

2603

Basil J. TONE
12235 Hwy. 101 South
Tillamook, OREGON 97141

2603

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed Feb. 8, 1972
 Date of hearing Sept 14 1972 9:30 ✓
 Place of hearing Tillamook
 Date of order Oct. 19, 1972 Vol. 22, page 229
 Date for application of water 10-1-73
 Proof mailed _____
 Proof received _____
 Certificate issued **NOV 28 1977** ol. 37, page 44997E
SEP 3 1982 45, page 51217 ✓

DESCRIPTION OF WATER RIGHT

Name of stream Munson Creek
 Trib. of Tillamook River County of Tillamook
 Use Irrigation
 Quantity of water _____ No. of acres 49 1/2
 Name of ditch _____
 Date of priority June 15, 1910
 In name of Margaretha Schild
 _____ Adjudication, Vol. _____, page _____
 App. No. 768 Per. No. 378 Cert. No. 751
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2-8-72</u>	<u>28.90</u>	<u>27090 *</u>
<u>6-26-72</u>	<u>26.10 (PON)</u>	<u>29315</u>
<u>9-15-72</u>	<u>7.00 PON</u>	<u>30691</u>
TOTAL . . .	<u>3.00</u>	<u>30692</u>
<u>9-15-72</u>	<u>\$1 Cert. Fee</u>	<u>30692</u>
* <u>9-26-72</u>	<u>*3.90 transf to PON</u>	<u>CT 51</u>

FEES REFUNDED

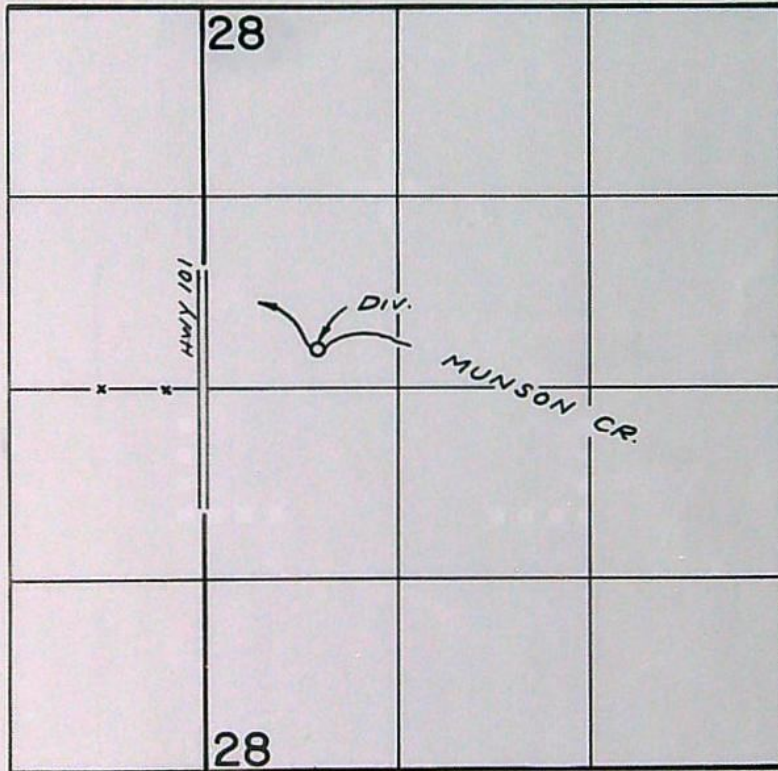
Date	Amount	Check No.

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
_____ Name	_____	_____
✓ _____ Stream	_____	_____
_____ Pt. of Div.	_____	_____
_____ Calendar	_____	_____
_____ CHECKED TO RECORDS:		
✓ _____ Twp. & Ege.	<u>ds</u>	_____
_____ Decree-vault	_____	_____
_____ Decree-safe	_____	_____
✓ _____ Cert. of W/R	<u>ds</u>	_____
✓ _____ Per. Folder	<u>ds</u>	_____
_____ Chaindex	_____	_____
_____ Cross Ref.	_____	_____
_____ Power Claim	_____	_____
_____ Abstracts	_____	_____

Goodman

T.2S.R.9W.W.M.



DIV. PT. LOC: 270' N. & 790' E. FROM W. $\frac{1}{4}$ COR. SEC. 28

FINAL PROOF SURVEY UNDER

TRANSFER NO. 2603
Application No. Permit No.
IN NAME OF

..... *Bill Goodman*

Surveyed *AUG. 4, 1977*, by *L. MUNN*.....
FEB. 13, 1980 *R. G. MUCKEN*

T-2603

44997
111 Sp. Cr. V. 211 p. 21

STATE OF OREGON

WATER DIVISION NO. 1 COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That **Bill Goodman** of Oregon **97141**, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of **Munson or Morrison Creek**, a tributary of **Tillamook River**, for the purpose of the irrigation of **42.5** acres of land

under Permit No. **378** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume **1** at page **168**, on the **16th** day of **November**, **1914**; that the priority of the right hereby confirmed dates from **June 15, 1910**; 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 **0.53** cubic feet per second, **if available at the original point of diversion**. The use of the equivalent in case of rotation. The use of the water shall conform to any reasonable rotation system ordered by the proper state officer. A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

10 acres in the SE^{1/4} of SW^{1/4}; 10 acres in the NW^{1/4} of SW^{1/4}; 10 acres in the NE^{1/4} of SW^{1/4}; Section Twenty-eight (28), Township Two (2) South Range Nine (9) West of Willamette Meridian.

