

3606

STATUS OF APPLICATION

Change in point of diversion + place of use
Date filed 3-29-77
Date of hearing Dec 7, 1977
Place of hearing Pendleton
Date of order 3-17-78 Vol. 30, page 477
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued MAY 1 1978 Vol. _____, page 45581

Blank mailed
FEB 7 1989
APR 14 1989

60846

4/7/84 cert 210

DESCRIPTION OF WATER RIGHT

Name of stream Schwartz Springs
Trib. of _____ County of Ashtabula
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority _____
In name of Pine Creek Grant Low (C 5527)
Pine Creek Adjudication, Vol. 7, page 160
App. No. _____ Per. No. _____ Cert. No. 5527
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
3/29/77	\$127.50	59349
5-18-77	24.50	60597
TOTAL . . .		
11-9-77	#2 Cert. Fee	Transferred from 59349
Valley Herald #3843 ck #1752 11-9-77		

FEES REFUNDED

Date	Amount	Check No.
11-9-77	\$52.07	1753
Recd.		152.00
Fees: Exam 20-		
POU 22.50		
POD 15-		
Cert 2-		
PON 38.43		
97.93		
cert (T-3610) 2.00		
99.93		

REMARKS

See also T# 2803 & 3610

CARD FOR C DEC 26 1979

finis

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

NOTE NOTICE COVERS 1874 PART OF APPL. ONLY

Proposed Cert
AE

STATE OF OREGON

COUNTY OF

UMATILLA

SUPERSEDED 45581
CERTIFICATE NO.Proposed
CERTIFICATE OF WATER RIGHT

This is to Certify, That

Thomas O. Williams & Associates, Inc.

-GRANT-LOW

1217 Country Club Rd., Walla Walla
of Dayton, State of

Washington 99362 has a right to the use of

the waters of Schwartz Spring Branch, a tributary of Pine Creek

for the purpose of Irrigation
ing 73.6 acresand that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Umatilla County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 7, at page 148; that the priority
of the right thereby confirmed dates from 1874 for Tract #1, and 1900 for Tract #2;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;0.92 cfs; being 0.295 cfs for tract #1 if available
at the original point of diversion, and 0.675 cfs for tract #2A 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
SW 1/4 SE 1/4 12.6 acres
SE 1/4 SE 1/4 7.0 acres
Section 16Tract #2 SE 1/4 NE 1/4 2.0 acres
NE 1/4 SE 1/4 26.0 acres
NW 1/4 SE 1/4 12.0 acres
Section 16

Tract #1.

Township 6 North, Range 34 East, W.M.

Eight (8) acres in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4);
Four and six tenths (4.6) acres in the Southwest Quarter of the Southeast
Quarter (SW 1/4 SE 1/4), and Seven (7) acres in the Southeast Quarter of the South-
east Quarter (SE 1/4 SE 1/4) of Section Sixteen (16), Township Six (6), North, Range
Thirty-four (34) East of the Willamette Meridian, containing 19.6 acres.

Tract #2.

Thirty-five and four tenths (35.4) acres in the Southwest Quarter of the
Southeast Quarter (SW 1/4 SE 1/4); Twenty-four and three tenths (24.3) acres in
the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section Sixteen
(16); Forty (40) acres in the Northeast Quarter of the Northeast Quarter
(NE 1/4 NE 1/4) and forty (40) acres in the Northwest Quarter of the Northeast
Quarter (NW 1/4 NE 1/4) of Section Twenty-one (21), Township Six (6) North, Range
Thirty-four East of the Willamette Meridian, containing 159.7 acres.chg in pt. of div.
SP-Or-Vol. 17, p. 209

1 Clause

This certificate is issued to confirm a change in point of diversion
and place of use approved
by an order of the Water Resources Director entered March 17, 1978, and
together with certificate 45581, supersedes certificate 5527,
State Record of Water Right Certificates.

The issuance 540.610

RHEA LUPER

State Engineer.

Recorded in State Record of Water Right Certificates, Volume - 6 - , page 5527

T-3606

60846

T#3606

P.O.D. NE 1/4 SE 1/4, section 16; T. 6N, R. 34E, W. 1M, 1390' N & 1230' W from SE corner section 16.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF)
THOMAS O. WILLIAMS & ASSOCIATES, INC.)
FOR APPROVAL OF CHANGES IN PLACE OF)
USE AND POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3606

On March 29, 1977, an application was filed in the office of the Water Resources Director by Thomas O. Williams & Associates, Inc. for approval of changes in place of use and point of diversion from Schwartz Spring Branch, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 5527, Volume 6, State Record of Water Right Certificates, in the name of Grant Low, describes a right which includes the use of not to exceed 1/80th cubic foot per second per acre from Schwartz Spring Branch for irrigation of a certain 8.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 4.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 7.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, with a priority date of 1874; 12.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 7.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16 and 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, with a priority date of 1900, all within Township 6 North, Range 34 East, W.M.

Water for the said right with the priority date of 1874 is diverted from a point located 420 feet North and 10 feet West from the Southeast Corner of Section 16, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16.

Water for the said right with the priority date of 1900 is diverted from a point located 1400 feet South and 1320 feet East from the Center Corner of Section 16, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion for the right with the 1874 priority date therefrom and, without loss of priority, to irrigate in lieu thereof a certain 12.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 7.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16 from a point of diversion located 1400 feet South and 1320 feet East from the Center Corner of said Section 16, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16.

The applicant also proposes to change the place of use for the right with the 1900 priority date therefrom and, without loss of priority, to irrigate in lieu thereof a certain 10.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 30.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 19.6 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16.

