}$$

Allow 0.0275 ^{= 0.03} as $\frac{1}{80}^{\text{th}}$ per acre allows. POD #3

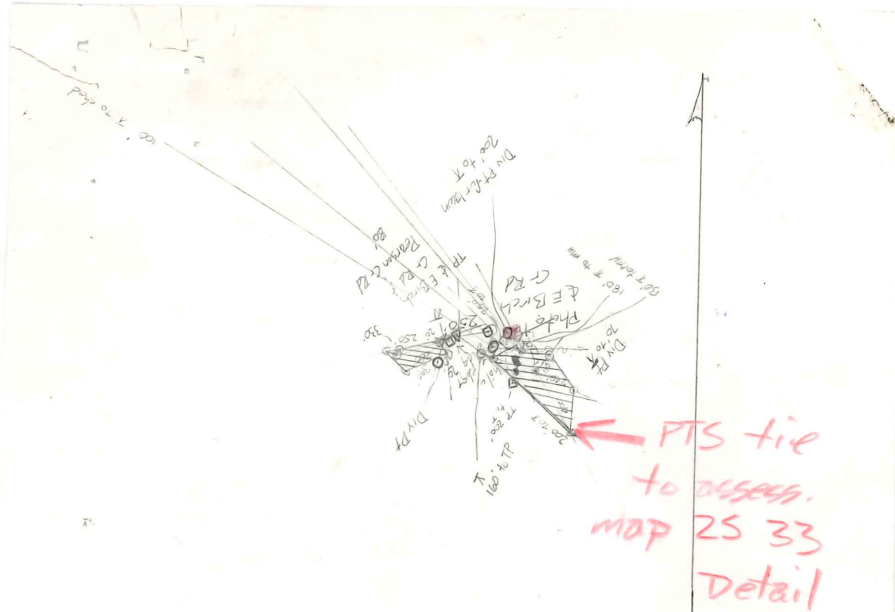
Jane Miller, F.I.
4/2/98



← PTS tie
to resurvey
map 2S 33
Detail

PTS McKague Pth 45865
PKK
rod SL, 10
10-3-90
Scale 1" = 1320'

from the
rod SL, 10



PTS Mt. Kague P# 45865
 T KK
 rod SL, JO
 10-3-90
 Scale 1" = 1320'

Mt. 28' wide
 40m 171 rods

1" = 660'

POD
POD

POD

A# 61611
P# 45865

3E

L

A# 61611

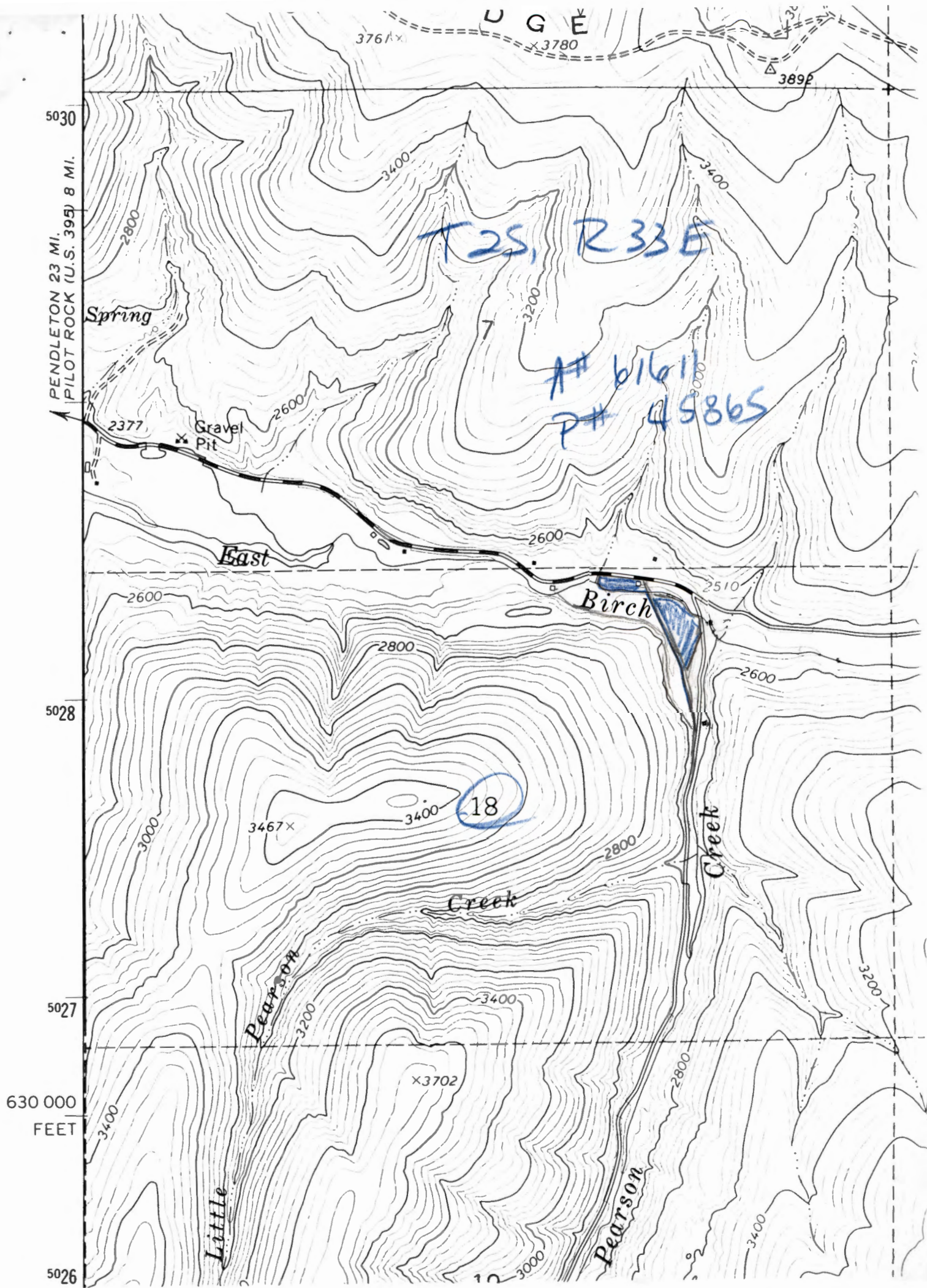
P# 45865

McKague

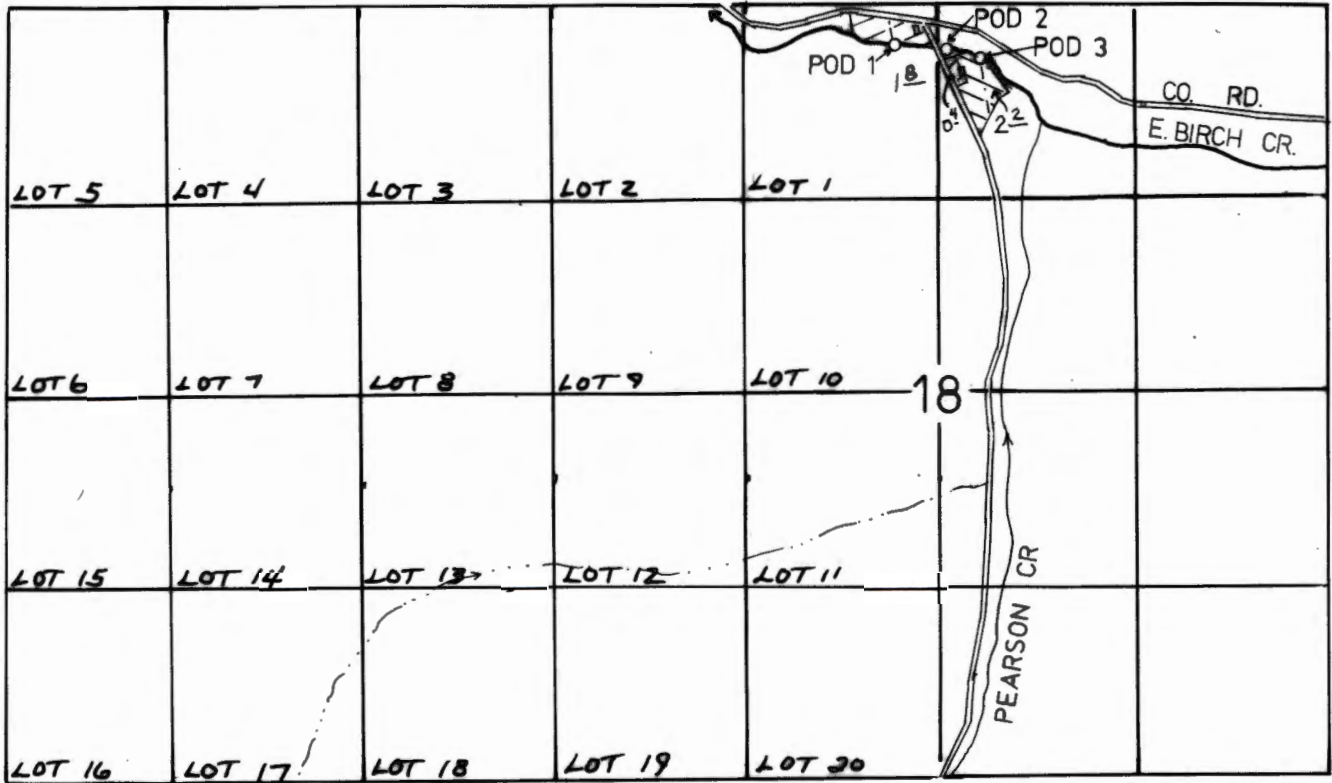
T2S R33 Sec 18

Scale = 1" = 660'

ASCS photo copy.



