

2733

STATUS OF APPLICATION

Change in Point of Diversion
Date filed Nov. 9, 1972
Date of hearing Sept 11, 1973
Place of hearing Heppner
Date of order 12-13-73 Vol. 23, page 423-5
Date for application of water 10-1-74
Proof mailed _____
Proof received _____
Certificate issued MAY 24 1974 Vol. 32, page 4039

NOV 23 1976 9-11-73 hearing
Vol. 36, page 44021

DESCRIPTION OF WATER RIGHT

Name of stream Willow Creek
Trib. of _____ County of Morrow
Use Irrigation
Quantity of water _____ No. of acres 3 1/2
Name of ditch Hopper Milling Co. ditch
Date of priority Aug. 23, 1917
In name of James O. Hager

_____ Adjudication, Vol. _____, page _____
App. No. 5701 Per. No. 3529 Cert. No. 388B
Certificate cancelled _____
Notation made on record by Jm DB

FEES PAID

Date	Amount	Receipt No.
11-9-72	20.00	31387
1-12-73	5.00	32060
1-12-73	40.00 Paid	32059
TOTAL . . .		
8-9-73	\$2.50 from P.O.N. Cert. Fee	→

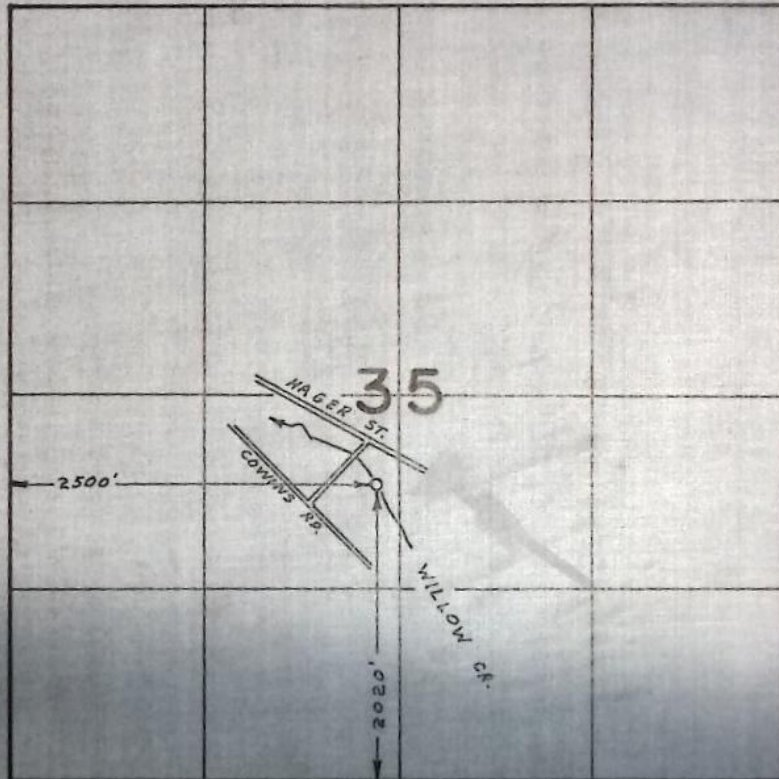
FEES REFUNDED

[illegible]

REMARKS

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

T.2S. R.26E. W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2733

Application No. Permit No.
IN NAME OF

..... GENE O. PIERCE

Surveyed SEP 11 1975, by L.H. NUNN

BEFORE THE STATE ENGINEER OF OREGON

Morrow County

IN THE MATTER OF THE APPLICATION }
OF GENE O. PIERCE FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM WILLOW CREEK }

ORDER APPROVING
TRANSFER NO. 2733

On November 9, 1973, Gene O. Pierce filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to James O. Hager and recorded at page 3388, Volume 4, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.06 cubic foot per second of water from Willow Creek, for the irrigation of, among other lands, 2.4 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 2 South, Range 26 East, W.M., with a date of priority of August 23, 1917. The water is conveyed to these lands by means of the Hager Ditch from a point of diversion located 740 feet North and 400 feet West from the Southeast corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 2 South, Range 26 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 780 feet North and 160 feet West from the SE corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 2 South, Range 26 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 at Heppner, Oregon, on September 11, 1973 at 9:30 a.m. The notice was published in the Heppner Gazette Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of

three weeks in the issues of July 19, 26 and August 2, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

W. N. Perry, Watermaster Supervisor, 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 proposed change in point of diversion of water from Willow Creek, to-wit:

From a point located 740 feet North and 400 feet West from the SE corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 2 South, Range 26 East, W.M.

To a point to be located 780 feet North and 160 feet West from the SE corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 2 South, Range 26 East, W.M.

for the irrigation of, among other lands, 2.4 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 2 South, Range 26 East, W.M., with a date of priority of August 23, 1917, 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, 1974.

