

HARVEY L. YOUNG
Rt 1 Box 43A
LOWDEN, WASHINGTON 99342

STATUS OF APPLICATION

PROTESTED

3650

DESCRIPTION OF WATER RIGHT

Change in point of diversion
Date filed 4-28-77
Date of hearing Oct. 12, 1977
Place of hearing Pendleton Room 114 Umatilla
County Courthouse
Date of order 7-13-78 Vol. 31, page 43
Date for application of water 10-1-79 9-1-80 BE
Proof mailed _____

Proof received

Certificate issued AUG 10 1978 Vol. 38, page 46240
JAN 19 1981 43 49820
JAN 19 1981 43 49821
to survey 7/78

Name of stream Schwartz Springs
Trib. of _____ County of Monroville
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch Lowe-Young
Date of priority 1874 & Oct. 10, 1966

In name of
Pine Creek Adjudication, Vol. 7, page [✓]*163*
 App. No. [✓]*42898* Per. No. *32059* Cert. No. ^{✓✓}*38870*
 Certificate cancelled
 Notation made on record by

FEE PAID

Date	Amount	Receipt No.
4-28-77	85 ⁰⁰	60064
TOTAL . . .		
10-12-77	\$2 Cert. Fee	60064
Valley Herald 32.40 10/13/77 ck #1638		

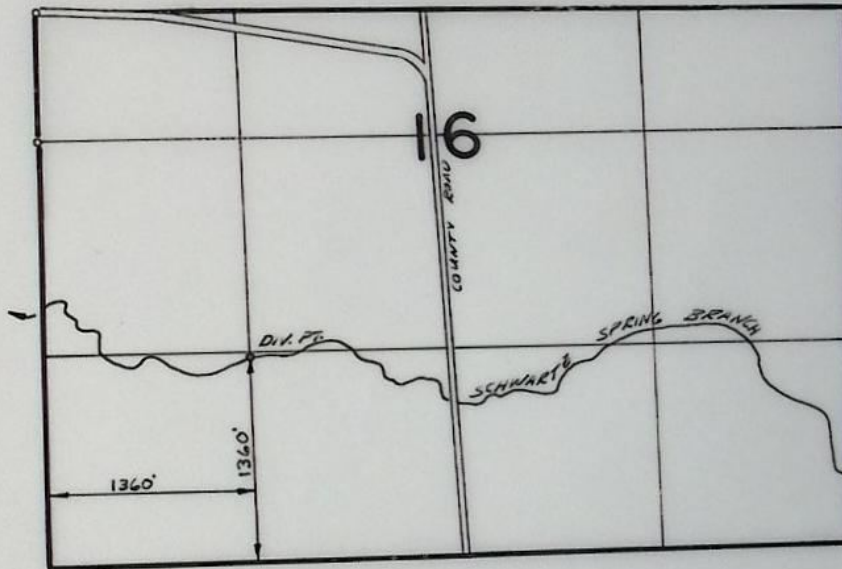
FEES REFUNDED

Date	Amount	Check No.
10-13-77	1560	1639
	Road 85 - Exam 20 PoD 15 Cert 2 PoN 22.40	6940

REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
✓	Name	leg	
✓	Street	leg	
✓	P.O. Box		
✓	Color	leg	
✓	CHL	leg	
✓	Twp.	leg	
✓	Decr.	jud	
✓	Decr.	leg	
✓	Card	suc	
✓	For. Holder	suc	leg
✓	Chalmers		leg
✓	Cross Ref.		
✓	Power Count		
✓	Abstracts	leg	

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



FINAL PROOF SURVEY
UNDER

TRANSFER 3650

Application No. Permit No.
IN NAME OF

..... HARVEY L. YOUNG

Surveyed .. 9-25 .. 1978 .. by R. DARWIN

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This is to Certify, That MRS. EVA YOUNG Harvey L. Young
 of Rt 1 Box 43A, Lowden
Walla Walla, State of Washington 9.9342 has a right to the use of
 the waters of Pine Creek, and Schwartz Spring Branch, a tributary of Pine Creek;
 for the purpose of Irrigation of 85.0 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;