T. 2 S., R. 33 E., W.M.



POD 1 - 180' S. & 270' W.
 POD 2 - 200' S. & 50' E.
 POD 3 - 270' S. & 300' E.

} ALL FROM THE N. 1/4 CORNER OF SECTION 18.

- POD 1
- POD 2
- POD 3

FINAL PROOF SURVEY UNDER

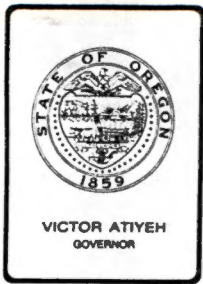
Application No. 61611 Permit No. 45865
 IN NAME OF

HERSCHEL I. MC KAGUE

Surveyed May 3, 1994, by I. Miller



1" = 1320'



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

June 11, 1981

Herschel J. McKague
Box 95
Pilot Rock, Oregon 97868

REFERENCE: Files 61611 and 16903

Thanks for the return of your corrected Application 61611 and map.

Permits will be issued for use of water from Umatilla River and its tributaries. However, water may not be available during dry periods. The water may be needed to satisfy existing rights or minimum flow standards.

Your application is now satisfactory for issuance of a permit.

Also received was the signed affidavit authorizing cancellation of that portion of the right as described by the certificate recorded at page 15572, State Record of Water Right Certificates, which is appurtenant to your property. In preparing the affidavit, I failed to read the certificate completely and I now find that instead of 2.8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, the certificate only allowed 1.7 acres. I have made pencil changes on the affidavit where they are needed. Would you please go over those changes in ink, initial them and date the change, then return the affidavit to this office.

I am enclosing the affidavit so those changes can be made. If you have any questions, please feel free to contact me.

Sincerely,

DONALD R. BUELL
Water Rights Engineer

DRB:lcj

RECEIVED

JUN 8 1981

AFFIDAVIT

WATER RESOURCES DEPT
SALEM, OREGON

I, Herschel J. McKague, being first duly sworn, depose and say that I am the owner of the following described land;

Commencing at the section corner common to Sections 17, 18, 19, and 20, Township 2 South, Range 33 East, WM, thence North 28° 00' West 4,996.2 feet to the point of beginning of this description; thence North 21° 30' East a distance of 271.3 feet; thence North 37° 30' East a distance of 63.2 feet; thence North 30° 05' West a distance of 258.1 feet; thence North 50° 25' West a distance 205.5 feet; thence North 83° 20' West a distance of 668.1 feet; thence due South a distance of 121.2 feet; thence South 21° 25' East a distance of 78.2 feet; thence North 81° 40' East a distance of 279.2 feet; thence South 81° 55' East a distance of 224.4 feet; thence South 27° 30' East, a distance of 620.4 feet to the point of beginning and containing 4.60 acres, more or less.

And the water right appurtenant thereto, which is for the appropriation of 0.06 cubic foot of water per second from Pearson Creek for the irrigation of 2.8 acres NW 1/4 NE 1/4 and 0.8 acres in Lot 1 of Section 18, Township 2 South, Range 33 East WM with a priority date of May 25, 1937, as described by the certificate recorded at page 15572, Volume 13, State Record of Water Right Certificates; that I have abandoned any and all interest in and to said water right and request the same be canceled.

IN WITNESS WHEREOF, I have hereunto set my hand this 28 day of May, 1981.

Herschel J. McKague

Subscribed and sworn to before me this 28 day of May, 1981.

Vernon L. Church
Notary Public for Oregon

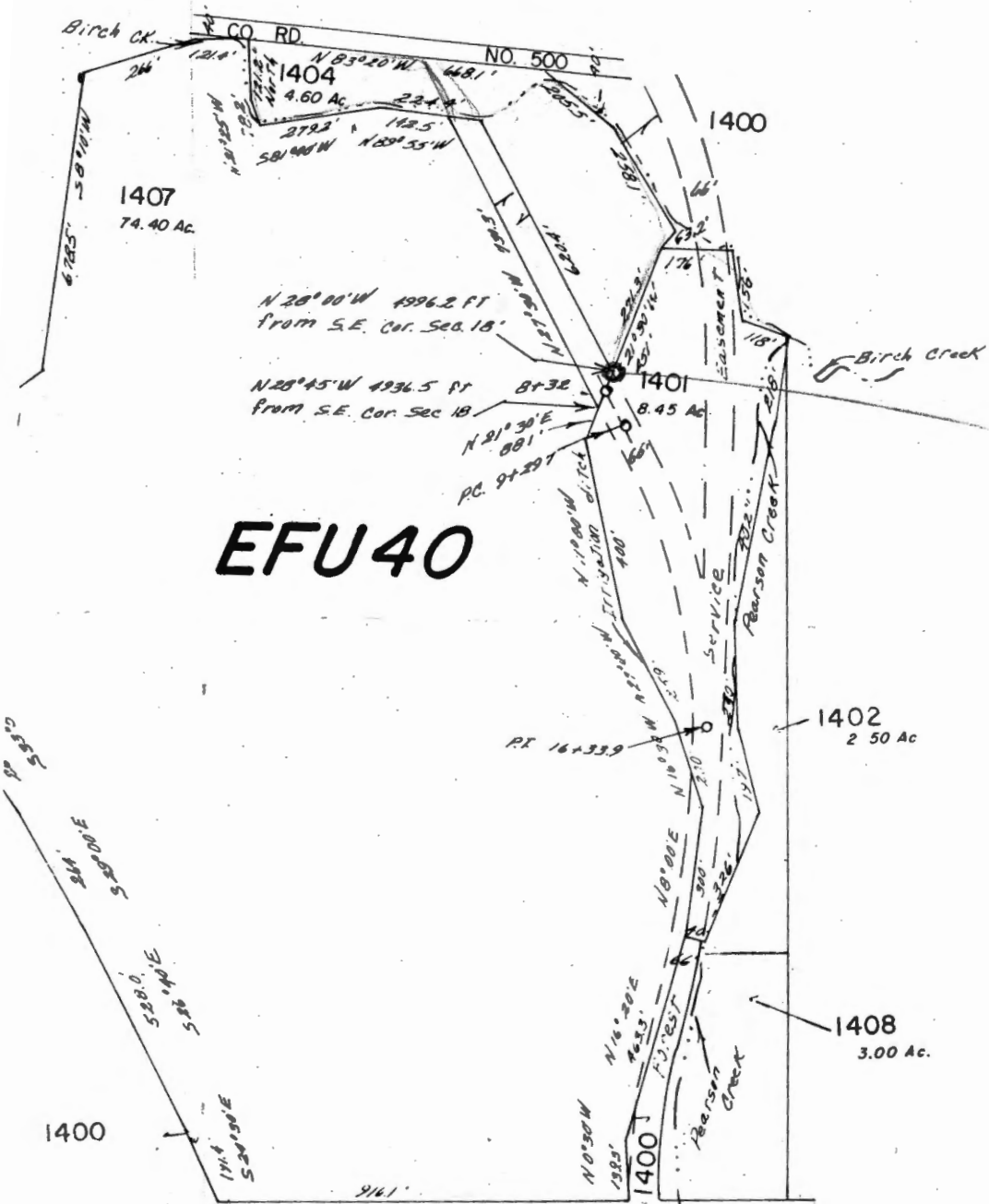
10-30-84
My Commission Expires

2090A

5127A

Box 95
Pilot Rock, OR 97133
File 61611

1" = 400'



