

Application No. 45873

Name OSCAR D. McCARTY
 By Star Route
 Address Echo, Oregon 97826

Date filed March 21, 1969

Priority March 21, 1969

Action suspended until

Returned to applicant

Date of approval December 10, 1969

CONSTRUCTION

Date for beginning December 10, 1970

Date for completion October 1, 1971

Extended to

Date for application of water October 1, 1972

Extended to

PROSECUTION OF WORK

Form "A" filed started

Form "B" filed completed

Form "C" filed completed

FINAL PROOF

Blank mailed OCT 18 1972

Proof received

Date certificate issued JAN 31 1973

FEES PAID		
Date	Amount	Receipt No.
3-21-69	32.50	13619
11-29-72	1.50	\$1 Cert. Fee 31591

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

2.78 cfs from waste water and shall also be limited to the water available at the proposed point of diversion, and shall not carry with the right to compel the continuance of the waste water for supplemental irrigation of 138.8 acres.

T-8177 A POD USE (Temp) v 53 p781 5/24/99

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

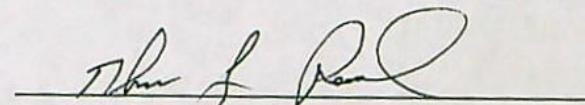
ORDER WITHDRAWING TRANSFER APPLICATION 8056

Transfer Application 8056, in the name of Michael D. McCarty, was filed August 7, 1998. On January 31, 2005, David E. Filippi, Counsel for Michael D. McCarty, requested, in writing, that Transfer Application 8056 be withdrawn.

Transfer Application 8056, in the name of Michael D. McCarty, is withdrawn and of no further force or effect. Any unearned fees will be refunded.

WITNESS the signature of the Water Resources Director,

affixed February 7, 2005.



Phillip C. Ward, Director

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.

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING TEMPORARY CHANGES IN PLACE OF USE,
AND POINTS OF DIVERSION

Pursuant to ORS 540.523, 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 8177 submitted by

MICHAEL D. McCARTY
23946 McCARTY RANCH LANE
ECHO, OREGON 97826.

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 a PORTION of Certificate 2676. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priority is 1878.

The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION of 1.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.03 cubic foot per second, if available at the authorized points of diversion: McCARTY AND THOMSON DITCHES, 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 for the same lands, is limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season, January 1 to September 1, of each year.

The authorized place of use is located as follows:

SW $\frac{1}{4}$	NW $\frac{1}{4}$	0.4 ACRE
NE $\frac{1}{4}$	SW $\frac{1}{4}$	0.7 ACRE
NW $\frac{1}{4}$	SW $\frac{1}{4}$	0.8 ACRE

SECTION 14

TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

The second right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by a PORTION of Certificate 67877. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priority is 1903.

The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION of 6.9 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.13 cubic foot per second, if available at the authorized points of diversion: MIDDLE, LOWER, AND UPPER DITCHES, 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 for the same lands, is limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

SE $\frac{1}{4}$	SE $\frac{1}{4}$	1.2 ACRES
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SECTION 15

NE $\frac{1}{4}$	NE $\frac{1}{4}$	1.0 ACRE
SW $\frac{1}{4}$	NE $\frac{1}{4}$	0.5 ACRE
SE $\frac{1}{4}$	NE $\frac{1}{4}$	2.4 ACRES
SW $\frac{1}{4}$	NW $\frac{1}{4}$	0.6 ACRE
SE $\frac{1}{4}$	NW $\frac{1}{4}$	0.8 ACRES
NW $\frac{1}{4}$	SE $\frac{1}{4}$	0.4 ACRE

SECTION 22

TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

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 third right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by a PORTION of Certificate 2675. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priority is 1903.

The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for IRRIGATION of 1.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the authorized point of diversion, 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 for the same lands, is limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

SE $\frac{1}{4}$	NE $\frac{1}{4}$	0.1 ACRE
NE $\frac{1}{4}$	SE $\frac{1}{4}$	0.9 ACRE
NW $\frac{1}{4}$	SE $\frac{1}{4}$	0.8 ACRE
SECTION 15		
TOWNSHIP 22 NORTH, RANGE 27 EAST, W.M.		

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 fourth right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by a PORTION of Certificate 74795. The decree is recorded in the Order Record of the Water Resources Director in Volume 3, at Page 250. The date of priority is 1904.