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 acre foot per acre~~
~~during any 30 day period, nor three acre feet per acre during the irrigation season~~
~~beginning April 1st and ending October 1st, from Pine Creek; and One-eightieth of~~
~~one cubic foot per second per acre, from Schwartz Spring Branch.~~ if available at
 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 (Irrigated from Pine Creek)

Thirty and six tenths (30.6) acres in the Southwest Quarter of the Southwest Quarter
 (SW $\frac{1}{4}$ SW $\frac{1}{4}$); Thirty-six (36) acres in the Southeast Quarter of the Southwest Quarter
 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Sixteen (16); Thirty-two and eight tenths (32.8) acres in the
 Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and Three (3) acres in the
 Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-one (21),
 Township Six (6) North, Range Thirty-four (34) East of the Willamette Meridian;
 Six (6) acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section
Sixteen (16); Fourteen and eight tenths (14.8) acres in the Northwest Quarter of
 the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$); Thirteen and six tenths (13.6) acres in the South-
 west Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and five tenths (0.5) acres in the
 Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-one (21),
 Township Six (6) North, Range Thirty-four (34) East of the Willamette Meridian,
 containing 137.3 acres.

Tract #2. (Irrigated from Schwartz Spring Branch)

Three (3) acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$); Thirty-
 Six (36) acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$); Thirty-
 eight and six tenths (38.6) acres in the Northwest Quarter of the Southwest Quarter
 (NW $\frac{1}{4}$ SW $\frac{1}{4}$); Three and four tenths (3.4) acres in the Southwest Quarter of the South-
 west Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) and Four (4) acres in the Southeast Quarter of the Southwest
 Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Sixteen (16), Twp. Six (6) North, Range 34 E.W.M. CON-
 TAINING 85 acres.

This certificate is issued to confirm a change in point of diversion
 approved by an order of the WRD entered July 13 1978 and supersedes
 certificate of water right recorded at page 5543 Vol. 6. SRWRC.
 together with certificate recorded
 at page 46240 Vol
 38 SRWRC.

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

3.0 SW NW
 36.0 NE SW
 38.6 NWSW
 3.4 SWSW
 4.0 SE SW
 See 16

of November, 1925.

RHEA LUPES

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 4, page 5543.

T. 6N, R 34E, WM

C-49820

T#3650

P.O.D. SE 1/4 SW 1/4, Section 16, T. 6N, R. 34E, WM, 1360' N & 1360' E from SW corner of Sec 16.

1360' S & 3070' E from point of diversion, NE 1/4 SE 1/4, Sec 16, T. 6N, R. 34E, WM. special order volume 31 page 46.

STATE OF OREGON
COUNTY OF **UMATILLA**

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **Harvey L. Young**
~~H. A. BAGGUS and H. L. YOUNG~~

of **Route 1, Box 43 A, Lowden**, State of **Washington**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Schwartz Spring Branch**

a tributary of **Pine Creek** for the purpose of
irrigation of 33.8 acres

under Permit No. **32059** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **October 10, 1966**

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

0.47 cubic foot per second, if available at the original point of diversion, **NE 1/4 SE 1/4, Section 16, T. 6 N., R. 34 E., W. M., 1360' S. & 4070' E. from NW 1/4 corner of section 16, sub. to provisions of special order volume 31 page 46.**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE 1/4 SE 1/4, Section 16, T. 6 N., R. 34 E., W. M., 1360 feet South and 4070 feet East from NW 1/4 Corner, Section 16.**

SE 1/4 SW 1/4, Section 16, T. 6 N., R. 34 E., W. M., 1360' N & 1360' E from SW cor of Sec 16
The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-sixtieth** of one cubic foot per second per acre, **or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,**

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

20.6 acres SW 1/4 NW 1/4

13.2 acres SE 1/4 NW 1/4

Section 16

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

This certificate is issued to confirm a change in place of use and point of diversion approved by an order of the WRD entered **July 13, 1978** and superseded certificate of water right recorded on page **38870**, Volume **30**, SRWRC.