EFU40

PTS tie

2/32 RP

Part 2
open
area

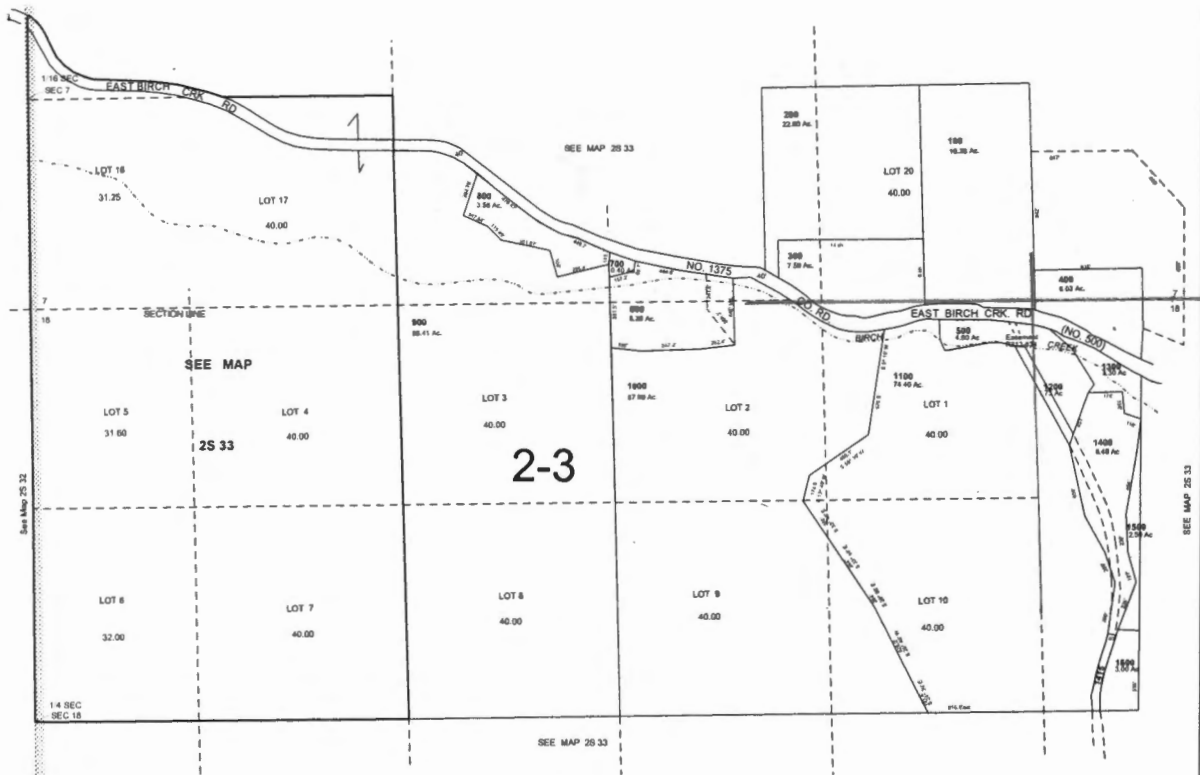
This map was prepared for assessment purposes

SEC 18 T2S R33E WM
UMATILLA COUNTY
1"=400'

4/4/05

2S 33 18

AERIAL PHOTO NO. NZ 8P 15, 17 & 7P 155



2S 33 18

Application No. 66611

Permit No. 45865

STATE OF OREGON WATER RESOURCES DEPARTMENT RECEIVED

Application for Permit to Appropriate Surface Water APR 29 1981

WATER RESOURCES DEPT SALEM, OREGON

I, Herschel J. McKague (Name of Applicant)

of Box 95 (Mailing Address), Pilot Rock (City)

State of Ore., 97868 (Zip Code), Phone No. 443-3241

do hereby make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is East Birch Creek

a tributary of Birch Creek

2. The point of diversion is to be located 2490 ft N and 320 ft W

from the center corner of Section 18 (Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the Lot 1 1/4 of the 1/4 of

Sec. 18 Tp. 25 S R. 33 E, W. M., in the county of Umatilla

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

Table with 5 columns: Township, Range, Section, List 1/4 1/4 of Section, List use and/or number of acres to be irrigated. Includes handwritten entries for Township 25, Range 33 E, Section 18, Lot #1, and NW 1/4 NE 1/4.

4. The amount of water which the applicant intends to apply to beneficial use is
cubic feet per second..... 77.4 GPM.....
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is Primary irrigation

6.

DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

..... 5 H.P. electric pump 1 1/4 in. plastic pipe

If for domestic use state number of families to be supplied

7. Construction work will begin on or before Oct. 1, 1983

8. Construction work will be completed on or before Oct. 1, 1983

9. The water will be completely applied to the proposed use on or before Oct. 1, 1984

Application No. 66611

Permit No. 45865

Remarks: At this time I would like to cancel
my portion of permit # 12663. We are unable
to utilize Pearson Creek. Land description
enclosed.

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Hershel J. A. Fragay
Signature of Applicant

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction and completion

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before July 22, 1981

WITNESS my hand this 22nd day of May, 1981

James E. Sexson Water Resources Director

By Donald R. Buell
Donald R. Buell
Water Rights Engineer

RECEIVED
JUN 8 1981
WATER RESOURCES DEPT
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 29 day of April, 1981, at 8:00 o'clock A.M.

Application No. 61611 Permit No. 45865

Application No. 61611 Permit No. 45865

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same **SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD** and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.05 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from East Birch Creek

The use to which this water is to be applied is irrigation

If for irrigation, this appropriation shall be limited to 1/80th 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 3 acre-feet per acre for each acre irrigated during the irrigation season of each year,

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

The priority date of this permit is April 29, 1981

Actual construction work shall begin on or before August 20, 1982 and shall

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1983

Extended to Oct. 1, 1984
Complete application of the water to the proposed use shall be made on or before October 1, 1984

WITNESS my hand this 20 th day of August, 19 81


Water Resources Director

copy A

Application No. 66611

Permit No. 45865

STATE OF OREGON WATER RESOURCES DEPARTMENT RECEIVED

Application for Permit to Appropriate Surface Water

APR 29 1981

WATER RESOURCES DEPT SALEM, OREGON

I, Herschel J. McKague (Name of Applicant)

of Box 95 (Mailing Address), Pilot Rock (City)

State of Ore. 97868 (Zip Code), Phone No. 443-3241

do hereby make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is East Birch Creek

a tributary of Birch Creek

2. The point of diversion is to be located 2490 ft. N and 325 ft. W

from the center corner of Section 18 (Public Land Survey Corner)

(If there is more than one point of diversion, each must be described)

being within the Lot 1 1/4 of the 1/4 of

Sec. 18 Tp. 25 R. 33 E, W. M., in the county of Umatilla

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

Table with 5 columns: Township, Range, Section, List 1/4 1/4 of Section, List use and/or number of acres to be irrigated. Includes handwritten entries for Township 25, Range 33 E, Section 18, Lot #1, NW 1/4 NE 1/4, 1.5 16, 2.5 28.

4. The amount of water which the applicant intends to apply to beneficial use is
cubic feet per second..... 27.4 GPM.....
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is Primary irrigation

6. DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

5 H.P. electric pump 1 1/4 in. plastic pipe

If for domestic use state number of families to be supplied

- 7. Construction work will begin on or before Oct. 1, 1983
- 8. Construction work will be completed on or before Oct. 1, 1983
- 9. The water will be completely applied to the proposed use on or before Oct. 1, 1984

Application No. 66611

Permit No. 45865

Remarks: *At this time I would like to cancel my portion of permit # 12663. We are unable to utilize Pearson Creek. Land description enclosed.*

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Atershel J. A. Fragar
Signature of Applicant

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for..... correction and completion

In order to retain its priority, this application must be returned to the Water Resources Director with corrections on or before July 22, 19 81

WITNESS my hand this *22nd* day of *May*, 19 *81*

James E. Sexson Water Resources Director

By *Donald R. Buell*
Donald R. Buell
Water Rights Engineer

RECEIVED
JUN 8 1981
WATER RESOURCES DEPT
SALEM, OREGON

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the

29 day of *April*, 19 *81*, at *8:00* o'clock
A.M.

Application No. *61611* Permit No. *45865*

Application No. 61611 Permit No. 45865

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.05 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from East Birch Creek

The use to which this water is to be applied is irrigation

If for irrigation, this appropriation shall be limited to 1/80th 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 3 acre-feet per acre for each acre irrigated during the irrigation season of each year,