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 0.03 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 James O. Hager and recorded at page 3388, Volume 4, 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 Gene O. Pierce confirming the change in point of diversion.

Dated at Salem, Oregon, this 13th day of December 1973.

/s/ CHRIS L. WHEELER
State Engineer

Superseded by
Cert. No. 40398
Spec. Or. V. 22-1173

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

This is to Certify, That Gene O. Pierce
JAMES O. HAGER

of Box 36 Happner, 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
Willow Creek

a tributary of Columbia River for the purpose of the irrigation of 2.4 acres
under Permit No. 3529 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 410, on the 17th day of October, 1921
that the priority of the right hereby confirmed dates from August 23, 1917

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
0.06 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irriga-
tion shall conform to such reasonable rotation system as may be 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: 2.4 acres in the Northeast quarter of Southwest quarter of Section
Thirty-five, Township Two South, Range Twenty-six East of Willamette Meridian,
in Morrow County, Oregon.

The right to the use of the water for irrigation purposes 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 con-

This certificate is issued to confirm a change in

approved by an order of the SE Water Resources Director entered Dec 13, 1973,
together with cert 40398

and supersedes certificate of water right issued to above

and recorded at Page 3388, Volume 4, State Record of Water Right Certificates.

Attest: R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3388

P.O.D.: NE 1/4 SW 1/4 of Sec 35 T2S R26E WM,
2020' N x 2500' E from the SW cor of Sec 35

Chpt. of Div.

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

This is to Certify, That JAMES O. HAGER

of Happner, 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 Willow Creek, a tributary of Columbia River for the purpose of irrigation of 2.6 acres under Permit No. 3529 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 410, on the 17th day of October, 1921 that the priority of the right hereby confirmed dates from August 23, 1917

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 0.03 0.06 cubic feet per second, or its equivalent in case of rotation. The use hereunder for irrigation shall conform to such reasonable rotation system as may be 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:

5 acres in the Northeast quarter of Southwest quarter of Section Thirty-five, Township Two South, Range Twenty-six East of Willamette Meridian, in Morrow County, Oregon.

Div. Pt. - SE 1/4 SE 1/4 Sec. 35 T 2 S R 26 E WM

2.6 acres NE 1/4 SW 1/4
Section 35
T 2 S R 26 E WM

An order of the State Engineer entered Dec. 13 1923, approves a change in Pt. of Div. for the irrigation of 2.4 acres. This certificate is issued to confirm the remaining right and supersedes the certificate heretofore issued to James O. Hager and recorded at page 3388, State Record of Water Right Certificates.

(Seal of State Water Board)

Water Board, affixed this 17th day
of October, 1923
STATE WATER BOARD
By PERCY A. CUPPER
State Engineer, President
Attest: R. W. POTTER
Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 3388

NOTICE

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

Notice is given hereby that Gene O. Pierce has filed an application for the approval of a change in point of diversion of water from Willow Creek.

Certificate of water right issued to James O. Hager and recorded at page 3388, Volume 4, State Record of Water Right Certificates, confirms a right to use of not to exceed 0.06 cubic foot per second of water from Willow Creek, for the irrigation of, among other lands, 2.4 acres in the NE 1/4 SW 1/4, Section 35, Township 2 South, Range 26 East, W.M., with a date of priority of August 23, 1917.

The water is conveyed to these lands by means of the Hager Ditch from a point of diversion located 740 feet North and 400 feet West from the SE corner of SE 1/4 SE 1/4, being within the SE 1/4 SE 1/4 of Section 35, Township 2 South, Range 26 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 780 feet North and 160 feet West from the SE corner of NE 1/4 SW 1/4, being within the NE 1/4 SW 1/4 of Section 35, Township 2 South, Range 26 feet W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Heppner, Oregon, on September 11, 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 Gene O. Pierce, Box 36, Heppner, Oregon, 97836, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5.00 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 10th day of July, 1973.

CHRIS L. WHEELER
State Engineer

Published July 19 - 26, Aug.
2, 1973

RECEIVED
AUG 8 1973
STATE ENGINEER
SALEM OREGON

AFFIDAVIT OF PUBLICATION

STATE OF OREGON }
County of Morrow }

ss:

I, Ernest V. Joiner

being first duly sworn, depose and say that I am the publisher of the HEPPNER GAZETTE-TIMES, a newspaper of general circulation, as defined by O.R.S. 193.010 and 193.020; printed and published at Heppner, Oregon: that the Notice of application for a change in point of diversion of water from Willow Creek

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for (3) three successive and consecutive weeks in the following issues:

July 19, July 26, August 2

Subscribed and sworn to before me this 7
day of August, 1973

Milton Ray Boyce

Notary Public for Oregon

My Commission Expires: 3-22-75

(SEAL)

OK