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

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

WITNESS the signature of the State Engineer, affixed

this date. **January 31, 1973**

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume **30**, page **38870**

T# 3654

C-49821

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF HARVEY L. YOUNG FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM SCHWARTZ SPRING)
BRANCH)

ORDER APPROVING
TRANSFER NO. 3650

On April 28, 1977, an application was filed in the office of the Water Resources Director by Harvey L. Young for approval of a change in point of diversion from Schwartz Spring Branch, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 5543, Volume 6, State Record of Water Right Certificates, in the name of Mrs. Eva Young, describes a right which includes the use of water from Schwartz Spring Branch for irrigation of 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 36.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 38.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 6 North, Range 34 East, W.M., with a date of priority of 1874 (Pine Creek Decree, Volume 7, page 163).

The certificate recorded at page 38870, Volume 30, State Record of Water Right Certificates, in the name of H. A. Baccus and H. L. Young, describes a right for the use of not to exceed 0.47 cubic foot per second from Schwartz Spring Branch for irrigation of 20.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 13.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 6 North, Range 34 East, W.M., with a date of priority of October 10, 1966.

Water for the said rights has been diverted through the Lowe-Young Ditch from the authorized point of diversion located 1360 feet South and 4070 feet East from the West Quarter Corner of Section 16, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a pumping point located 1480 feet South and 1320 feet East from the West Quarter Corner of Section 16, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16.

Notice of the application, pursuant to ORS 540.520(2), 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 August 18 and 25; and September 1, 1977.

A protest by Raymond Bevans against approval of said application was filed in the office of the Water Resources Director on September 12, 1977.

Pursuant to the published notice, the matter of the application and the protest against it was brought to a hearing before James W. Carver, Jr., at the Umatilla County Courthouse in Pendleton, Oregon, on October 12, 1977.

The applicant, Mr. Harvey L. Young, appeared at the hearing without legal counsel.

The protestant, Mr. Raymond Bevans, appeared at the hearing without legal counsel.

Schwartz Spring Branch is a perennial stream formed by the discharge issuing from a series of springs located along a line which begins near the Southeast Corner of Section 23 of Township 6 North, Range 34 East, W.M.; extends northwesterly into the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 23; then turns to the west through the northerly one-fourth of Section 22. The channel of Schwartz Spring Branch continues in a generally westerly direction to a confluence with the channel of Pine Creek, within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17 of said township and range, which point is approximately one-half mile upstream from where Pine Creek flows across the State line and into Washington.

Prior to the proposed change in point of diversion, water has been diverted into the Lowe-Young Ditch by means of a concrete divider box in the channel of Schwartz Spring Branch and, comingled with water under other rights, carried north and west in the said ditch for a distance of approximately 3800 feet and rediverted into a pumping sump located at the West One-sixteenth Corner of Section 16, where the water was pumped into a sprinkler irrigation system to be distributed onto the lands. Any water not picked up by the said pump was returned to the channel of Schwartz Spring Branch by means of a waste ditch which continued west for one-fourth mile, where it joined another waste ditch flowing south to the channel of Schwartz Spring Branch.

Testimony was offered in regard to a disagreement between the applicant and the protestant as to their relative responsibilities for maintenance of the Lowe-Young Ditch; however, such is not within the jurisdiction of the Water Resources Director to determine, and is not an issue before the Water Resources Director in this proceeding. The facilities used to convey the water from the authorized point of diversion to the place of use are not a defined element of the water right. The jurisdiction of the Water Resources Director in regard to such facilities extends only to regulation of the appropriation to require the water diverted be conveyed and put to beneficial use without undue waste.