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

The priority date of this permit is April 29, 1981

Actual construction work shall begin on or before August 20, 1982 and shall

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1983

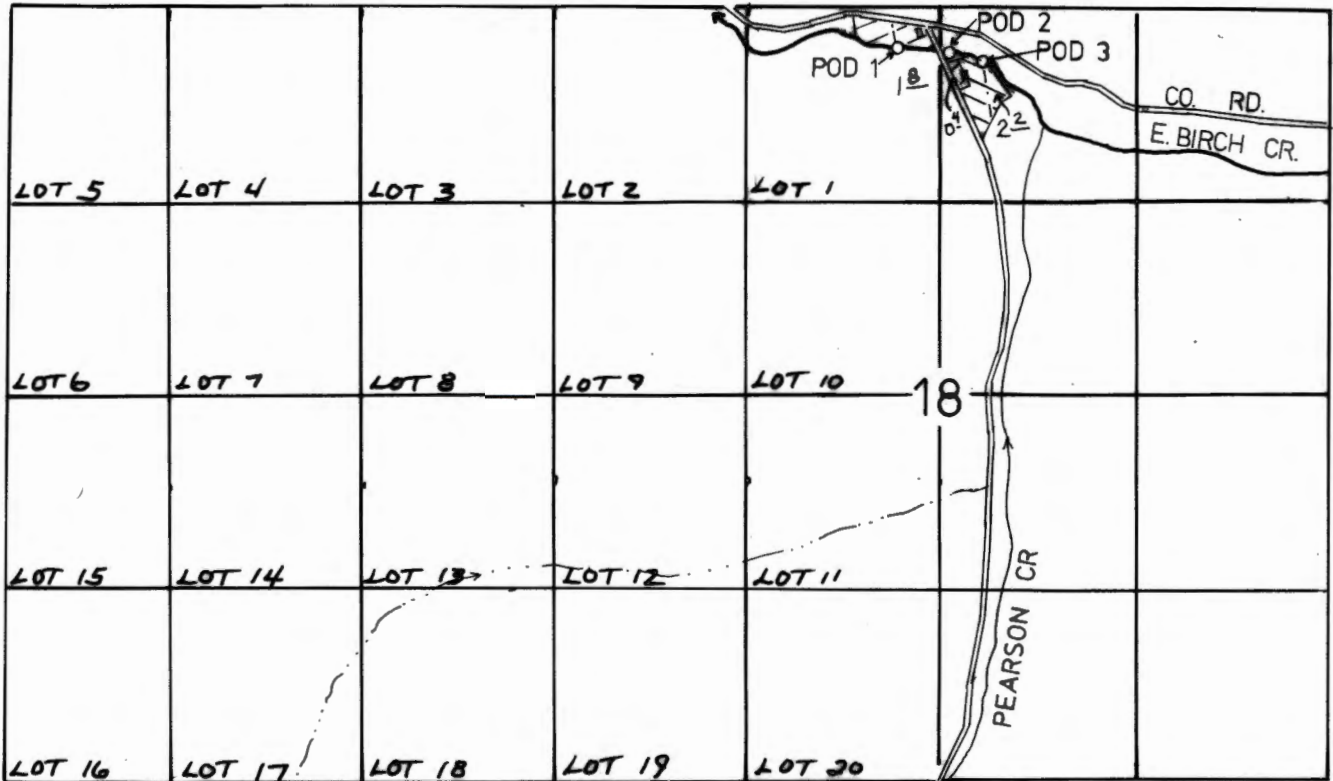
*Extended to Oct. 1, 1984
Complete application of the water to the proposed use shall be made on or before October 1, 1984*

WITNESS my hand this 20 th day of August, 19 81


Water Resources Director

WJ A

T. 2 S., R. 33 E., W.M.



POD 1 - 180' S. & 270' W.
 POD 2 - 200' S. & 50' E.
 POD 3 - 270' S. & 300' E. } ALL FROM THE N. 1/4 CORNER OF SECTION 18.

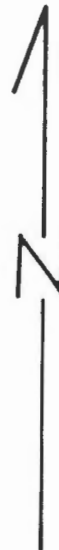
- POD 1
- POD 2
- POD 3

FINAL PROOF SURVEY UNDER

Application No. 61611 Permit No. 45865
 IN NAME OF

HERSCHEL J. MC KAGUE

Surveyed May 3, 1994, by J. Miller



1" = 1320'

Elizabeth McKague

443-3241

6/6/11

permit 45865. Wants
Certificate.

Survey was done

2 yrs ago by field
office. Wants to do
transfer of POD.

Not on Jim's machines

Karen

3/31/99

June
will
call
a
needs
redo
survey

Platcard Report

Township 2S Range 33E Section 18

				NE				NW				SW				SE					
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
1 S16903 05/25/1937	S12663 15572				1.7 IR																
			lot: 1					4.3 IR													
1 S61611 04/29/1981	S45865				2.8 IR																
			lot: 1																	1.6 IR	

Page: [First](#) [Previous](#) [1](#) [2](#)

[Return to Platcard Query Screen](#)

Run Time: 0 seconds

Platcard Report

Township 2S Range 33E Section 18

					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
1	- 04/30/1895	-		xfr#: T6254 lot: 1																	2.0 IR	
1	- 12/31/1875	2528	Umatilla River		DO																	
	12/31/1875				5.0 IR																	
	12/31/1875				LV																	
1	- 04/30/1895	2569	Umatilla River	CN					2.0 1* CN													
1	- 12/31/1895	64233	Umatilla River	xfr#: T6254 lot: 1																	NULL DS	
1	- 04/30/1895	72312	Umatilla River	xfr#: T6254 lot: 1																	1.86 IR	
1	G11873 11/18/1988	G10861 -			5.0 IR																	
1	G12832 03/23/1992	G12242 -			8.2 IR	2.7 IR																
1	R85298 09/23/2002	R13503 -				MP																

Page:1 [2](#) [Next](#) [Last](#)

[Return to Platcard Query Screen](#)

Run Time: 9 seconds

STATE OF OREGON

COUNTY OF UMATILLA

PROPOSED CERTIFICATE OF WATER RIGHT

D R A F T

D R A F T

THIS CERTIFICATE ISSUED TO

HERSCHEL J. MC KAGUE
PO BOX 95
PILOT ROCK, OREGON 97868

confirms the right to use the waters of EAST BIRCH CREEK, a tributary of BIRCH CREEK, for IRRIGATION OF 4.4 ACRES.

This right was perfected under Permit 45865. The date of priority is APRIL 29, 1981. This right is limited to 0.05 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the points of diversion from the source, being 0.02 CFS from POD # 1, 0.005 CFS from POD # 2 and 0.025 CFS from POD # 3.

The points of diversion are located as follows:

POD # 1 - LOT 1, NE 1/4 NW 1/4, SECTION 18, T 2 S, R 33 E, W.M.; 180 FEET SOUTH AND 270 FEET WEST FROM THE NORTH 1/4 CORNER OF SECTION 18.

POD # 2 AND POD # 3 - NW 1/4 NE 1/4, SECTION 18, T 2 S, R 33 E, W.M.; POD # 2 - 200 FEET SOUTH AND 50 FEET EAST; POD # 3 - 270 FEET SOUTH AND 300 FEET EAST, BOTH FROM THE NORTH 1/4 CORNER OF SECTION 18.

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) and 3.0 acre-feet 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:

LOT 1	NE 1/4 NW 1/4	1.8 ACRES	POD # 1
	NW 1/4 NE 1/4	0.4 ACRE	POD # 2
	NW 1/4 NE 1/4	2.2 ACRES	POD # 3

SECTION 18

TOWNSHIP 2 SOUTH, RANGE 33 EAST, W.M.

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.

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. ARVINE PORTER

of Pilot Rock, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Pearson Creek a tributary of Birch Creek, tributary of Umatilla River for the purpose of irrigation under Permit No. 12663 of the State Engineer, 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 May 25, 1937

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 0.10 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 SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 2 South, Range 33 East, W. M.

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-fortieth 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 $4\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be still further limited to a total diversion of 0.10 c.f.s.

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:

1.7 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, - 2.6 AC UNDER 45865
 4.3 acres in Lot 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) - 1.8 AC " "
 Section 18,
 T. 2 S., R. 33 E., W. M.

