

DVA Notification 2716

STATUS OF APPLICATION

Change in Point of Diversion
Date filed Sept 19, 1972
Date of hearing February 7 1973
Place of hearing Hood River, Or
Date of order April 19 1973 Vol. 23, page 132
Date for application of water October 1, 1973
Proof mailed _____
Proof received _____
Certificate issued FEB 26 1974 Vol. 31, page 20833
NOV 23 1976 Vol. 36, page 43359
43960

DESCRIPTION OF WATER RIGHT

Name of stream INDIAN Creek
Trib. of _____ County of Hood River
Use Irrigation
Quantity of water _____ No. of acres 20⁰⁰
Name of ditch private
Date of priority 1876
In name of Grace H. Hilles
Hood River Adjudication, Vol. 6, page 239
App. No. _____ Per. No. _____ Cert. No. 14972
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
9-19-72	25.00	30760
9-19-72	35.00 P.O.N.	30761
TOTAL . . .		
1-8-73	3 ⁰⁰ Cert. Fee	From P.O.N.

FEES REFUNDED

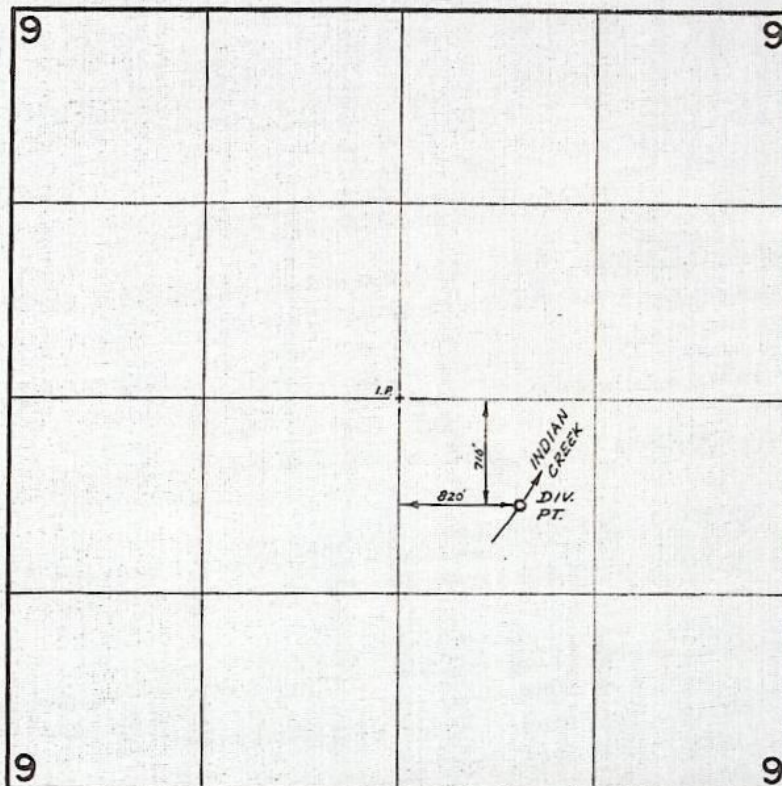
Date	Amount	Check No.
1-8-73	12.56 P.O.N.	5086

REMARKS

Survey irrigated land

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		
		Entered	Checked
	<input checked="" type="checkbox"/> Name	<u>st</u>	___
	<input checked="" type="checkbox"/> Section	<u>st</u>	___
	<input type="checkbox"/> Pt. of Div.	___	___
	<input checked="" type="checkbox"/> Calendar	<u>st</u>	___
	CHECKED TO RECORDS:		
	<input checked="" type="checkbox"/> Twp. & Rge.	<u>st</u>	___
	<input checked="" type="checkbox"/> Decree-vault	<u>st</u>	___
	<input checked="" type="checkbox"/> Decree-safe	<u>st</u>	___
	<input checked="" type="checkbox"/> Cert. of W/R	<u>st</u>	___
	<input type="checkbox"/> Per. Folder	___	___
	<input type="checkbox"/> Chainindex	___	___
	<input type="checkbox"/> Cross Ref.	___	___
	<input type="checkbox"/> Power Claim	___	___
	<input type="checkbox"/> Abstracts	___	___

T.2N., R.10E., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2716

Application No. _____ Permit No. _____
IN NAME OF

WALLACE JOHNSON

Surveyed April 15, 1975, by D. Norby

STATE OF OREGON

COUNTY OF HOOD RIVER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

Rt 3 Box 1268

Wallace Johnson

Grace H. Hiller

of Hood River, State of Oregon 97031, has a right to the use of

the waters of ~~Spring in NW 1/4 SW 1/4, Sec. 9, T. 2 N., R. 10 E., W. M., Tract #1; 2 springs in~~
~~SE 1/4 SW 1/4 & SW 1/4 SE 1/4, Sec. 9, T. 2 N., R. 10 E., W. M., Tract #2; Indian Creek, Tract #3;~~
 for the purpose of ~~the~~ Irrigation and domestic of 20 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Hood River County, and the said decree entered of record at Salem, in the Order Record of
 the STATE ENGINEER, in Volume 6, at page 200; that the priority of the right thereby
 confirmed dates from 1880 for Tract #1 and Tract #2, 1876 for Tract #3;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed one eightieth of one
 cubic foot per second per acre, or its equivalent in case of rotation, and that
 the total quantity diverted during the irrigation season shall not exceed three
 acre feet per acre, measured at the point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or,
 if for other purposes, the place where such water is put to beneficial use), is as follows:

~~Tract #1~~~~5 acres in NE 1/4 SW 1/4~~~~20 acres in NW 1/4 SE 1/4~~~~Section 9~~~~T. 2 N., R. 10 E., W. M.~~~~Tract #2~~~~8 acres in NW 1/4 SE 1/4~~~~Section 9~~~~T. 2 N., R. 10 E., W. M.~~~~Tract #3~~~~2 acres in NE 1/4 SW 1/4~~~~20 acres in NW 1/4 SE 1/4~~~~Section 9~~~~T. 2 N., R. 10 E., W. M.~~This certificate is issued to confirm a change in P.O.D.approved by an order of the Water Resources Director entered April 19, 1973

together with certificate 39833

and supersedes certificate of water right issued to aboveand recorded at Page 14972, Volume 12, State Record of Water Right Certificates.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 1977.CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 12, page 14972

P.O.D. NW 1/4 SE 1/4 Sec 9 T2N R10E WM
 710'S, 820'E from the center 1/4 cor Sec 9

BEFORE THE STATE ENGINEER OF OREGON

Hood River County

IN THE MATTER OF THE APPLICATION)
OF WALLACE JOHNSON FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM INDIAN CREEK)

ORDER APPROVING
TRANSFER NO. 2716

On September 19, 1972, Wallace Johnson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Indian Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Hood River County, Oregon, entered October 24, 1921, In the matter of the Determination of the Relative Rights to the Use of the Waters of Hood River and its Tributaries, a water right was established in the name of Grace H. Hilles for the use of the waters of Indian Creek for the irrigation of, among other lands, 20.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 2 North, Range 10 East, W.M., with a date of priority of 1876, as evidenced by certificate of water right recorded at page 14972, Volume 12, State Record of Water Right Certificates. These lands are irrigated from a point of diversion located 250 feet South from the SW corner of Section 9, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 2 North, Range 10 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 540 feet South and 870 feet East from the center of Section 9, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 2 North, Range 10 East, 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 Hood River, Oregon, on February 7, 1973, at 9:30 a.m. The notice was published in the Hood River News, a newspaper printed and having general circulation in Hood River County, Oregon, for a period of three weeks in the issues of December 14, 21, and 28, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. William I. Porfily, Watermaster of District No. 3, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from Indian Creek, to-wit:

From a point located 250 feet South from the SW corner of Section 9, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 2 North, Range 10 East, W.M.

To a point to be located 540 feet South and 870 feet East from the center of Section 9, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 2 North, Range 10 East, W.M.

for the irrigation of 20.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 2 North, Range 10 East, W.M., with a date of priority of 1876, 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.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.


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 Grace H. Hilles and recorded at page 14972, Volume 12, 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 Wallace Johnson confirming the change in point of diversion.

Dated at Salem, Oregon, this 19th day of April, 1973.

/s/ CHRIS L. WHEELER
State Engineer



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

Notice is given hereby that Wallace Johnson has filed an application for the approval of a change in point of diversion of water from Indian Creek.

In the Hood River Adjudication proceedings a water right was established in the name of Grace H. Hillis for the use of the waters of Indian Creek for domestic and irrigation of, among other lands, 20.0 acres in the NW¹/₄ SE¹/₄, Section 9, Township 2 North, Range 10 East, W.M., with a date of priority of 1876.

These lands are irrigated from a point of diversion located 250 feet South and 0 feet from the SW corner of Section 9, being within the NW¹/₄ NW¹/₄ of Section 16, Township 2 North, Range 10 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 540 feet South and 870 feet East from the center of Section 9, being within the NW¹/₄ SE¹/₄ of Section 9, Township 2 North, Range 10 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Hood River, Oregon, on February 7, 1973, at 9:30 a.m. All objections 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 Wallace Johnson, Route 3, Box 1268, Hood River, Oregon 97031, and one copy filed with the State Engineer, Salem, Oregon, 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 8th day of December, 1972.

CHRIS L. WHEELER
State Engineer
51, 53-3T

Affidavit of Publication

RECEIVED
JAN 2 1973
STATE ENGINEER
SALEM OREGON

2716

STATE OF OREGON

COUNTY OF HOOD RIVER

ss.

I, Carol VanRas

being first duly sworn, depose and say that I am the Secretary of THE HOOD RIVER NEWS, a newspaper of general circulation printed and published at Hood River in the aforesaid county and state, as defined by ORS 193.010 and 193.020; and NOTICE OF FILING APPLICATION FOR A CHANGE that IN POINT OF DIVERSION OF WATER - Wallace Johnson a printed copy of which is hereto annexed, was published in the entire issue of said

newspaper for three

successive and consecutive weeks in the following issues.....

December 14, 21 and 28, 1972

Subscribed and sworn to before me this

day of December

19 72

June 3, 1973

(My Commission Expires.....)

Notary Public for Oregon

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Dated at Salem, Oregon, this 8th day of December, 1972.

CHRIS L. WHEELER
State Engineer
51,53-3T

Affidavit of Publication

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STATE OF OREGON
COUNTY OF HOOD RIVER

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I, Carol VanRas

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that IN POINT OF DIVERSION OF WATER - Wallace Johnson
a printed copy of which is hereto annexed, was published in the entire issue of said

newspaper for three

successive and consecutive weeks in the following issues.....

December 14, 21 and 28, 1972

Subscribed and sworn to before me this 28th

day of December, 19 72

Richard A. McKay
June 3, 1973

Notary Public for Oregon

(My Commission Expires.....)