The applicant testified that he has relocated and improved the channel of

Schwartz Spring Branch for a distance of approximately one-half mile between the present authorized and the proposed points of diversion, within the boundaries of his property, eliminating beaver dams, ponds, brush and swamp areas along the old channel, thereby making it possible to use larger and faster mechanical equipment to maintain the condition of the new channel. It is recognized, however, that such channel improvement and relocation work does not guarantee that the improved and relocated channel section will continue to convey water with less in-channel losses than the prior channel section.

The question before the Water Resources Director in this matter is: If the applicant were allowed to divert at the proposed point of diversion the water available to him under his subject water rights at the old point of diversion, would other water users be adversely affected in their ability to obtain the water to which they are entitled under their respective water rights for use of the waters of Schwartz Spring Branch?

With the exception of water rights with authorized points of diversion in the immediate vicinity of the present authorized point of diversion, there is only one right of record with an authorized point of diversion downstream, in the channel of Schwartz Spring Branch. The said right is described by the certificate issued to Raymond R. Bevans, and recorded at page 24512, Volume 17, State Record of Water Right Certificates, and is for use of not to exceed 0.86 cubic foot per second from "seepage and waste from Schwartz Spring Branch" from a point of diversion located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 6 North, Range 34 East, W.M., for supplemental irrigation of a certain 68.4 acres of land within the E $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of said Section 17. The said right is subject to the limitation, "and shall also be limited to the water available at the point of diversion, and shall not carry with it the right to compel the continuance of waste water", as set forth in said certificate.

Upon careful consideration of the evidence received at the hearing on this matter and the pertinent water right records on file in the office of the Water Resources Director, it appears that the proposed change in point of diversion may be made without injury to other water rights if the diversion of water at the proposed point of diversion were restricted by the amount of water available to the applicant's water rights, described above, at the present authorized point of diversion.

No other 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 requested change in point of

diversion of water from Schwartz Spring Branch, as described herein, without loss of priority, is 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 rights, less naturally occurring in-channel losses resulting from the water to which the applicant is entitled remaining in the channel of Schwartz Spring Branch for the additional distance between the present authorized and the proposed points 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;

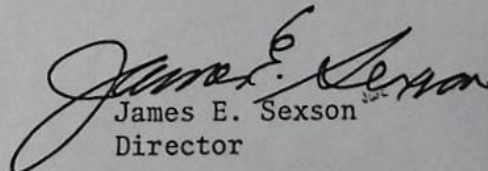
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Mrs. Eva Young and recorded at page 5543, 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.

It is FURTHER ORDERED that the certificate of water right heretofore issued to H. A. Baccus and H. L. Young and recorded at page 38870, Volume 30, State Record of Water Right Certificates, is canceled; 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 13th day of July, 1978.


James E. Sexson
Director

STATE OF OREGON
COUNTY OF UMATILLA
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **H. A. BACCUS and H. L. YOUNG**

of **Route 1, Box 43 A, Lowden**, State of **Washington**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Schwartz Spring Branch**

a tributary of **Pine Creek** for the purpose of
irrigation of 33.8 acres

under Permit No. **32059** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **October 10, 1966**

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 **0.47 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, T. 6 N., R. 34 E., W. M., 1360 feet South and 4070 feet East from W $\frac{1}{4}$ Corner, Section 16.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-sixtieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

20.6 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
13.2 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 16
T. 6 N., R. 34 E., W. M.

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

WITNESS the signature of the State Engineer, affixed

this date. **January 31, 1973**

CHRIS L. WHEELER

State Engineer

NOTICE OF WATER RIGHT
TRANSFER APPLICATION

NO. 3650

Notice is given hereby that an application has been filed in the office

of the Water Resources Director by Harvey L. Young for approval of a change in point of diversion from Schwartz Spring Branch.

The certificate recorded at page 5543, Volume 6, State Record of Water Right Certificates, in the name of Mrs. Eva Young, describes a right which includes the use of water from Schwartz Spring Branch for irrigation of 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 36.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 38.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 6 North, Range 34 East, WM, with a date of priority of 1874.