10.0 acres SW^{1/4}NW^{1/4}
15.5 " NE^{1/4}SW^{1/4}
17.0 " NW^{1/4}SW^{1/4}
Sec 28
T2S R9W WM

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

POD: SW^{1/4}NW^{1/4} Sec 28 T2S R9W WM
270' NE 790' E from W^{1/4} cor sec 28

1/80th
2 1/2 af
NWA-SEA, Sec 28, T2S, R9W, WM, 3025.7 S & 35.35' E from NW cor Sec 28

This certificate is issued to confirm a change in ~~place of use~~ and point of diversion approved by an order of the Water Resources Director entered **10-19-72** and together with certificate of water right recorded at page **44997**, Volume **37**, State Record of Water Right Certificates, supersedes certificate **751**.

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

1291B
1291B

51217

BEFORE THE STATE ENGINEER OF OREGON

Tillamook County

IN THE MATTER OF THE APPLICATION)
OF BASIL J. TONE FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM MUNSON CREEK)

ORDER APPROVING
TRANSFER NO. 2603

On February 8, 1972, Basil J. Tone filed an application in the office of the State Engineer for a change in point of diversion of water from Munson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Margaretha Schild and recorded at page 751, Volume 1, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.70 cubic foot per second of water from Munson Creek for the irrigation of, among other lands, 10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 15.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 17.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 2 South, Range 9 West, W.M., with a date of priority of June 15, 1910. These lands are irrigated from a point of diversion located 3025.7 feet South and 3555 feet East from the NW corner of Section 28, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 2 South, Range 9 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation from a point of diversion 252.98 feet North and 754.50 feet East from the West $\frac{1}{4}$ corner of Section 28, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 2 South, Range 9 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Tillamook, Oregon, on September 14, 1972, at 9:30 a.m. The notice was published in the

Headlight Herald, a newspaper printed and having general circulation in Tillamook County, Oregon, for a period of three weeks in the issues of July 20, 27, and August 3, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clayton Gardner, Watermaster of District No. 1, has filed a report 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 proposed change in point of diversion of water from Munson Creek, to-wit:

From a point located 3025.7 feet South and 3555 feet East from the Northwest corner of Section 28, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 2 South, Range 9 West, W.M.

To a point to be located 252.98 feet North and 754.50 feet East from the West $\frac{1}{4}$ corner of Section 28, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 2 South, Range 9 West, W.M.

for the irrigation of 10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 15.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 17.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 28, Township 2 South, Range 9 West, W.M., with a date of priority of June 15, 1910, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1973.

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, and shall not exceed 0.53 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 certificate of water right heretofore issued to Margaretha Schild and recorded at page 751, Volume 1, State Record of Water Right Certificates is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Basil J. Tone confirming the change in point of diversion.

Dated at Salem, Oregon, this 19th day of October, 1972.

/s/ CHRIS L. WHEELER
State Engineer

WHEELERS FALLS
Gibbsville Oregon State

STATE OF OREGON

WATER DIVISION NO. 1 COUNTY OF TILLAMOOK

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That MARGARETHA SCHILD

of Hemlock, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Munson or Morrison Creek, a tributary of Tillamook River, for the purpose of the irrigation of 135 acres of land

under Permit No. 378 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at page 168, on the 18th day of November, 1914; that the priority of the right hereby confirmed dates from June 15, 1910; 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 0.17 cubic feet per second, or its equivalent in case of rotation. The use hereunder shall conform to any reasonable rotation system ordered by the proper state officer. A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows:

10 acres in the SW 1/4 of NW 1/4; 26 acres in the NW 1/4 of SW 1/4; 20 acres in the NE 1/4 of SW 1/4; Section Twenty-eight (28), Township Two (2) South Range Nine (9) West of Willamette Meridian.

	10.0 ac in SW 1/4 NW 1/4	10.0
4.5	acres NE 1/4 SW 1/4	
9.0	26.0 acres NW 1/4 SW 1/4	17.0
4.5	20.0 ac in NE 1/4 SW 1/4	15.5
<u>13.5</u>	Section 28	42.5
0.17	T 2 S, R 9 W, WM	0.53

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 751, Volume 1, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Oct 19, 1972, approving transfer application No. 2603.

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

Witness the seal and signature of the STATE

WATER BOARD affixed this 16th day of December, 1914.