U30, P477

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 October 6, 13 and 20, 1977.

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

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, are 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:

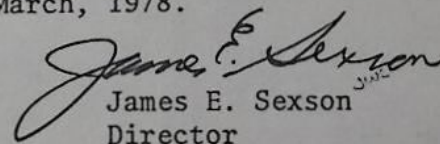
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Grant Low and recorded at page 5527, Volume 6, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, and 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 confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 17th day of March, 1978.


James E. Sexson
Director

V30, P478

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This is to Certify, That GRANT LOW

of Dayton, State of Washington has a right to the use of
the waters of Schwartz Spring Branch, a tributary of Pine Creek

for the purpose of ~~the~~ Irrigation of 80.1 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Umatilla County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 7, at page 148; that the priority
of the right thereby confirmed dates from ~~1874 for Tract #1, and 1900 for Tract #2;~~

~~POD: 1400'S S 1320' E from Center of Sec 16, being within the~~ SW 1/4 SE 1/4 of Sec 16, T6N, R34E, W.M.
~~1400'S S 1320' E from Center Sec 16~~

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;

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:

T# 3606

~~8.0 acres in NW 1/4 SE 1/4 - 8°~~~~4.6 acres in SW 1/4 SE 1/4 - 4°~~~~7.0 acres in SE 1/4 SE 1/4 - 7°~~~~Section 16~~~~T 6 N, R 34 E, W.M.~~

(NW 1/4 SE 1/4):
Southeast
the South-
North, Range
acres.

Tract #1.

Eight (8) acre
Four and six t
Quarter (SW 1/4 SE
east Quarter (1
Thirty-four (3

Tract 2:

~~22.8~~ 35.4 acres in SW 1/4 SE 1/4 - 12°~~17.3~~ 24.3 acres in SE 1/4 SE 1/4 - 7°

Section 16

~~40.0 acres in NE 1/4 NE 1/4 - 40°~~

40.0 acres in NW 1/4 NE 1/4

Section 21

T 6 N, R 34 E, W.M.

of the
res in
Sixteen
quarter
theast
h, Range
s.

chg in pt. of div.
SP. OR. Vol. 1, p. 409

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 5527, Volume 6, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on March 17, 1978, approving transfer application No. 3606.

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

of November, 1925.

RHEA LUPER

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 6, page 5527

T# 3606

NOTICE OF
WATER RIGHT TRANSFER
APPLICATIONS NOS. 3606 & 3610

Notice is given hereby that applications have been filed in the office of the Water Resources Director by Thomas O. Williams & Associates, Inc. for approval of changes in place of use and point of diversion from Schwartz Spring Branch.

The certificate recorded at page 5527, Volume 6, State Record of Water Right Certificates, in the name of Grant Low, describes a right which includes the use of not to exceed 1/80th cubic foot per second per acre from Schwartz Spring Branch for irrigation of 8.0 acres in NW¼ SE¼, 4.6 ac in SW¼ SE¼ and 7.0 ac in SE¼ SE¼ of Section 16, Township 6N, Range 34 East, WM, with a date of priority of 1874.

Water for the said right is diverted from a point located 420 ft. N and 10 ft. W from the SE corner of Sec 16, being within the SE¼ SE¼ of said Sec 16.

By application No. 3606, the applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 12.6 ac in SW¼ SE¼ and 7.0 ac in SE¼ SE¼ of said Sec 16 from a point of diversion located 1400 ft S and 1320 ft E from the center corner of Sec 16, being within the SW¼ SE¼ of said Sec 16.

The certificate recorded at page 5519, Volume 6, State Record of Water Right Certificates, in the name of Jos. E. Hoon, describes a right which includes the use of not to exceed 1/80th cubic foot per second per acre from Schwartz Spring Branch for irrigation of 40.0 ac in SW¼ NW¼ of Sec 22, T 6 N, R 34 E, WM, with a date of priority of 1880.

Water for the said right is diverted, through the Hoon Ditch, from a point located 960 ft S and 1005 ft E from the N¼ cor of Sec 22, being within the NW¼ NE¼ of said Sec 22.

By application No. 3610, the applicant herein, also owner of the lands above described, proposes to change the place of use and point of diversion therefrom, and without loss of priority, to irrigate in lieu thereof a certain 40.0 ac in NE¼ NE¼ of Sec 21, T 6 N, R 34 E, WM, from the same proposed point of diversion described above as located within the SW¼ SE¼ of Sec 16, T 6 N, R 34 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse in Pendleton, Oregon, on December 7, 1977, 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 Thomas O. Williams & Associates, Inc., 1217 Country Club Rd., Walla Walla, WA 99362 and one copy filed with the Water Resources Department, Salem, OR 97310, together with a \$10 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 WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 26th day of September, 1977.

James E. Sexson
Director

40-42-C

Form 4. Proof of Publication. ORS 111,215(3).

(Title of Court and Cause)

No. _____
PROOF OF PUBLICATION OF
NOTICE

State of Oregon)
County of Umatilla) ss.

I, Dianne Zimmerman, being first duly sworn,
on oath say that I am the Principal Clerk
of The Valley Herald, a newspaper of general circulation, as defined
by ORS 193.010 and 193.020, printed and published at Milton-Free-
water, Oregon, and that the notice, a copy of which is annexed, was
published in the entire issue of said newspaper in the following _____
issues.

Oct. 6 Oct. 13 Oct. 20

Dianne Zimmerman
Subscribed and sworn to before me this 20 day of

October, 19 77

Vi Hilton
Notary public for Oregon

My commission expires: July 5, 1981



RECEIVED

NOV 1 1977

WATER RESOURCES DEPT
SALEM, OREGON