

3718

STATUS OF APPLICATION

Change in POD
Date filed June 27, 1977
Date of hearing March 30, 1978
Place of hearing The Dalles
Date of order 3-30-78 Vol. 30, page 498
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued Jan. 18, 1982 Vol. 44, page 50542

to survey 6/78

DESCRIPTION OF WATER RIGHT

Name of stream Mill Creek
Trib. of _____ County of Wasco
Use Irr.
Quantity of water _____ No. of acres _____
Name of ditch Sandoz & Brace ditches
Date of priority 1855 & 1882
In name of Emma Brace
Mill Creek Adjudication, Vol. 8, page ¹²⁰49
App. No. _____ Per. No. _____ Cert. No. 5686
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
6-27-77	\$85.00	62003
TOTAL . . .		
2-22-78	\$2 Cert. Fee	Trans from 62003
The Dallas Chronicle \$43.09 pd 2/22/78 at #2013		

FEES REFUNDED

Date	Amount	Check No.
2/22/78	\$ 491	# 2012
Exam	20-	
POD	15-	
Cert	2-	
PON	43 09	
	<u>80 09</u>	

REMARKS

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

RECEIVED
JUN 5 1978
WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

point of diversion from Mill Creek

PURSUANT TO TRANSFER APPLICATION NO. 3718

I, Bruce H. Hull, hereby certify that completion
of works and use of water to the extent intended within the provisions
of the order of the Water Resources Director approving said water
right transfer application was accomplished by May 1,, 19 78

June 3, 1978
Date

Bruce H. Hull
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

gk fj

STATE OF OREGON

COUNTY OF

WASCO

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

BRUCE H. HULL

of Route 2, Box 60, The Dalles, State of Oregon 97058, has
a right to the use of the waters of Mill Creek and a spring for domestic purposes in
the SW 1/4 SE 1/4

a tributary of

for the purpose of

stock, domestic and irrigation of 10.7 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Wasco County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 8, at page 119; that the priority of the right
thereby confirmed dates from 1855 for Tract 1 (irrigation and stock); 1882 for
Tract 2 (irrigation and domestic); 1908 for Tract 3 (irrigation); and 1855 for*
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-fortieth
of one cubic foot per second for each one thousand head of stock, a reasonable
amount for domestic purposes, and one-sixtieth of one cubic foot per second
per acre during the irrigation season from April 1 to October 1, if available
at the original points of diversion; NE 1/4 NW 1/4, Section 23, T1N, R12E, **
The point of diversion is located in the SW 1/4 SE 1/4, Section 14, T1N, R12E, WM;
Tracts 1, 2, and 3 - 110 feet North and 1,860 feet West from SE Corner,
Section 14.

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

* land irrigated from spring;

** WM; Tract 1: Sandoz Ditch - 290 feet South and 2,850 feet West, Tract 2:
Brace Ditch - 880 feet South and 3,762 feet West, both from the NE Corner,
Section 23.

Tract 1

Tract 2

Tract 3

4.5 acres SW 1/4 SE 1/4
Section 14
T1N, R12E, WM

3.2 acres SW 1/4 SE 1/4
Section 14
T1N, R12E, WM

3.0 acres SW 1/4 SE 1/4
Section 14
T1N, R12E, WM

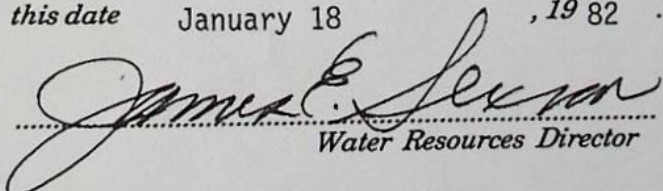
This certificate describes that portion of the water right confirmed by the
prior certificate recorded at page 5686, Volume 6, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water
Resources Director entered on March 30, 1978 and is issued to confirm changes
in points of diversion approved by the same order and supersedes Certificate
5686.

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.

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 the purposes aforesaid is restricted to the lands or place of use herein
described.

WITNESS the signature of the Water Resources Director, affixed

this date January 18, 1982


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 44, page 50542

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION)
OF BRUCE H. HULL FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM MILL CREEK)

ORDER APPROVING
TRANSFER NO. 3718

On June 27, 1977, an application was filed in the office of the Water Resources Director by Bruce H. Hull for approval of a change in points of diversion from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 5686, Volume 6, State Record of Water Right Certificates, in the name of Emma Brace, describes a right which includes the use of not to exceed 1/60th cubic foot per second per acre irrigated from Mill Creek for irrigation of 4.5 acres, with a date of priority of 1855, and 3.2 acres, with a date of priority of 1882, in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 1 North, Range 12 East, W.M.

Water for the said rights is diverted, through the Sandoz and Brace Ditches, from points located: (Sandoz Ditch) 290 feet South and 2850 feet West and (Brace Ditch) 880 feet South and 3762 feet West, both from the Northeast Corner of Section 23, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 1 North, Range 12 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the points of diversion therefrom, without loss of priority, to a point located 110 feet South and 1940 feet West from the Northeast Corner of Section 23, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 1 North, Range 12 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in The Dalles Chronicle, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of February 7, 14 and 21, 1978.