(SEAL OF STATE WATER BOARD)

STATE WATER BOARD

By JOHN H. LEWIS State Engineer, President

Attest: M. F. MERS Secretary

Recorded in State Record of Water Right Certificates, Volume 1, Page 751

C-44777

BEFORE THE STATE ENGINEER OF OREGON

Tillamook County

IN THE MATTER OF THE APPLICATION)
OF BASIL J. TONE FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM MUNSON CREEK)

ORDER APPROVING
TRANSFER NO. 2603

On February 8, 1972, Basil J. Tone filed an application in the office of the State Engineer for a change in point of diversion of water from Munson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Margaretha Schild and recorded at page 751, Volume 1, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.70 cubic foot per second of water from Munson Creek for the irrigation of, among other lands, 10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 15.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 17.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 28, Township 2 South, Range 9 West, W.M., with a date of priority of June 15, 1910. These lands are irrigated from a point of diversion located 3025.7 feet South and 3555 feet East from the NW corner of Section 28, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 2 South, Range 9 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation from a point of diversion 252.98 feet North and 754.50 feet East from the West $\frac{1}{4}$ corner of Section 28, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 2 South, Range 9 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Tillamook, Oregon, on September 14, 1972, at 9:30 a.m. The notice was published in the

Headlight Herald, a newspaper printed and having general circulation in Tillamook County, Oregon, for a period of three weeks in the issues of July 20, 27, and August 3, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clayton Gardner, Watermaster of District No. 1, has filed a report 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 proposed change in point of diversion of water from Munson Creek, to-wit:

From a point located 3025.7 feet South and 3555 feet East from the Northwest corner of Section 28, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 2 South, Range 9 West, W.M.

To a point to be located 252.98 feet North and 754.50 feet East from the West $\frac{1}{4}$ corner of Section 28, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 2 South, Range 9 West, W.M.

for the irrigation of 10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 15.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 17.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 28, Township 2 South, Range 9 West, W.M., with a date of priority of June 15, 1910, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1973.

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, and shall not exceed 0.53 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 certificate of water right heretofore issued to Margaretha Schild and recorded at page 751, Volume 1, State Record of Water Right Certificates is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Basil J. Tone confirming the change in point of diversion.

Dated at Salem, Oregon, this 19th day of October, 1972.

/s/ CHRIS L. WHEELER
State Engineer

Affidavit of Publication

(Copy of notice to
be pasted here)

State of Oregon, County of Tillamook,—ss.

I, Edith Robideau being first duly

sworn, depose and say that I am the Office Manager
of the Headlight-Herald, a newspaper of general circulation as
defined by Section 58, Oregon Laws, printed and published in

the aforesaid county and state; that Water Resources Dept.
Notice of Filing Application for a change
in Point of Diversion of water....., a printed copy of which is

hereto annexed, was published in the entire issue of said news-

paper for 3 successive and consecutive weeks in the
following issues:

July 20-27

Aug. 3

Edith Robideau

Subscribed and sworn to before me this 3rd. day of

August 19 72

William G Kelly
Notary Public for Oregon

(My Commission expires Nov 2 1973)

Price Charged for this notice \$.37.00

NOTICE OF
FILING APPLICATION FOR
A CHANGE IN POINT OF
DIVERSION OF WATER

Notice is given hereby that
Basil J. Tone has filed an
application for the approval
of a change in point of di-
version of water from Mun-
son Creek.

Certificate of water right
issued to Margaretha Schild
and recorded at page 751,
Volume 1, State Record of
Water Right Certificates,
confirms a right to the use
of the waters of Munson Creek
for the irrigation of among
other lands, 10.0 acres in
SW1/4 NW1/4, 17.0 acres in
NW1/4 SW1/4, 15.5 acres in
NE1/4 SW1/4, Section 28,
Township 2 South, Range 9
West, W.M., with a date of
priority of June 15, 1910.

The point of diversion is
located 3025.7 feet South and
3555 feet East from the North-
west corner of Section 28,
being within the NW1/4 SE1/4
of Section 28, Township 2
South, Range 9 West, W.M.

The applicant herein, owner
of the lands above described,
proposes to irrigate these
lands from a point of diver-
sion to be located 252.98 feet
North and 754.50 feet East
from the West 1/4 corner of
Section 28, being within the
SW1/4 NW1/4 of Section 28,
Township 2 South, Range 9
West, W.M.

All persons interested are
notified hereby that a hearing
will be held at the county
courthouse at Tillamook,
Oregon, on September 14,
1972, at 9:30 a.m. All ob-
jections to the proposed
change, if any there are, will
be heard at said time and
place. Any and all objections
shall be prepared in writing,
one copy to be served on
Basil J. Tone, 12235 Highway
101 South, Tillamook, Oregon,
and one copy filed with the
State Engineer, Salem, Ore-
gon, together with a \$5 filing
fee, at least 10 days prior
to the date set for hearing.
If no objections are filed, the
application may be approved
by the State Engineer without
a hearing. Administrative
rules pertaining to the filing
of a protest will be furnished
by the State Engineer upon
request.

Dated at Salem, Oregon,
this 14th day of July, 1972.
CHRIS L. WHEELER
State Engineer



Handwritten initials 'ST'.