

PETITION FOR CHANGE OF PLACE OF USE OF WATER

TO THE STATE SUPERVISOR OF WATER RESOURCES OF WASHINGTON:

The undersigned, your petitioner, respectfully represents:

First: That he is a user of waters of Upper Stone Creek under Certificate No. 5, decreed right, State of Washington, plaintiff, vs. Carmino Alessio, et al, defendants, Court Decree Cause No. 15409, Upper Stone Creek Adjudication or appropriation made by claimant, Joseph Edward Painter, 9 acres of water in class No. 1, date 1863, by virtue of said cause No. 15409, Upper Stone Creek Adjudication.

Second: That such rights consist of 0.119 cubic feet of water per second from April 1 to November 1, each year.

Third: That he wishes to change the point of diversion and place of use of such water to the extent of 0.010 cubic feet of water per second, April 1 to November 1 each year.

Fourth: That the use of such water is for the purpose of irrigation and that he diverts water from said stream at a point situated at the weir now located near the east line of the Northwest Quarter of the Northwest Quarter of Section 32, Township 7 North, Range 36, E.W.M., Walla Walla County, Washington.

Fifth: That he wishes to change said point of diversion to a point situated in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 28, Township 7 North, Range 36, E.W.M., Walla Walla County, Washington, such point being approximately 7,400 feet above the present point of diversion from the north fork of Upper Stone Creek.

Sixth: That the water is being used for the purpose of irrigation on the following described land (which description is erroneous):

The following described real property situated in Walla Walla County, Washington, to-wit: All that portion of Section 32, Township 7 North, Range 36, E.W.M. described as commencing at a point 93 links South of the established corner for Sections 29, 30, 31 and 32 of said township and range and running thence South 10.71 chains; thence north 86 d. 30' east 11.65 chains; thence north 30 d. West 11.10 chains; thence West 6.80 chains to the place of beginning; containing 9.89 acres.

The correct land description is as follows:

Beginning at a point in the West line of Section 32, Township 7 North, Range 36, E.W.M., which point is 54.78 feet South measured along said West line, from the Northwest corner of said Section 32, thence South along said West line of said Section 32, a distance of 706.86 feet; thence North 86° 30'; East, 833.8 feet more or less to the Westerly right-of-way line of the Oregon-Washington Railroad & Navigation Company; thence north-westerly along said Westerly line of said right-of-way to its point of intersection with a line drawn parallel to and 54.78 feet South of the North line of said Section 32; thence West 448.8 feet more or less to point of beginning; EXCEPTING therefrom a 30 foot strip of land on the West portion of said described tract used for county road.

located in Section 32, Township 7 North, Range 36, E.W.M.

Seventh: That he desires to change the place of use of said waters for the purpose of irrigation on the following described lands:

Beginning 110 feet East of the Northwest corner of Block 5, Spring Grove Addition No. 1 to City of Walla Walla, thence East 112.75 feet; thence South 300 feet; West 102.75 feet; North 200 feet; thence West parallel to the North line of said block, a distance of 10 feet; thence North 100 feet to the point of beginning.

located in Section 28, Township 7 North, Range 36, E.W.M., Walla Walla County, Washington, and that such changes can be made without detriment or injury to existing rights or the State's interest in water, as provided in Section 39, Chapter 117, Session Laws of 1917.

Dated this 3rd day of June, 1964.

Henry F. Bendix
Henry F. Bendix
818 E. Chestnut
Walla Walla, Washington