

DAVID H. MARKS

3654

MARKS

STATUS OF APPLICATION

Change in added POD  
Date filed 4-29-77  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 8-29-77 Vol. 29, page 250  
Date for application of water 10-1-79  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued 12-19-86 Vol. 50, page 55319

DESCRIPTION OF WATER RIGHT

Name of stream Hat Rock Drain  
Trib. of \_\_\_\_\_ County of Umatilla  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
Date of priority \_\_\_\_\_  
In name of \_\_\_\_\_  
Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 42804 Per. No. 32000 Cert. No. 41033  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>4-29-77</u>	<u>\$ 35.00</u>	<u>60108</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

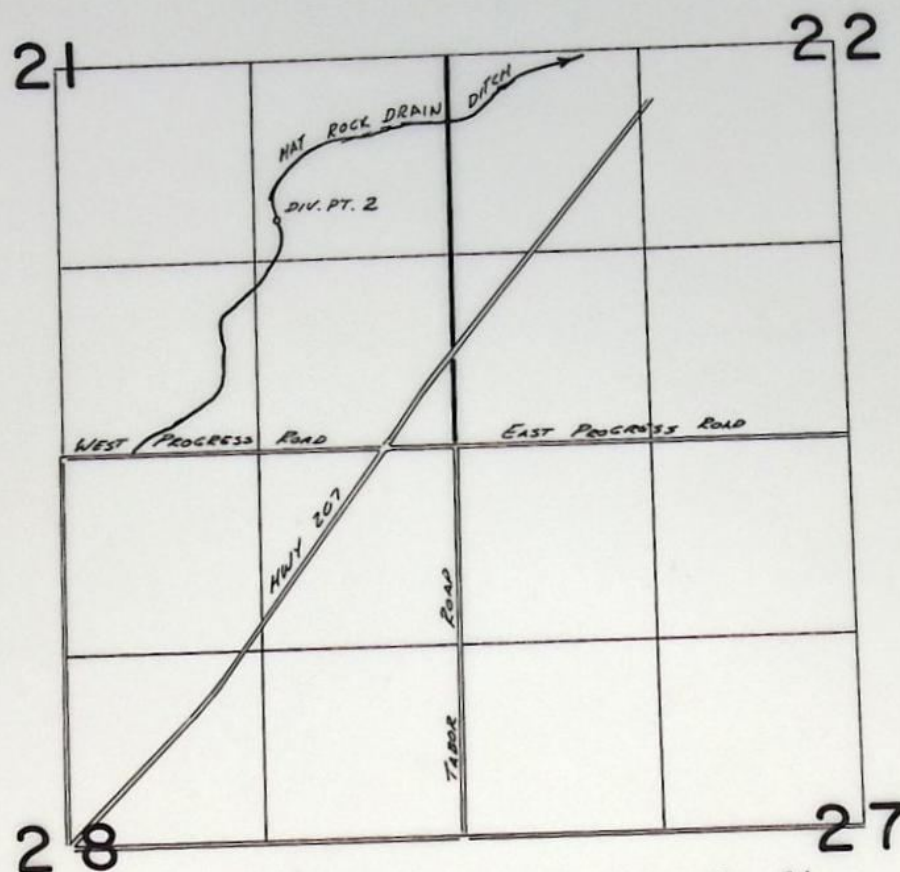
REMARKS

CARD FOR C DEC 26 1979

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	Name	Section		
	Pl. & Div.	Calendar	lg	
	CHECKED TO RECORDS:			
	Top & Lgs.	Deeds-vault		
	Deeds-vault	Deeds-sale		
✓	Cert. of W/R		✓	
✓	Pat. holder		✓	
	Canceled			
	Cross Ref.			
	Power Claim			
✓	Abstracts		lg	



T.5N., R.29E., W.M.



ADJUT. DIV. PT. LOC: 1550' N. & 1160' W. FROM SE COR. SEC. 21  
1550 N 1160 W

**FINAL PROOF SURVEY**  
UNDER

**TRANSFER 3654**

IN NAME OF

.....**DAVID H. MARKS**.....

Surveyed ~~July 22~~ 1922, by *V.L. Church*



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF )  
DAVID H. MARKS FOR APPROVAL OF AN )  
ADDITIONAL POINT OF DIVERSION OF )  
WATER FROM HAT ROCK DRAIN DITCH )  
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ORDER APPROVING  
TRANSFER NO. 3654

On April 29, 1977, an application was filed in the office of the Water Resources Director by David H. Marks for an additional point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 41033, Volume 33, State Record of Water Right Certificates, in the name of Stanely Basford, describes a right for the use of not to exceed 2.0 cubic feet per second from Hat Rock Drain Ditch for irrigation of 18.4 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 2.8 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 30.6 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 21; 37.2 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 22.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 22, Township 5 North, Range 29 East, W.M., with a date of priority of September 14, 1966.

Water for the said right is diverted from a point located 920 feet North and 1550 feet West from the Southeast corner of Section 21, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 21, Township 5 North, Range 29 East, W.M.

The applicant herein, owner of the lands above described, proposes, without loss of priority, to establish an additional point of diversion at a point located 1700 feet North and 1200 feet West from the Southeast corner of Section 21, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 21.

Mr. William I. Profily, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be made without injury to existing rights.

U29  
P2500-251



No objections having been filed and it appearing that the proposed additional 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 additional point of diversion 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, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 2.0 cubic feet 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 head-gates 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 additional 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 Stanley Basford and recorded at page 41033, Volume 33, 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 29th day of August, 1977.

/s/ James E. Sexson  
Director



STATE OF OREGON  
COUNTY OF **UMATILLA**

# CERTIFICATE OF WATER RIGHT

**THIS IS TO CERTIFY**, That **DAVID H. MARKS**  
**STANLEY BASFORD**  
of **Rt. 3, Box 3819**, **Hermiston**, State of **Oregon**, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
**Hat Rock Drain Ditch**

a tributary of **Columbia River** for the purpose of  
**irrigation of 111.0 acres**

under Permit No. **32000** 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, 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  
**2.0 cubic feet per second, if available at the original pt. of diversion in**  
**The SW 1/4 Sec 21, T. 5 N., R. 29 E., W. M.; 920' N. & 1550' W. from the**  
**SE Cor Sec 21.**

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 SW 1/4**, Section 21, T. 5 N., R. 29 E., W. M.,  
**#1 - 920 feet North and 1550 feet West from SE Corner, Section 21.**  
**#2 - 1550' N. & 1160' W.; both**

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-fortieth** 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 **4 1/2 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:

**18.4 acres NE 1/4 SE 1/4**  
**2.8 acres SW 1/4 SE 1/4**  
**30.6 acres SE 1/4 SE 1/4**  
**Section 21**

**37.2 acres SW 1/4 SW 1/4**  
**22.0 acres SE 1/4 SW 1/4**  
**Section 22**  
**T. 5 N., R. 29 E., W. M.,**

This certificate is issued to confirm **an** **ADDITIONAL** **change in place of use and point of**  
**diversion** approved by an order of the Water Resources Director  
entered **8-29-77** and together with certificate of water right  
recorded at page **41033**, Volume **334**, State Record of  
Water Right Certificates; **supersedes** certificate **55319**

The issuance of this superseding certificate does not confirm the status of  
the water right in regard to the provisions of ORS 540.610 pertaining to  
forfeiture or abandonment.

Recorded in State Record of Water Right Certificates, Volume **33**, page **41033**

**55319**

T# 3654