6 ÷ 40 = 0.15 CFS - ALLOWED

45865 - 0.05 CFS - allowed

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

WITNESS the signature of the State Engineer, affixed

this 1st day of March, 1949

CHAS. E. STRICKLIN
 State Engineer

Surveyed APR. 22 1946, by JAS. E. BUNNELL

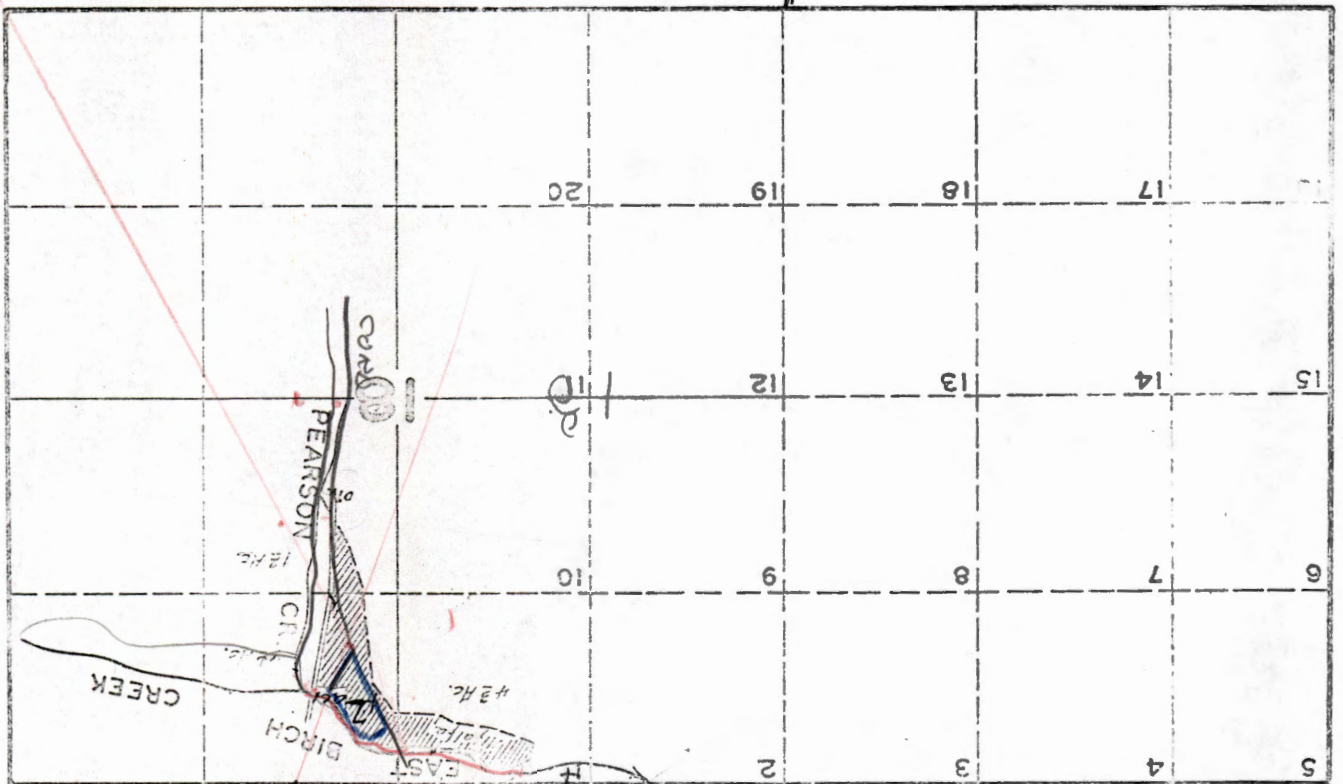
J. ARVINE PORTER

IN NAME OF

Application No. 16903 Permit No. 12663

UNDER

FINAL PROOF SURVEY



T. 25. R. 33 E. W. M. 1

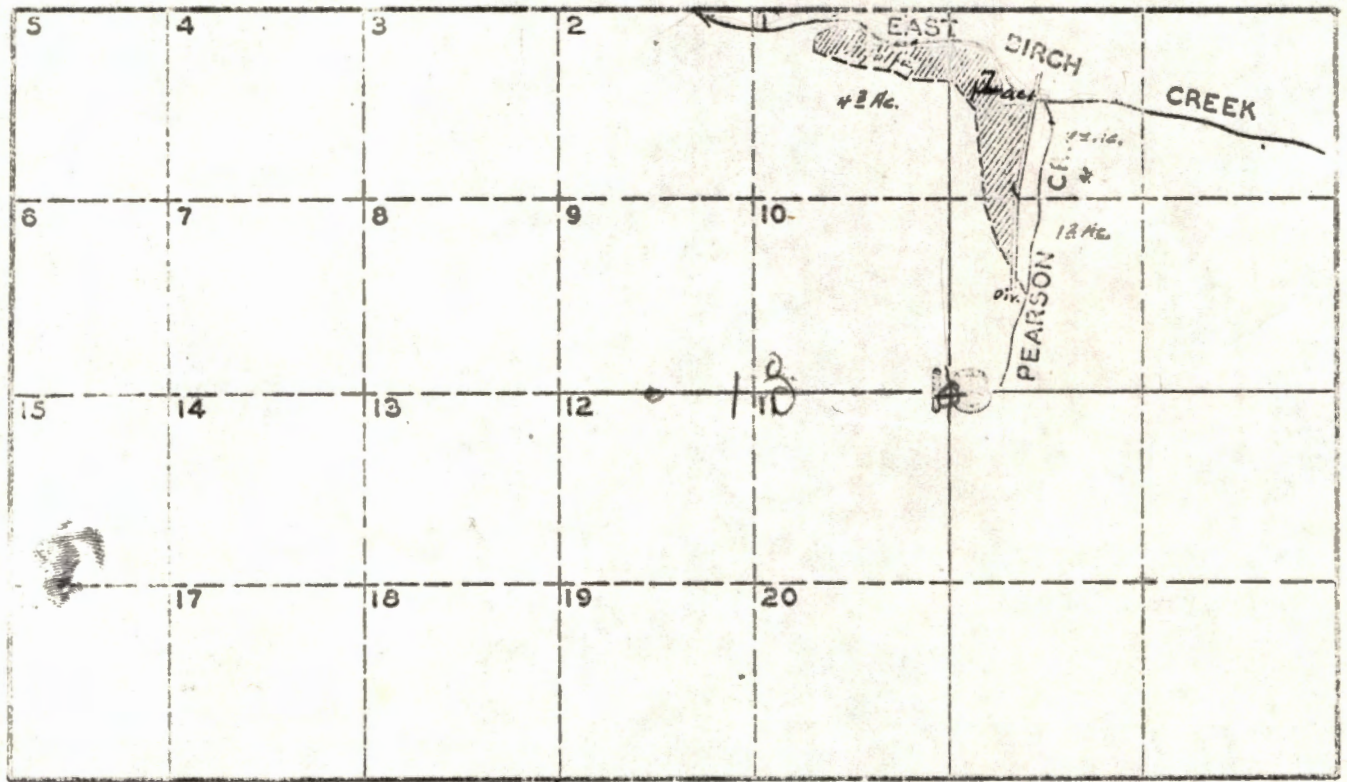
1.7 AC.

