

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF PHILLIP L. HOON FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER FROM SCHWARTZ SPRING BRANCH)
- - - - -

ORDER APPROVING
TRANSFER NO. 3843

On November 29, 1977, an application was filed in the office of the Water Resources Director by Phillip L. Hoon for approval of a change in point of diversion from Schwartz Spring Branch, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the State Engineer, entered June 1, 1973, approving transfer application No. H-128, the right previously described by the certificate recorded at page 5520, Volume 6, State Record of Water Right Certificates, in the name of Lane Hoon, now exists for the appropriation of water from Schwartz Spring Branch, with a date of priority of 1880, for domestic and stock use and for irrigation of a certain 5.0 acres in SW¹/₄ SW¹/₄ of Section 15; 5.0 acres in NE¹/₄ NW¹/₄ and 20.0 acres in S¹/₂ NW¹/₄ NW¹/₄ of Section 22, Township 6 North, Range 34 East, W.M., from point of diversion No. 1 located 1040 feet South and 1090 feet East from the North Quarter Corner of Section 22, being within the NW¹/₄ NE¹/₄ of said Section 22; and irrigation of a certain 1.9 acres in NW¹/₄ SW¹/₄, 13.1 acres in SW¹/₄ SW¹/₄ and 20.0 acres in SE¹/₄ SW¹/₄ of Section 15, from point of diversion No. 2 located 260 feet South and 1260 feet East from the Northwest Corner of Section 22, being within the NW¹/₄ NW¹/₄ of Section 22.

The applicant herein, owner of the lands above described, proposes to change from point of diversion No. 1, described above, for irrigation of said 5.0 acres in SW¹/₄ SW¹/₄ of Section 15 and 20.0 acres in S¹/₂ NW¹/₄ NW¹/₄ of Section 22 and, without loss of priority, hereafter obtain water for irrigation of said lands from point of diversion No. 2, described above.

Notice of the application, pursuant to ORS 540.510, was published in The Valley Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of December 15, 22 and 29, 1977.

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

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

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

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

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

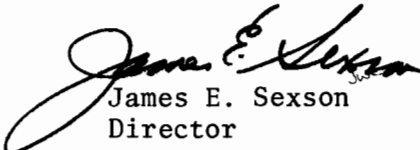
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order a new confirming certificate be issued to the applicant herein to supersede the prior certificate recorded at page 5520, Volume 6, State Record of Water Right Certificates, canceled by provision of the order of the State Engineer entered on June 1, 1973, approving transfer application No. H-128.

Dated at Salem, Oregon, this 9th day of February, 1978.


James E. Sexson
Director