The right allows the use of BUTTER CREEK and SPRINGS, a tributary of the UMATILLA RIVER, for IRRIGATION of 0.2 ACRE. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.004 cubic foot per second, if available at the authorized point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 27, T 2 N, R 27 E, WM; POD 1 - 340 FEET NORTH AND 170 FEET EAST FROM THE W $\frac{1}{4}$ CORNER, SECTION 27, 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 for the same lands, is limited to a diversion of not to exceed 4.0 acre-feet for each acre irrigated during the irrigation season of each year.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.2 ACRE
SECTION 15
TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

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 fifth right to be modified, as evidenced by a PORTION of Certificate 68349, was perfected under Permit U-425 with a date of priority of MARCH 4, 1952. The right allows the use of a WELL, in the BUTTER CREEK BASIN, for SUPPLEMENTAL IRRIGATION of 3.7 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the original well; SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 14, T 2 N, R 27 E, WM, 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 3.0 acre-feet per acre 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 as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.4 ACRE
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.7 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.8 ACRE

SECTION 14

SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.1 ACRE
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.9 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.8 ACRE

SECTION 15

TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

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

The sixth right to be modified, as evidenced by a PORTION of Certificate 38847, was perfected under Permit G-3558 with a date of priority of JANUARY 13, 1967. The right allows the use of a WELL, in the BUTTER CREEK BASIN, for IRRIGATION of 5.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 cubic foot per second, if available at the original well; NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 22, T 2 N, R 27 E, WM; 730 FEET SOUTH AND 930 FEET EAST FROM THE NW CORNER, SECTION 27, 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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein and the right allowed herein shall not authorize appropriation from the aquifer supplying those well described in the State Engineer's Ground Water Report No. 11 as "Deep Wells in Basalt" unless appropriation are permitted in the final order of the State Engineer declaring that aquifer a critical ground water area.

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

The authorized place of use is as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.2 ACRES
SECTION 15

NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.4 ACRE
SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.8 ACRE
SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.6 ACRE
SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.8 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.2 ACRE

SECTION 22

TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

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

The seventh right to be modified, as evidenced by a portion of Certificate 38876, was perfected under Permit 34247 with a date of priority of MARCH 21, 1969. The right allows the use of WASTE WATER, a tributary of BUTTER CREEK, for SUPPLEMENTAL IRRIGATION of 1.8 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.04 ACRES cubic foot per second, if available at the authorized point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 15; SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 14, T 2 N, R 27 E, WM; 1 - 1330 FEET NORTH AND 2610 FEET WEST; 2 - 1350 FEET NORTH AND 30 FEET WEST; 3 - 10 FEET NORTH AND 10 FEET EAST; ALL FROM THE SE CORNER, SECTION 15, 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 an other right existing for the same lands, is limited to ONE-FIFTIETH 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 4.0 acre-feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing from the same land and shall not exceed the limitation allowed herein and shall also be limited to the water available at the proposed point of diversion, and shall not carry with it the right to compel the continuance of the waste water.

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 $\frac{1}{4}$ NE $\frac{1}{4}$	0.1 ACRE
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.9 ACRE
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.8 ACRE

SECTION 15
TOWNSHIP 2 NORTH, RANGE 27 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 eighth right to be modified, as evidenced by a PORTION of Certificate 67878, was perfected under Permit G-7145 with a date of priority of NOVEMBER 15, 1976. The right allows the use of a WELL, in the BUTTER CREEK BASIN, for SUPPLEMENTAL IRRIGATION of 8.5 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.06 cubic foot per second, if available at the original well; NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 15, T 2 N, R 27 E, WM; 1380 FEET NORTH AND 210 FEET WEST FROM THE SE CORNER, SECTION 15, 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 3.0 acre-feet per acre 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 as follows:

SW%	NW%	0.4 ACRE
NE%	SW%	0.7 ACRE
NW%	SW%	0.8 ACRE

SECTION 14

SE%	NE%	0.1 ACRE
NE%	SW%	0.2 ACRE
NE%	SE%	0.9 ACRE
NW%	SE%	0.8 ACRE
SE%	SE%	1.2 ACRES

SECTION 15

NE%	NE%	1.0 ACRE
SE%	NE%	2.4 ACRES

SECTION 22

TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

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

The ninth right to be modified, as evidenced by Permit 46499 with a date of priority of OCTOBER 16, 1968. The right allows the use of BUTTER CREEK, a tributary of the UMATILLA RIVER, for SUPPLEMENTAL IRRIGATION of 10.8 ACRES. The use allowed herein may be made at any time between September 2 and December 30 of each year that water can be put to beneficial use by irrigation, either for immediate crop growth or for forecast requirements to raise soil moisture to field capacity in the soil profile to be utilized by plant growth in the subsequent growing season. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.21 cubic foot per second, if available at the authorized point of diversion: SW% NW%, SECTION 27, and SE% NE%, SECTION 28, T 2 N, R 27 E, WM; DIVERSION O - 340 FEET NORTH AND 170 FEET EAST FROM THE NW CORNER, SECTION 27; DIVERSION P - 20 FEET NORTH AND 40 FEET WEST FROM THE NW CORNER, SECTION 27, 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 an other right existing for the same lands, is limited to ONE-FIFTIETH of one cubic foot per second per acre, from direct flow, and shall be further limited to a diversion of not to exceed 1.0 acre-foot per acre for each acre irrigated during the period from September 2 to December 30, provided further that the right allowed herein, together with the amount secured under any other right existing for the same lands shall not exceed 4.0 acre-feet for each acre irrigated in any one year. The use of water authorized herein shall not establish priority of right as against future appropriations of surface water for beneficial uses or for storage for such beneficial uses, other than similar right for irrigation from September 2 to December 30.

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

The authorized place of use is located as follows:

Mike McCarty owner		M.S. Corrigal Decree
James A. McCarty decree		Certificate 22981
Certificate 2675		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.1 ACRE	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.2 ACRE
NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.9 ACRE	SECTION 15
NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.8 ACRE	Ed Johnson, Owner
SECTION 15		C.P. Bowmen Decree
Elizabeth McCarty Decree		Certificate 2653
Certificate 2676		Transfer 3491
SW $\frac{1}{4}$ NW $\frac{1}{4}$	0.4 ACRE	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.2 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.7 ACRE	SECTION 15
NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.8 ACRE	
SECTION 14		

NE $\frac{1}{4}$	NE $\frac{1}{4}$	1.0 ACRE
SW $\frac{1}{4}$	NE $\frac{1}{4}$	0.5 ACRE
SE $\frac{1}{4}$	NE $\frac{1}{4}$	2.4 ACRES
SW $\frac{1}{4}$	NW $\frac{1}{4}$	0.6 ACRE
SE $\frac{1}{4}$	NW $\frac{1}{4}$	0.8 ACRE
NE $\frac{1}{4}$	SW $\frac{1}{4}$	0.4 ACRE

SECTION 22

TOWNSHIP 2 NORTH, RANGE 27 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 TEMPORARILY change the place of use to:

CERTIFICATE 2676

NE $\frac{1}{4}$	SE $\frac{1}{4}$	1.9 ACRES
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CERTIFICATE 67877

SW $\frac{1}{4}$	SE $\frac{1}{4}$	1.0 ACRE
SE $\frac{1}{4}$	SE $\frac{1}{4}$	5.9 ACRES

CERTIFICATE 2675

SE $\frac{1}{4}$	SE $\frac{1}{4}$	1.8 ACRES
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CERTIFICATE 74795

NE $\frac{1}{4}$	SE $\frac{1}{4}$	0.2 ACRE
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CERTIFICATE 68349

NE $\frac{1}{4}$	SE $\frac{1}{4}$	1.9 ACRES
SE $\frac{1}{4}$	SE $\frac{1}{4}$	1.8 ACRES

CERTIFICATE 38847

SW $\frac{1}{4}$	SE $\frac{1}{4}$	1.0 ACRE
SE $\frac{1}{4}$	SE $\frac{1}{4}$	4.0 ACRES

CERTIFICATE 38876

SE $\frac{1}{4}$	SE $\frac{1}{4}$	1.8 ACRES
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CERTIFICATE 67878

NE $\frac{1}{4}$	SE $\frac{1}{4}$	2.1 ACRES
SW $\frac{1}{4}$	SE $\frac{1}{4}$	0.9 ACRE
SE $\frac{1}{4}$	SE $\frac{1}{4}$	5.5 ACRES

PERMIT 46499

NE $\frac{1}{4}$	SE $\frac{1}{4}$	2.1 ACRES
SW $\frac{1}{4}$	SE $\frac{1}{4}$	1.0 ACRE

SE $\frac{1}{4}$	SE $\frac{1}{4}$	7.7 ACRES
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SECTION 14

TOWNSHIP 2 NORTH, RANGE 27 EAST, W.M.

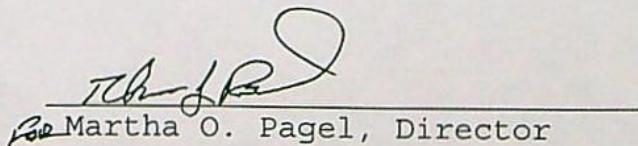
The applicant also proposes to TEMPORARILY change the point of diversion from Butter Creek to a point located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 14, T 2 N, R 27 E, WM; 310 FEET NORTH AND 260 FEET EAST FROM THE SW CORNER, SECTION 14.