RECEIVED

APR 29 1981

WATER RESOURCES DEPT
SALEM, OREGON

T. 2S. R. 33E. W. M.



Application No. 61611
Permit No. 45865

FINAL PROOF SURVEY
UNDER

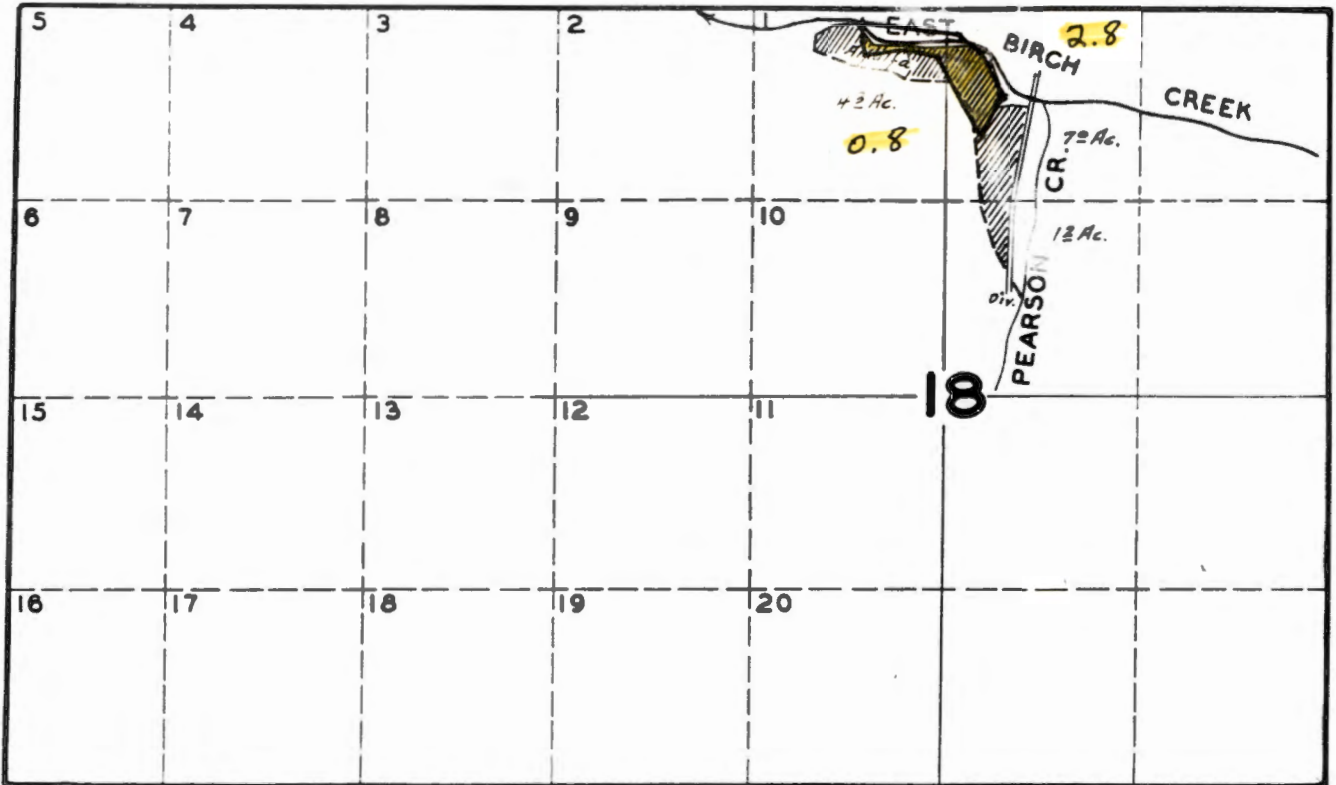
Application No. 16903 Permit No. 12663

IN NAME OF

J. ARVINE PORTER

Surveyed APR. 22 1946, by JAS. E. SUNNELL

T. 2S. R. 33E. W. M.



FINAL PROOF SURVEY UNDER

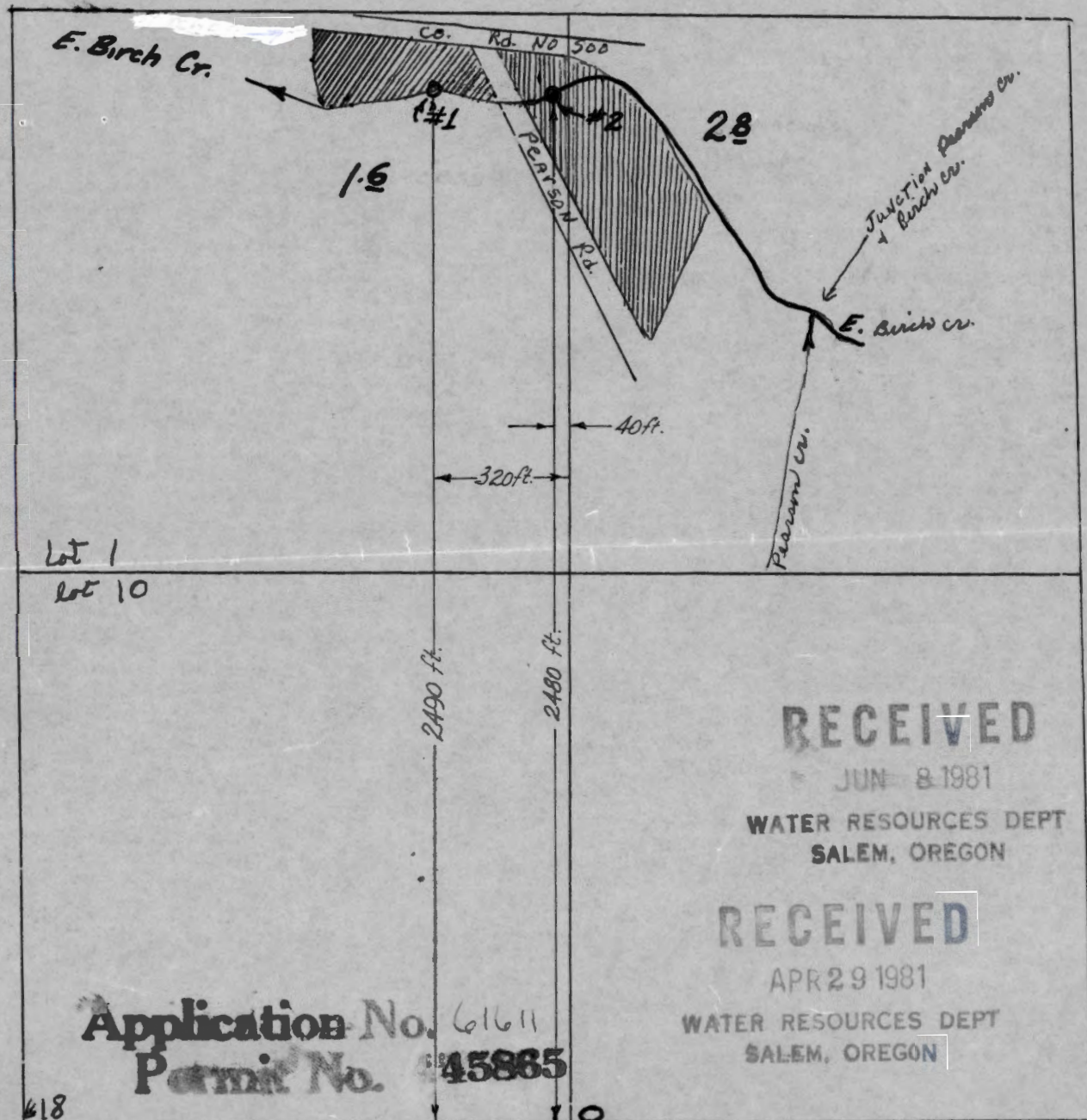
Application No. 16903 Permit No. 12663

IN NAME OF

J. ARVINE PORTER

Surveyed and APR. 22 1946, by JAS. E. BUNNELL

T. 25. R. 33 E



RECEIVED

JUN 8 1981

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 29 1981

WATER RESOURCES DEPT
SALEM, OREGON

Application No. 61611
Permit No. 45865

618

18

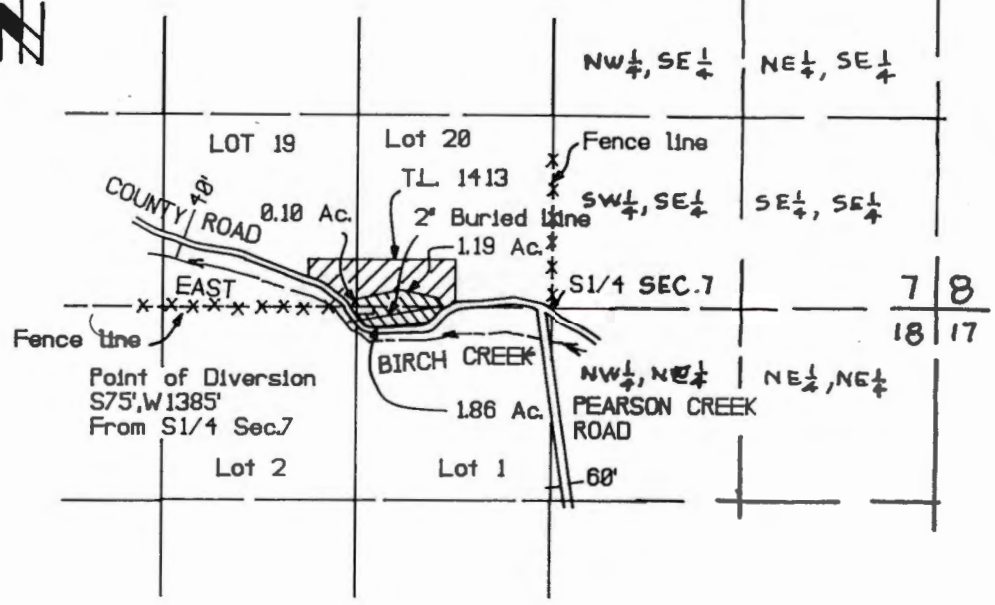
1" = 400'

T-625.4
V.44 P.212


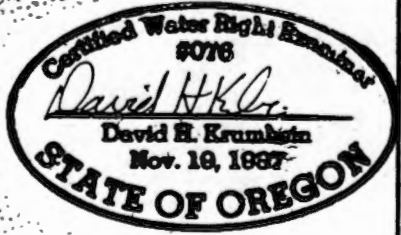
RECEIVED

FEB 28 1992

WATER RESOURCES DEPT.
SALEM, OREGON



Preparation of this map is for the purposes of water right location only. Any references to survey lines are for informational purposes only, and are not actual surveyed property lines.

 KRUMBEIN ENGINEERING LTD. ENGINEERS - SURVEYORS - PLANNERS 361 S.E. Second Pendleton, Oregon	Scale 1"=1320'	Drn. By MJP	Drng. No. 8908A	Revision 1 5-20-91
	Date 5-20-91	Ckd. By DHK	Job No. 8919	Revision 2 2-28-92
Final Proof Survey Water Right Application For Marilyn Morrell Portions of lot 19&20,T2S,R33E,W.M.				

IMPORTANT MESSAGE

FOR *Duke S*

DATE 3/31/94 TIME 10:52 A.M.
P.M.

M June

OF

PHONE AREA CODE NUMBER EXTENSION

FAX

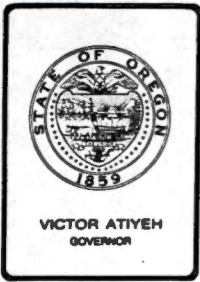
MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
RETURNED YOUR CALL	<input checked="" type="checkbox"/>	WILL FAX TO YOU	<input type="checkbox"/>

MESSAGE

*will call
E. McKague
js.*

SIGNED *CE*



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-8508

December 2, 1983

Herschel J. McKague
PO Box 95
Pilot Rock, OR 97868

REFERENCE: File Number 61611

Dear Mr. McKague:

Your application for an extension of the time limit in which to complete construction under the terms of your Permit Number 45865 has been received. We also have your check in the amount of \$20.

The application indicates reasonable diligence has been exercised toward completion of the proposed project; therefore, the time limit for completion of construction is being extended to October 1, 1984.