The certificate recorded at page 38870, Volume 30, State Record of Water Right Certificates, in the name of H.A. Baccus & H.L. Young, describes a right for the use of not to exceed 0.47 cubic foot per second from Schwartz Spring Branch for irrigation of 20.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 13.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 16, T6N, R34E, WM, with a date of priority of October 10, 1966.

Water for the said rights is diverted, through the Lowe-Young Ditch, from a point located 1360 ft. S. and 4070 ft. E from the W $\frac{1}{4}$ corner of Sec. 16, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 16.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1480 ft. S and 1320 ft. E. from the W $\frac{1}{4}$ corner of Sec. 16, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 16.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on October 12, 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 Harvey L. Young, Route 1, Box 43 A, Lowden, WA 99342 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 10th day of August, 1977.

Jaunes E. Sexson

Director

33-35-C

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

(Title of Court and Cause)

RECEIVED

0018-1977

WATER RESOURCES DEPT
State of Oregon

County of Umatilla

No. _____
PROOF OF PUBLICATION OF
NOTICE

)
) 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.

Aug. 18 Aug. 25 Sept. 1

Dianne Zimmerman
Subscribed and sworn to before me this 1 day of

September, 1977.

Vi Helton
Notary public for Oregon

My commission expires: July 5, 1981



NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3650

Notice is given hereby that an application has been filed in the office

of the Water Resources Director by Harvey L. Young for approval of a change in point of diversion from Schwartz Spring Branch.

The certificate recorded at page 5543, Volume 6, State Record of Water Right Certificates, in the name of Mrs. Eva Young, describes a right which includes the use of water from Schwartz Spring Branch for irrigation of 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 36.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 38.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, Township 6 North, Range 34 East, WM, with a date of priority of 1874.

The certificate recorded at page 38870, Volume 30, State Record of Water Right Certificates, in the name of H.A. Baccus & H.L. Young, describes a right for the use of not to exceed 0.47 cubic foot per second from Schwartz Spring Branch for irrigation of 20.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 13.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 16, T6N, R34E, WM, with a date of priority of October 10, 1966.

Water for the said rights is diverted, through the Lowe-Young Ditch, from a point located 1360 ft. S. and 4070 ft. E from the W $\frac{1}{4}$ corner of Sec. 16, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 16.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1480 ft. S and 1320 ft. E. from the W $\frac{1}{4}$ corner of Sec. 16, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 16.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on October 12, 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 Harvey L. Young, Route 1, Box 43 A, Lowden, WA 99342 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 10th day of August, 1977.

James E. Sexson
Director

33-35-C

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

(Title of Court and Cause)

RECEIVED

OCT 8 - 1977

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon

County of Umatilla

No. _____

PROOF OF PUBLICATION OF
NOTICE

)

) 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-Freewater, Oregon, and that the notice, a copy of which is annexed, was published in the entire issue of said newspaper in the following _____ issues.

Aug. 18 Aug. 25 Sept. 1

Dianne Zimmerman

Subscribed and sworn to before me this 1 day of

September, 19 77.

Vi. Helton

Notary public for Oregon

My commission expires: July 5, 1981



STATE OF OREGON
COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That RAYMOND R. BEVANS

of Lowden, State of Washington, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of seepage and waste from Swartz Spring Branch a tributary of Pine Creek supplemental irrigation of 68.4 acres for the purpose of under Permit No. 16589 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 14, 1945,

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 0.86 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 6 North, Range 34 East, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 1 acre foot per acre for each acre irrigated during any 30 day period and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season from April 1 to October 1, and shall also be limited to the water available at the point of diversion, and shall not carry with it the right to compel the continuance of the waste water,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

12.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
8.1 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
5.5 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
19.1 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
15.5 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
7.7 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 17

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

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

WITNESS the signature of the State Engineer, affixed

this 17th day of March, 1959.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 24512