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

1. The changes are temporary. The changes shall be effective upon issuance of this order.
2. The former places of use shall not be irrigated as part of these water rights during the 1999, 2000, 2001, 2002, and 2003 irrigation seasons.
3. The use shall revert to the authorized place of use at the end of the 2003 irrigation season.
4. The approval of this temporary transfer may be revoked or modified if the Department finds the change causes injury to any existing water right.
5. The use of the remaining water rights described by Certificates 2676, 67877, 2675, 74795, 68349, 38847, 38876, 67878, and Permit 46499 shall continue to be in accordance with the terms and conditions of Certificates 2676, 67877, 2675, 74795, 68349, 38847, 38876, 67878, and Permit 46499.

WITNESS the signature of the Water Resources
Director, affixed MAY 24 1999.



Martha O. Pagel
Martha O. Pagel, Director



Oregon

John A. Kitzhaber, M.D., Governor

May 24, 1999

45873
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Michael D. McCarty
23946 McCarty Ranch Lane
Echo, Oregon 97826

RE: Temporary Transfer T-8177

Enclosed is a copy of the order approving your **temporary** water right transfer T-8177.

The change shall be effective at the beginning of the 1999 irrigation season. The use shall revert to the authorized place of use at the end of the year 2003 irrigation season.

Sincerely,

Hannah Wood

fr LARRY H. NUNN
Water Rights Specialist

LHN:hw

Enclosure

cc: Tony Justus, Watermaster



STATE OF OREGON
COUNTY OF UMATILLA

RECEIVED
NOV 29 1972
STATE ENGINEER
SALEM, OREGON

Proof of Appropriation of Water

OSCAR D. McCARTY

of Star Route, Echo

, State of Oregon

has applied beneficially the waters of
waste water

a tributary of Butter Creek (Umatilla River)
supplemental irrigation of 138.8 acres

for the purpose of

under Permit No. 34247 of the State Engineer, and that the use of said waters has been completed under the terms of said permit; that the priority of the right dates from March 21, 1969

that the amount of water for the purposes aforesaid, has been actually beneficially used in the amount of 2.78 cubic feet 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 #1-NW $\frac{1}{4}$ SE $\frac{1}{4}$; #2-NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15; #3-SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, T. 2 N., R. 27 E., W. M., #1-1330 feet North and 2610 feet West; #2-1350 feet North and 30 feet West; #3-10 feet North and 10 feet East; all *

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-fiftieth 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 acre feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein and shall also be limited to the water available at the proposed point of diversion, and shall not carry with it the right to compel the continuance of the waste water, 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, and to which such right is appurtenant, is as follows:

21.6 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
37.2 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 15
T. 2 N., R. 27 E., W. M.

* from SE Corner, Section 15.

I have read the above and foregoing proof of appropriation of water; I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 25 day of Nov.,