Sincerely,

Bruce A. Estes, Supervisor
Survey/Certificate Section

BAE/je

Enclosure

Application for Extension of Time

RECEIVED

SEP 9 1983

WATER RESOURCES DEPT.
SALEM, OREGON

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Herschel J. McKeague
Name

P.O. Box 95
Mailing Address

Pilot Rock City Ore. State 97968 Zip

record owner of water right permit No. 45865, do hereby request that the time in which to:

complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1983, be extended to October 1, 1984; and/or the time in which to

accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 1984, be extended to October 1, 1985.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

within the past year I seeded more grass + planted 6 fruit trees + a large flower bed. I purchased more pipe + sprinklers + watered thru additional plots on the 2.8 acres; I purchased another pump + sprinklers for the 1.6 acres, but haven't seeded it yet.
prior to this past year

I had a large garden + a lawn. I had a pump + sprinklers for this area which we watered again this year.

and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) approximately 1 1/2 acres

(If additional space is required, attach separate sheet)

H. J. McKeague
(If signing for a corporation please identify your title)

Dated _____

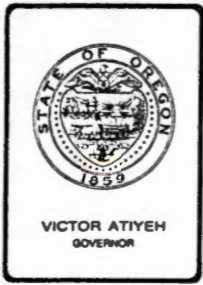
MAIL COMPLETED APPLICATION AND STATUTORY FEE OF ~~\$10.00~~ FOR EACH PERMIT TO:

\$20.

Water Resources Department
Mill Creek Office Park
555 13th Street, N.E.
Salem, Oregon 97310

B
10-1-84
BAE

9-9-83
\$ 20.00
38219



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

June 17, 1981

Darrel W. Dick
Manager
West Extension Irrigation District
P O Box 465
Irrigon, Oregon 97844

REFERENCE: Applications 60027, 61611 and 61614

Dear Mr. Dick:

This will acknowledge your three letters dated June 11, 1981 objecting to approval of Application 60027 in the name of Mervin Leonard, Application 61611 in the name of Herschel J. McKague, and Application 61614 in the name of Seibel Brothers, on the basis that the proposed appropriations would adversely affect the water supply of the District.

The said letters do not meet the minimum requirements of the Oregon Administrative Rules for protests. Therefore, they have not been accepted as such.

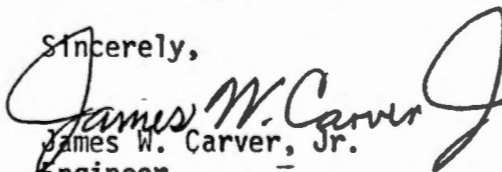
A copy of the applicable administrative rules which state the minimum requirements for content and form for protests, proof of service and protest filing fees are enclosed.

A protestant must allege in the protest how the protestant's water right would be injured by the proposed appropriation in some way that would not be overcome by proper distribution of the water supply among those entitled to its use, by the watermaster.

Action will be withheld on Applications 61611 and 61614 until July 10, 1981 to allow the District the opportunity to confer with its attorney and submit a formal protest, if that is the decision of the District.

Application 60027 is in the process of being rejected on the basis of apparent lack of interest on the part of the applicant to go ahead with the application.

Sincerely,


James W. Carver, Jr.
Engineer

cc: Herschel J. McKague
Seibel Brothers
Steve Applegate, Watermaster

WEST EXTENSION IRRIGATION DISTRICT

Irrigon Oregon 97844

June 11, 1981

RECEIVED

JUN 15 1981

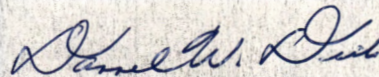
WATER RESOURCES DEPT
SALEM, OREGON

Water Resources Department
Mill Creek Office Park
555 - 13th Street N.E.
Salem, Oregon 97310

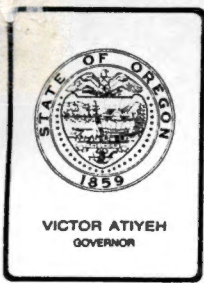
Dear Sirs:

West Extension Irrigation District formally protests
Appl. # 61611 issued on 5-14-81 to
Herschel J. McKague because at low water
level periods in the Umatilla River, It will directly
affect our supply.

Sincerely,
WEST EXTENSION
IRRIGATION DISTRICT



Darrel W. Dick
Manager



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

June 11, 1981

Herschel J. McKague
Box 95
Pilot Rock, Oregon 97868

REFERENCE: Files 61611 and 16903

Thanks for the return of your corrected Application 61611 and map.

Permits will be issued for use of water from Umatilla River and its tributaries. However, water may not be available during dry periods. The water may be needed to satisfy existing rights or minimum flow standards.

Your application is now satisfactory for issuance of a permit.

Also received was the signed affidavit authorizing cancellation of that portion of the right as described by the certificate recorded at page 15572, State Record of Water Right Certificates, which is appurtenant to your property. In preparing the affidavit, I failed to read the certificate completely and I now find that instead of 2.8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, the certificate only allowed 1.7 acres. I have made pencil changes on the affidavit where they are needed. Would you please go over those changes in ink, initial them and date the change, then return the affidavit to this office.

I am enclosing the affidavit so those changes can be made. If you have any questions, please feel free to contact me.

Sincerely,

DONALD R. BUELL
Water Rights Engineer

DRB:lcj



Water Resources Department

MILL CREEK OFFICE PARK

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

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

May 22, 1981

Herschel J. McKague
Box 95
Pilot Rock, OR 97868

Dear Mr. McKague:

REFERENCE: File 61611

Your application for a permit to use 22.4 gallons per minute from East Birch Creek for irrigation of four acres has been filed as 61611. Also received was the legal description, several maps and the fee of \$30 of which a Receipt 23848 is enclosed.

As you requested in the remarks section of the application I have prepared an affidavit for your signature to authorize cancellation of that part of the right as described by certificate 15572 which is appurtenant to your property. The number of acres to be cancelled was determined in this office by plotting the legal description of your property on the final proof map from permit 12663 and measuring the acreage within that area. Enclosed find a map showing the results. The affidavit should be signed by you in the presence of a notary public and returned to this office with your application.

The area shown on the map which you prepared to accompany your application is larger than that listed under your application. Your legal description describes 4.6 acres less two-tenths of an acre of road assess which would leave 4.4 acres. I have measured the area shown on your map and penciled the figures in. If you agree with those figures you should go over them in dark ink and alter your application to be in agreement.

The maps should also further locate the land by identifying any section corners or quarter section corners within the vicinity of the land. The coordinates locating your diversion points should be shown on the map and agree with the application. The diversion points as well as the channel of East Birch Creek and the direction of flow of the creek should be more clearly identified on the map.

COPY

Herschel J. McKague
May 22, 1981
page two

I am returning your applicaion and map along with the affidavit for correction and completion. This application is endorsed so that in order to retain its priority date it must be received in this office on or before July 22, 1981.

Sincerely,

DONALD R. BUELL
Water Rights Engineer

DRBwpc
enclosures

August 26, 1981

Hershel J. McKague
Box 95
Pilot Rock, Oregon 97868

61611

45865.

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. ARVINE PORTER

of Pilot Rock, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Pearson Creek a tributary of Birch Creek, tributary of Umatilla River for the purpose of irrigation under Permit No. 12663 of the State Engineer, 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 May 25, 1937

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 0.10 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 SW 1/4 NE 1/4, Section 18, Township 2 South, Range 33 East, W. M.

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-fortieth 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 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be still further limited to a total diversion of 0.10 c.f.s.

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:

- 1.7 acres in the NW 1/4 NE 1/4,
4.3 acres in Lot 1 (NE 1/4 NW 1/4)
Section 18,
T. 2 S., R. 33 E., W. M.

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

WITNESS the signature of the State Engineer, affixed
this 1st day of March, 1949

CHAS. E. STRICKLIN
State Engineer

EXHIBIT "A"

Sewell - McKague

Commencing at the section corner common to Sections 17, 18, 19 and 20, Township 2 South, Range 33, E. W. M., thence North 28° 00' West 4996.2 feet to the point of beginning of this description; thence North 21° 30' East a distance of 271.3 feet; thence North 37° 30' East a distance of 63.2 feet; thence North 30° 05' West a distance of 258.1 feet; thence North 50° 25' West a distance 205.5 feet; thence North 83° 20' West a distance of 668.1 feet; thence due South a distance of 121.2 feet; thence South 21° 25' East a distance of 78.2 feet; thence North 81° 40' East a distance of 279.2 feet; thence South 81° 55' East a distance of 224.4 feet; thence South 27° 30' East, a distance of 620.4 feet to the point of beginning and containing 4.60 acres, more or less.

All being in Umatilla County, Oregon.

BOOK 321 PAGE 299

Application No. 66611
Permit No. 45865

RECEIVED
APR 29 1981
WATER RESOURCES DEPT
SALEM, OREGON

UMATILLA COUNTY ROAD NO. 500



POINT OF BEGINNING IS N25°00'W 4996.2 FEET
 FROM SECTION CORNER T1, R1, S20
 PARCEL CONTAINS APPROX. 4.60 ACRES, EXCEPTING
 USFS R/W
 ALL BEING IN T2S, R3E, W.M. SEC 18, PORTIONS
 OF W/4NE AND LOT 1

SCALE: 1" = 100'
 DATE: 9-11-71
 BY: C.L.M.