Mr. Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed change in points of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in points 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 points of diversion described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old points 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:

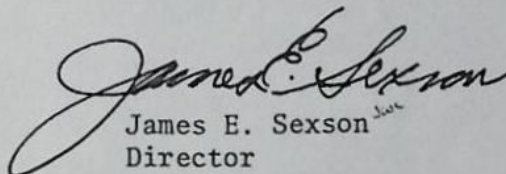
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Emma Brace and recorded at page 5686, 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 30th day of March, 1978.


James E. Sexson
Director

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3718

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Bruce H. Hull for approval of a change in point of diversion from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 5686, Volume 6, State Record of Water Right Certificates, in the name of Emma Brace, describes a right which includes the use of not to exceed 1 60th cubic foot per second per acre irrigated from Mill Creek for irrigation of 4.5 acres, with a date of priority of 1855, and 3.2 acres, with a date of priority of 1882, in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 14, T 1 N, R 12 E, WM.

Water for the said right is diverted, through the Sandoz & Brace Ditches, from points located: (Sandoz Ditch) 290 ft. S and 2850 ft. W and (Brace Ditch) 880 ft S and 3762 ft W, both from the NE Corner of Sec. 23, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 23, T 1 N, R 12 E, WM.

The applicant herein owner of the lands above described, proposes to change the points of diversion therefrom, without loss of priority, to a point located 110 ft S and 1940 ft W from the NE Corner of Sec 23, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 23, T 1 N, R 12 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at The Dalles, Oregon, on March 30, 1978, 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 Bruce H. Hull, 1642 Sunrise Circle NW, Salem, OR 97304 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. Instructions regarding the filing of a protest will be furnished by the Water Resources Director upon request.

Dated at Salem, Oregon, this 30th day of January, 1978.

James E. Sexson
Director

Feb. 7, 14, 21, 1978
No. 1868

Affidavit of Publication

STATE OF OREGON, } ss.
County of Wasco }

RECEIVED
FEB 22 1978
WATER RESOURCES DEPT.
SALEM, OREGON

I, Klea Espy,
being first duly sworn, depose and say that I am the principal clerk of the publisher of The Dalles Chronicle, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020; Oregon Compiled laws, annotated; printed and published at The Dalles, in the aforesaid county and state, that the Notice of Water Right Transfer

_____ a printed copy of which is hereto annexed, was published in the entire issue of said _____ weeks newspaper for Three successive and consecutive issues in the following issues: Feb. 7, 14, 21, 1978 ok

Subscribed and sworn to before me this 21 day of February, 1978.

J. F. Wraybrough
Notary Public for Oregon.

My Commission Expires July 31, 1980

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This is to Certify, That **EMMA BRACE**of **The Dalles**, State of **Oregon** has a right to the use of

the waters of **Mill Creek**, and a spring for domestic purposes in the **SW $\frac{1}{4}$ SE $\frac{1}{4}$** ,
Section 14, T. 1 N. R. 12 E. W. M.
 for the purpose of **Irrigation, domestic and stock; (See below.)**

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Wasco County, and the said decree entered of record at Salem, in the Order
 Record of the **STATE ENGINEER**, in Volume **8**, at page **119**; that the priority
 of the right thereby confirmed dates from **1855** for Tract #1 (Irrigation & Stock); **1882**
 for Tract #2 (Irrigation & Domestic); and **1908** for Tract #3 (Irrigation);
1855 for land irrigated from spring;

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-sixtieth** of a
 cubic foot per second per acre during the irrigation season from April 1st to
 October 1st, and one-fortieth of one cubic foot per second for each one thous-
 and head of stock, and a reasonable amount for domestic purposes;

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. *Sandoz Ditch 1855*
Four and five tenths (4.5) acres in the Southwest Quarter of the Southeast
 Quarter (**SW $\frac{1}{4}$ SE $\frac{1}{4}$**) of **Section Fourteen (14)**, Township One (1) North, Range
 Twelve (12) East of the Willamette Meridian. T# 3718
- 45

Tract #2. *Brace Ditch 1882*
Three and two tenths (3.2) acres in the Southwest Quarter of the Southeast
 Quarter (**SW $\frac{1}{4}$ SE $\frac{1}{4}$**) of **Section Fourteen (14)**, Township One (1) North, Range
 Twelve (12) East of the Willamette Meridian. - 32

Tract #3.
Three (3) acres in the Southwest Quarter of the Southeast Quarter (**SW $\frac{1}{4}$ SE $\frac{1}{4}$**)
 of **Section Fourteen (14)**, Township One (1) North, Range Twelve (12) East of
 the Willamette Meridian.

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 the State Engineer,

affixed this **15th** day

of **December**, 192 **5**.

.....
 State Engineer.

Recorded in State Record of Water Right Certificates, Volume **6**, page **5686**.