1972

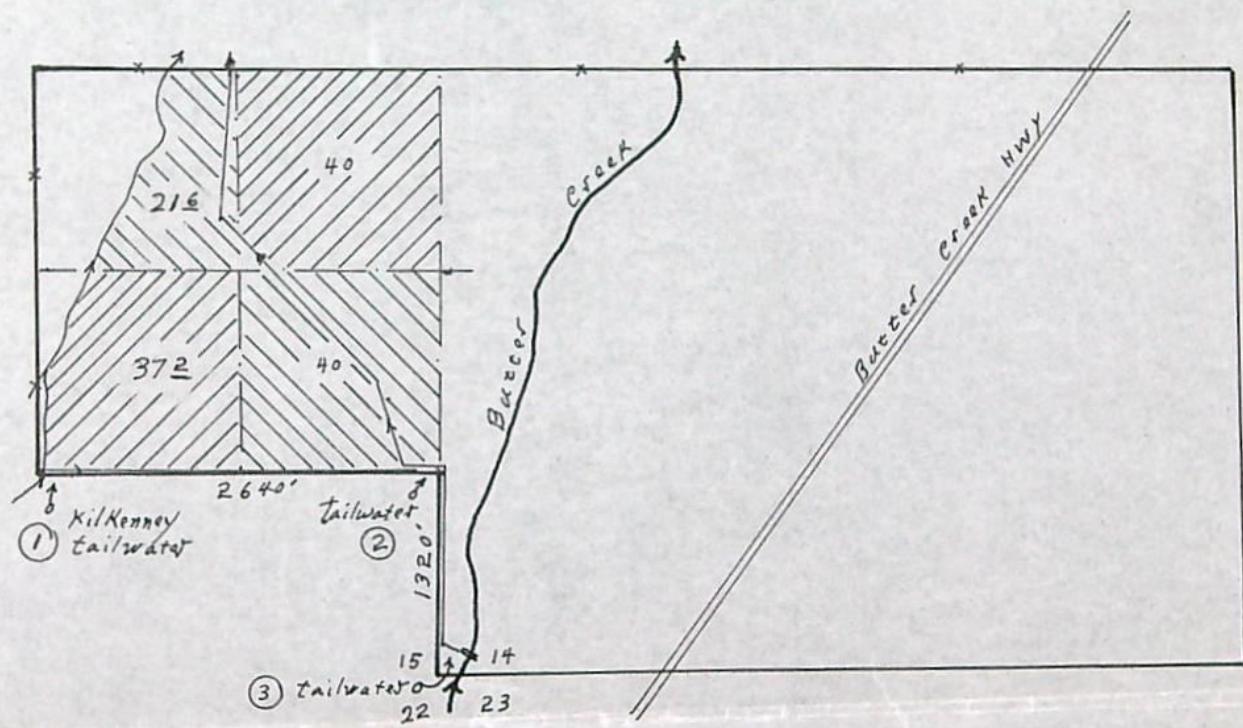
Oscar D. McCarty

Oscar D. McCarty

Star Rd.

Echo, Oregon 97826

RECEIVED
JUN 6 1969
STATE ENGINEER
SALEM, OREGON



T 2 N R 27 E W.M.

Scale: 1" = 1320'

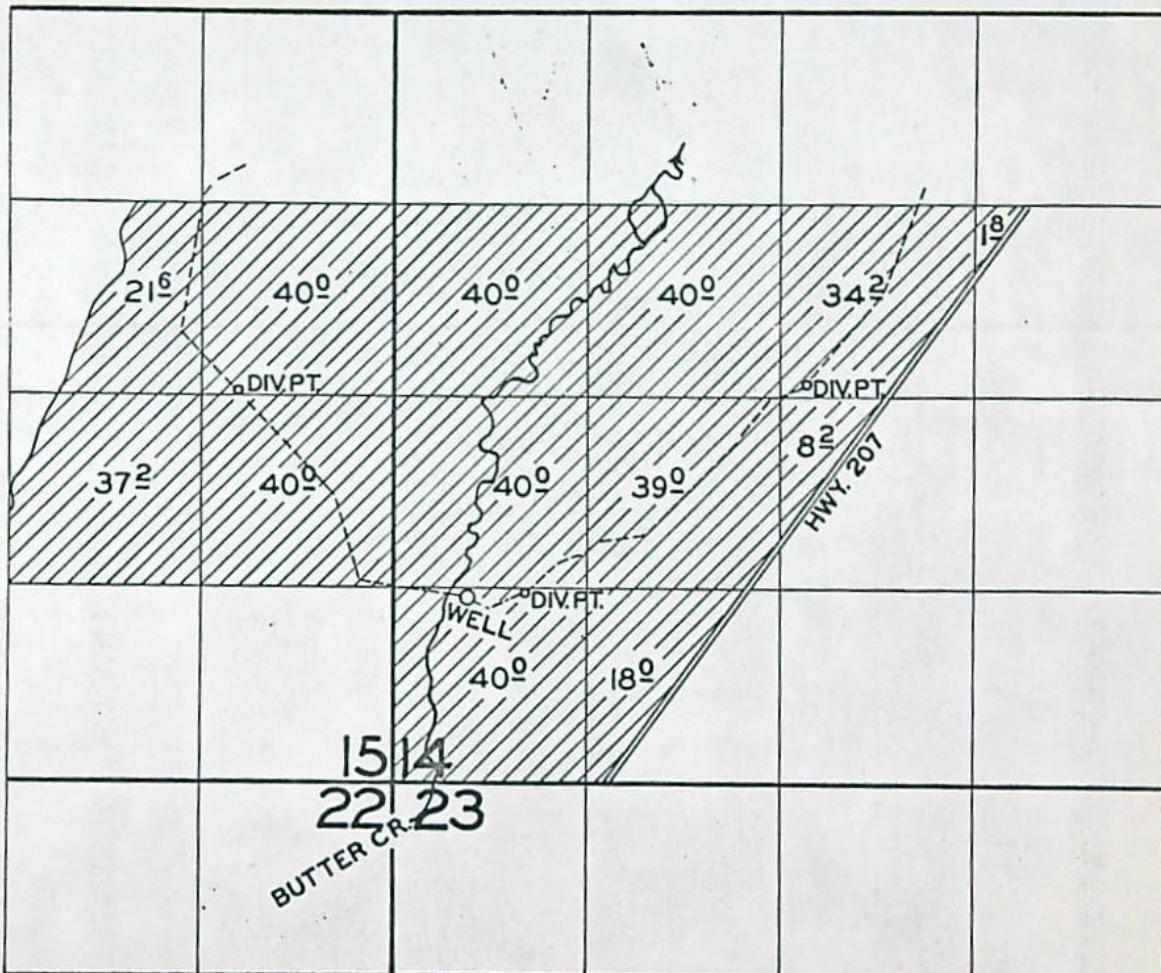
RECEIVED
MAR 21 1969
STATE ENGINEER
SALEM, OREGON