RECEIVED

APR 29 1981
 WATER RESOURCES DEPT
 SALEM, OREGON



Filed for record MAY 31 1972
 JESSIE M. BELL

at 10:50 A.M.
 County Clerk

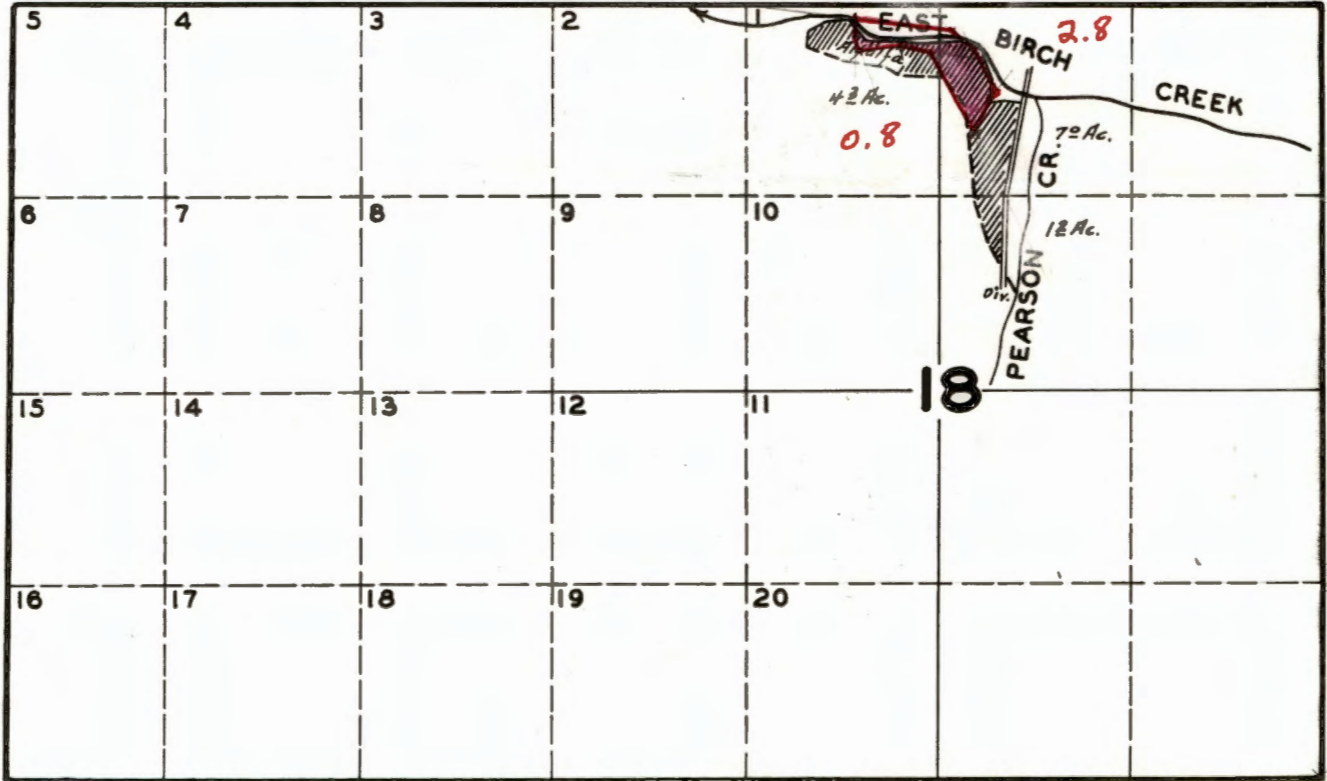
Application No. 6 EXHIBIT "A"
 Permit No. 45865 6

RECEIVED

JUN 8 1981

WATER RESOURCES DEPT
SALEM, OREGON

T. 2S. R. 33E. W. M.



FINAL PROOF SURVEY

UNDER

Application No. 16903 Permit No. 12663

IN NAME OF

J. ARVINE PORTER

Surveyed APR. 22 1946, by JAS. E. BUNNELL



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

**NOTICE OF FILING APPLICATION FOR A PERMIT
TO APPROPRIATE WATER**

File No. 61611

Name Herschel J. McKague
 Address Box 95, Pilot Rock, Oregon, 97868
 Water source East Birch Creek
 Use Primary Irrigation
 Point of diversion Lot 1, Section 18, Tp. 2S., R. 33E., W.M.
 Amount of water 22.4 Gallons per minute

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
2S	33E	18		2.5			Lot 1, 1.5 acres XXX											

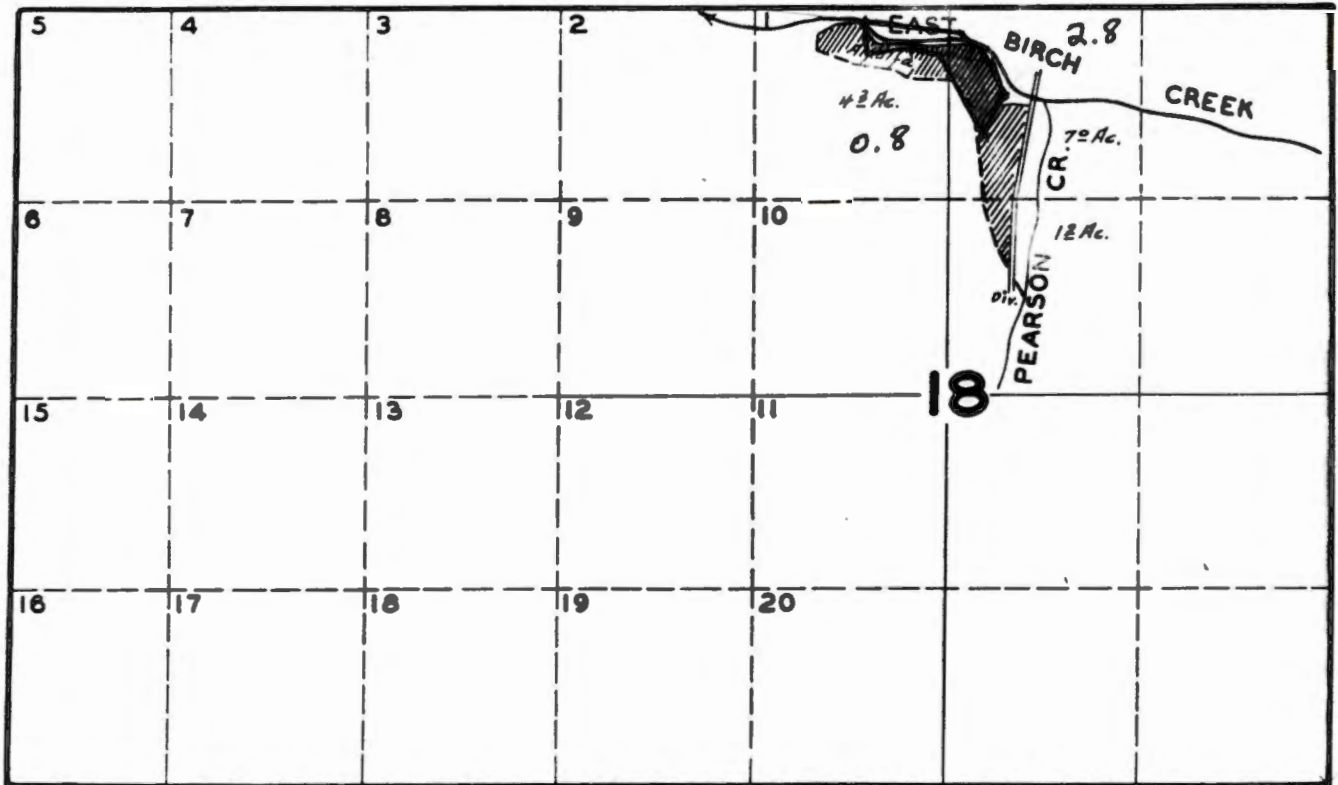
Any person desiring to protest the approval of this application shall file a written protest in the office of the Director of the Water Resources Department at Salem, Oregon, within thirty days from the date of this notice.

A copy of the Rules for Administrative Procedures in Contested Cases Before the Director of the Water Resources Department of Oregon will be supplied free upon request.

Dated at Salem, Oregon, this 14 day of May, 19 81.

James E. Sexson
 Water Resources Director

T. 2S. R. 33E. W. M.



FINAL PROOF SURVEY UNDER

Application No. 16903 Permit No. 12553

IN NAME OF

J. ARVINE PORTER

Surveyed APR. 22 1946, by JAS. E. BUNNELL

4-29-1981

P
Application No.

61611

Permit No.

45865

Name Herschel J. McKague

Address Box 95, Pilot Rock, OR 97868

Assigned

Address

Beginning construction AUG 20 1982

Completion of construction OCT 1 - 1983

Extended to 10-1-84

Complete application of water OCT 1 - 1984

Extended to