

3610

STATUS OF APPLICATION

Change in POU & POD  
 Date filed 4-4-77  
 Date of hearing Pendleton  
 Place of hearing Dec 7, 1977  
 Date of order 3-17-78 Vol. 30, page 479  
 Date for application of water 10-1-79  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_

Certificate issued MAY 1 1978 Vol. \_\_\_\_\_, page 45582  
60847

*Blank mailed*  
**FEB 7 1989**  
**APR 14 1989**

G-7964

DESCRIPTION OF WATER RIGHT

Name of stream Schwartz Spring Creek  
 Trib. of \_\_\_\_\_ County of Umatilla  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch \_\_\_\_\_  
 Date of priority \_\_\_\_\_  
 In name of Jos. E. Hoon  
Pine Creek Adjudication, Vol. 7, page 159  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 5519  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by Ju DB

FEES PAID

Date	Amount	Receipt No.
<u>5-18-77</u>	<u>47.50</u>	<u>60598</u> <i>Trsf 3606</i>
<b>TOTAL . . .</b>		
<u>11-9-77</u>	<u>\$2 Cert. Fee</u>	<i>Trsf. 61000 3606 Rec 59349</i>

FEES REFUNDED

Date	Amount	Check No.
	<i>Recd</i>	<u>47.50</u>
	<i>Exam</i>	<u>20-</u>
	<i>Pou</i>	<u>12.50</u>
	<i>Pod</i>	<u>15-</u>
	<i>Cert</i>	<u>2-</u> <u>49.50</u>
	<i>need</i>	<u>2-</u>

REMARKS

*finis*

See also T# 2803, 3606  
 CARD FOR C DEC 26 1979

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

*Proposed C-1*

STATE OF OREGON

COUNTY OF UMATILLA

*Proposed*

CERTIFICATE OF WATER RIGHT

This is to Certify, That *Thomas O. Williams & Associates, Inc.*  
*JOS. E. HOON*  
1217 Country Club Rd., Walla Walla  
of Freswater, State of Oregon *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 39.5 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 1860;

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; *0.49 cfs if available at the original point*  
*of diversion: (Hoon Ditch) NW 1/4 NE 1/4, Section 22, T. 6N., R. 34E., W.M., 960' S & 1055' E from*  
*N 1/4 corner section 22.*

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:  
P.O.D. NE 1/4 SE 1/4 Section 16, T. 6N., R. 34E., W.M.; 1340' N & 1230' W from SE corner sec 16.

*180*

Forty (40) acres in the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) and  
Forty (40) acres in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of  
Section Twenty-two (22), Township Six (6) North, Range Thirty-four (34) East of  
the Willamette Meridian, containing 80 acres.

*NE 1/4 NE 1/4 39.5 acres*  
*Sec 21*  
*T. 6N., R. 34E., W.M.*

~~And said right shall be subject to all other conditions and limitations contained in said decree.~~

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of \_\_\_\_\_

**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 45582, supersedes certificate 5519,  
State Record of Water Right Certificates.

The issuance ..... 540.610

*60847*

... of water right certificates, Volume - 6 -, page 5519.

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 )  
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ORDER APPROVING  
TRANSFER NO. 3610

On April 4, 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 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 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22, Township 6 North, Range 34 East, W.M., with a date of priority of 1880.

Water for the said right is diverted, through the Hoon Ditch, from a point located 960 feet South and 1055 feet East from the North Quarter Corner of Section 22, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 22.

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 40.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, Township 6 North, Range 34 East, W.M., from a point of diversion 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.

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.

V 30, P 479

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as described herein, without loss of priority, 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:

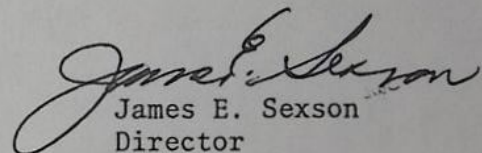
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 Jos. E. Hoon and recorded at page 5519, 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

770  
V30, P480