Application No. 45873

Permit No. 34247

T. 2N. R. 27E. W.M.

RECEIVED
JUN 6 1969
STATE ENGINEER
SALEM OREGON



FINAL PROOF SURVEY
UNDER

Application No. U-468. Permit No. U-425.
IN NAME OF

OSCAR D. MCCARTY

Surveyed MAY 28 1957, by C.O. Bartels

November 21, 1972

45873

Oscar D. McCarty
Star Route
Echo, OR 97826

Dear Sir:

On October 18, 1972, we mailed you a copy of a proof of the certificate in connection with the incomplete water right represented by your permit number 34247 granting a right to the use of 2.78 cubic feet per second from waste water for supplemental irrigation of 138.8 acres, together with the instructions that the statement at the bottom of the page be signed and the copy be returned to this office accompanied by the certificate recording fee in the amount of \$1.50.

To date this form has not been received nor has any correspondence regarding reasons for not returning it been received. This is to notify you that unless we receive the signed proof form and the certificate recording fee, or a request for additional time within thirty days from the date of this letter, we will be required to take steps toward the cancelation of this permit.

Very truly yours,

VESTAL R. GARNER
Assistant

VRG:gkd

October 19, 1972

Oscar D. McCarty
Star Route
Echo, OR 97826

File No.

45873

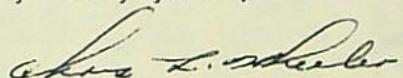
Dear Sir:

Enclosed is the final proof in connection with
the incomplete water right represented by your permit
number 34247.

The data contained in the proof, which is based
on an inspection and survey of your project made by a
representative of this department, defines the extent to
which your water right has been completed within the terms
of your permit. The proof should be dated and signed by
you and returned to this office.

Upon receipt of the proof, properly executed
and accompanied by the statutory recording fee of \$1.50,
a certificate of water right will be issued confirming
the right thereunder and, after being recorded in the
county records, will be forwarded to you.

Very truly yours,



CHRIS L. WHEELER
State Engineer

Form 117

Enclosure
gkd

45873

January 8, 1970

Oscar D. McCarty
Star Rt.
Echo, OR 97826

Dear Sir:

45873, permit No. 34247 with a
blueprint.

45873

June 16, 1969

Oscar D. McCarty
Star Route
Echo, Oregon 97826

Dear Mr. McCarty:

This will acknowledge your returned application No. 45873 and map.

The application has received a new date of priority of June 6, 1969. Also Item No. 1 on the application has been amended to designate the source of appropriation as being waste water.

Your application is now in satisfactory form for approval by issuance of a permit.

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:hls

entlemen:

I am sorry. I thought I had
returned this application ^{some time}
ago.

R E C E I V E D
JUN 6 1969

STATE ENGINEER
SALEM, OREGON

Oscar M. Conty

2	3.2	0
4	0.0	0
3	6.8	0
4	0.0	0
1	4	0.0
		*

May 27, 1969

RE: 45873

Oscar D. McCarty
Star Route
Echo, Oregon 97826

Dear Mr. McCarty:

Your application No. 45873, which was returned to you for correction, endorsed so that in order to retain its date of priority should have been returned to this office on or before May 26, 1969, has not been received.

It has, therefore, lost its priority but may be reinstated and given a new priority date as of the day it is again received.

Very truly yours,

Larry W. Jebousek
Assistant

LWJ:cdc

March 26, 1969

Oscar D. McCarty
Star Route
Echo, Oregon 97826

Dear Sir:

This will acknowledge receipt of your application for permit to appropriate 20.0 cubic feet of water per second from Mike Kilkenney's tail-water for the irrigation of 140.0 acres, a map, and the fee of \$32.50 for which our receipt No. 13619 is enclosed. Your application has been filed and numbered 45873.

If the source of water is the excess water from irrigation above your land and this water is gathered by you for use on the land described, it would be more accurately described in item No. 1 on the application as being waste water.

Is the ditch used to gather this water wholly within your property lines? If it is not, we will require documentary evidence of your right to the use of the ditch for the purpose requested.

Item No. 4 on the application and the map indicate this water is diverted at three specific points. If the water flows into the ditch in well defined natural drainage ways, these should be shown on the map.

Your application designates 23.2 acres of irrigation in the SW $\frac{1}{4}$ and NE $\frac{1}{4}$ and 36.8 acres in the NW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 15. Our Final Proof Survey Map for your earlier permit No. U-425 shows the irrigation of 21.6 acres and 37.2 acres respectively in these forties. In overlaying your map on the Final Proof Survey Map, it appears that the identical land is to be irrigated. Enclosed is a print of the Final Proof Survey Map for permit No. U-425. Would you please check the new transparency and correct it, if you find it in error.

I am returning your application and map for correction. The application is endorsed so that in order to retain its date of priority, it must be returned to this office on or before May 26, 1969.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By

Larry W. Jebousek
Assistant

Abstract of Permit No. 34247

Application No. 45873 ✓ Certificate No.

Name

Oscar D. McCarty ✓

Address

Star Rd. ✓

Echo, Oregon 97826 ✓

Source of water supply

Waste water ~~and shall also be limited to the water available at the proposed point of diversion, and shall not carry with Supplemental irrigation~~ of 138.8 Acres ✓

Use

#1- 1320' N. & 2640' W.; #2- 1320' N. & 30' W. from SE cor. Sec. 15; #3- located at the SE cor. Sec. 15, being within

#1- NW $\frac{1}{4}$ SE $\frac{1}{4}$; #2- NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15; #3- SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14 &

SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 2 N., R. 27 E., W. M., county of Umatilla

Div. Pts. located: #1, 1330' N. & 2610' W.; #2, 1350' N. & 30' W.; #3, 10' N. & 10' E.; all

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE from S.E. Cor. Sec. 15

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 $\frac{1}{4}$
2N	27E	15					21.5	40			Vol. 3, P. 250 C. 2675 Butter Creek	A-U-468 P-U-423 P-U-2471 Butter Creek			40	37.2		
		15	S.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$						24.0			21.6				21.6		
			S.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$						40.0			40.0				40.0		
			N.E. $\frac{1}{4}$ S.E. $\frac{1}{4}$						40.0			40.0				40.0		
			N.W. $\frac{1}{4}$ S.E. $\frac{1}{4}$						39.5			37.2				37.2		

* it the right to compel the continuance of the waste water ✓

trib. to Butter Creek (Umatilla River) ✓

Priority date

March 21, 1969 ✓

Amount of water

2.78 c.f.s. ✓

Time limit to begin construction

December 10, 1970

Time limit to complete construction

10-1-71 extended to

extended to

Time limit to completely apply water 10-1-72 extended to

extended to

Remarks: This appropriation shall be limited to 1/50 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 4 acre feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

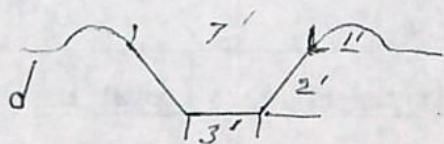
Info: Mike McCarty (Son of Oscar)

Div. Pts: #1 Waste water from Mike Kilkenny's field To the S. & S.W. picked up by the Kilkenny-McCarty Ditch. Div. Pt. located at S.W. Cor. prop. irrig.

#2 Also Kilkenny waste water from field to the S. picked up by McCarty-Thompson Ditch. Div. Pt. located at S.E. Cor. prop. irrigated.

#3 Also Kilkenny waste water, picked up by McCarty-Thompson Ditch. Div. Pt. located at S.E. Cor. Sec. 15.

Irrigation: By flooding from Ditches generally toward the N.E.

Ditches: Shaped  approx.

Slope. 5'-6' fall per 1000'

Crop: Alfalfa

Note: Land irrigated is shown on Photo NZ-1F-102

Nov. 3, 1971, L. E. Gould

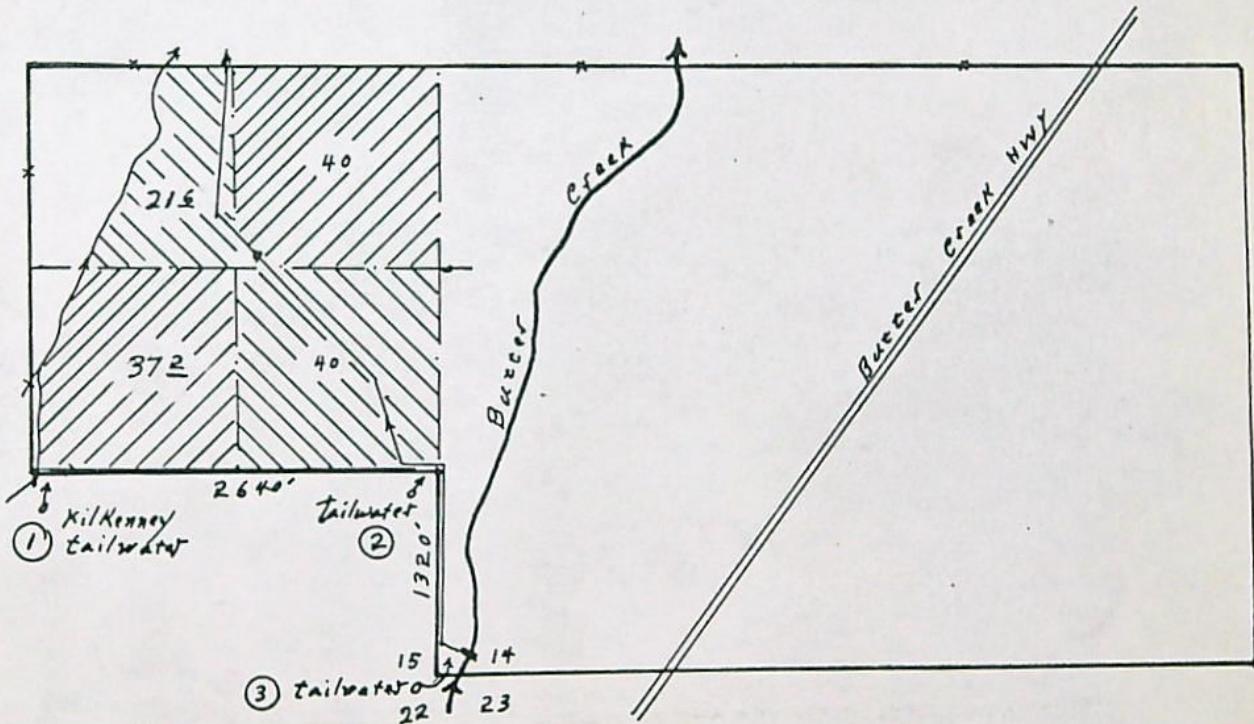
Field Engineer

Oscar D. McCarty

Star Rd.

Echo, Oregon 97826

RECEIVED
JUN 6 1969
STATE ENGINEER
SALEM, OREGON



T 2 N R 27 E W.M.

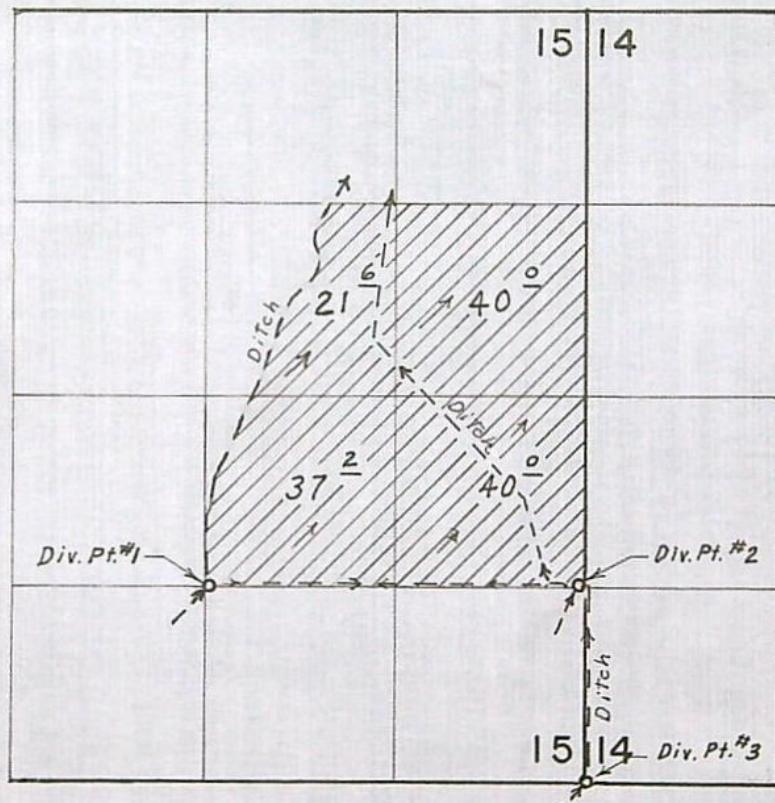
Scale: 1" = 1320'

RECEIVED
MAR 21 1969
STATE ENGINEER
SALEM, OREGON

Application No. 45823

Permit No. 34247

T.2 N.R.27 E.W.M.



Div. Pts. Located: #1, 1330' N. & 2610' W.; #2, 1350' N. & 30' W.; #3, 10' N. & 10' E. all from S.E. Cor. Sec. 15

**FINAL PROOF SURVEY
UNDER**

Application No. 45873 Permit No. 34247

IN NAME OF

OSCAR D. McCARTY

Surveyed Nov. 3, 1971, by L. E. Gould