

Name Phillip L. Hoon

3843

Need P.O.N.

By \_\_\_\_\_

Address Route 2 Box 120

## DESCRIPTION OF WATER RIGHT

## FEES PAID

Milton Freewater, OR 97862Change in PODDate filed Nov. 29, 1977Date of hearing 2-8-1978Place of hearing PendletonDate of order 2-9-78 Vol. 30, page 398Date for application of water Completed

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued **JUN 27 1988** Vol. 50, page 54644Name of stream Schwartz Spring CreekTrib. of \_\_\_\_\_ County of UmatillaUse Irr.Quantity of water \_\_\_\_\_ No. of acres 250Name of ditch Hoon - GoodmanDate of priority 1880In name of Lane HoonPine Creek Adjudication, Vol. 7, page 159App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 5520  
T# H-128

Certificate cancelled \_\_\_\_\_

Notation made on record by \_\_\_\_\_

Date	Amount	Receipt No.
<u>11-29-77</u>	<u>\$35.00</u>	<u>65254</u>
<u>12-7-77</u>	<u>50.00</u>	<u>123</u>
TOTAL . . .		
<u>1/6/78</u>	<u>\$2 Cert. Fee</u>	<u>trans from 65254</u>
<u>Valley Herald \$33.33 pd 1/6/78 ck #1905</u>		

## FEES REFUNDED

Date	Amount	Check No.
	<u>\$15.00</u>	
Exam	20	
POD	15	
Cert	2	
PON	33.33	
	70.33	

## REMARKS

See file G-8599 for F.P. map  
Finis

W.R.I.S.

Assembled 6-27-85 by SEA

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

## INDEX CARDS:

Entered

Checked

TO BE ENTERED WHERE CHECKED

☒ Name  
☒ Stream  
☒ Pt. of Div.  
☒ Calendar  
☒ Twp. & Rge.  
☒ Decree-vault  
☒ Decree-safe  
☒ Cert. of W/R  
☐ Per. Folder  
☐ Chainer  
☐ Cross Ref.  
☐ Power Claim  
☒ Abstracts

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## CHECKED TO RECORDS:

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BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF PHILLIP L. HOON FOR APPROVAL OF)  
A CHANGE IN POINT OF DIVERSION OF )  
WATER FROM SCHWARTZ SPRING BRANCH )  
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ORDER APPROVING  
TRANSFER NO. 3843

On November 29, 1977, an application was filed in the office of the Water Resources Director by Phillip L. Hoon for approval of a change in point of diversion from Schwartz Spring Branch, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the State Engineer, entered June 1, 1973, approving transfer application No. H-128, the right previously described by the certificate recorded at page 5520, Volume 6, State Record of Water Right Certificates, in the name of Lane Hoon, now exists for the appropriation of water from Schwartz Spring Branch, with a date of priority of 1880, for domestic and stock use and for irrigation of a certain 5.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15; 5.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 20.0 acres in S $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22, Township 6 North, Range 34 East, W.M., from point of diversion No. 1 located 1040 feet South and 1090 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; and irrigation of a certain 1.9 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 13.1 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 20.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, from point of diversion No. 2 located 260 feet South and 1260 feet East from the Northwest Corner of Section 22, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22.

The applicant herein, owner of the lands above described, proposes to change from point of diversion No. 1, described above, for irrigation of said 5.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15 and 20.0 acres in S $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22 and, without loss of priority, hereafter obtain water for irrigation of said lands from point of diversion No. 2, described above.

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 December 15, 22 and 29, 1977.

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



No 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 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 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:

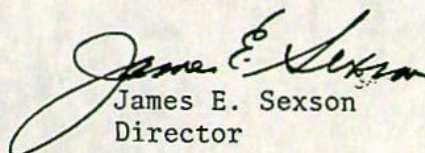
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that 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 new confirming certificate be issued to the applicant herein to supersede the prior certificate recorded at page 5520, Volume 6, State Record of Water Right Certificates, canceled by provision of the order of the State Engineer entered on June 1, 1973, approving transfer application No. H-128.

Dated at Salem, Oregon, this 9th day of February, 1978.

  
James E. Sexson  
Director



## STATE OF OREGON

COUNTY OF

UMATILLA

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

PHILLIP L. HOON

of Route 2, Box 120, Milton-Freewater, State of OR 97862, has  
a right to the use of the waters of Schwartz Spring Branch

a tributary of Pine Creek for the purpose of  
irrigation of 65.0 acres, domestic and stock

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 WATER RESOURCES DIRECTOR, in Volume 7, at page 148; that the priority of the right  
thereby confirmed dates from 1880;

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 1/80 of one cubic  
foot per second per acre, if available at the original point of diversion in  
the NW 1/4 NE 1/4, Section 22, T6N, R34E, WM; Hoon-Goodman Ditch - 1040 feet  
South and 1090 feet East from the NW 1/4 corner Section 22.

The point of diversion is located in the Hoon-Goodman Ditch - No. 1 - 1040 feet South  
and 1090 feet East from NW 1/4 corner of Section 22, NW 1/4 NE 1/4; No. 2 - 260  
feet South and 1250 feet East from NW corner of Section 22, NW 1/4 NW 1/4,  
both in Section 22, T6N, R34E, WM

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

Diversion Point No. 1

5.0 acres NE 1/4 NW 1/4  
Section 22  
Township 6 North, Range 34 East, WM.

Diversion Point No. 2

1.9 acres NW 1/4 SW 1/4  
18.1 acres SW 1/4 SW 1/4  
20.0 acres SE 1/4 SW 1/4  
Section 15

20.0 acres S 1/2 NW 1/4 NW 1/4  
Section 22  
Township 6 North, Range 34 East, WM.

This certificate is issued to confirm changes in place of use and point of  
diversion approved by orders of the Water Resources Director entered June 1,  
1973 and February 9, 1978, and also describes that portion of the water right  
confirmed by the prior certificate NOT modified by the provisions of said  
orders, and supersedes certificate of water right recorded at page 5520,  
Volume 6, State Record of Water Right Certificates.

CF, RR

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 June 27, 1986

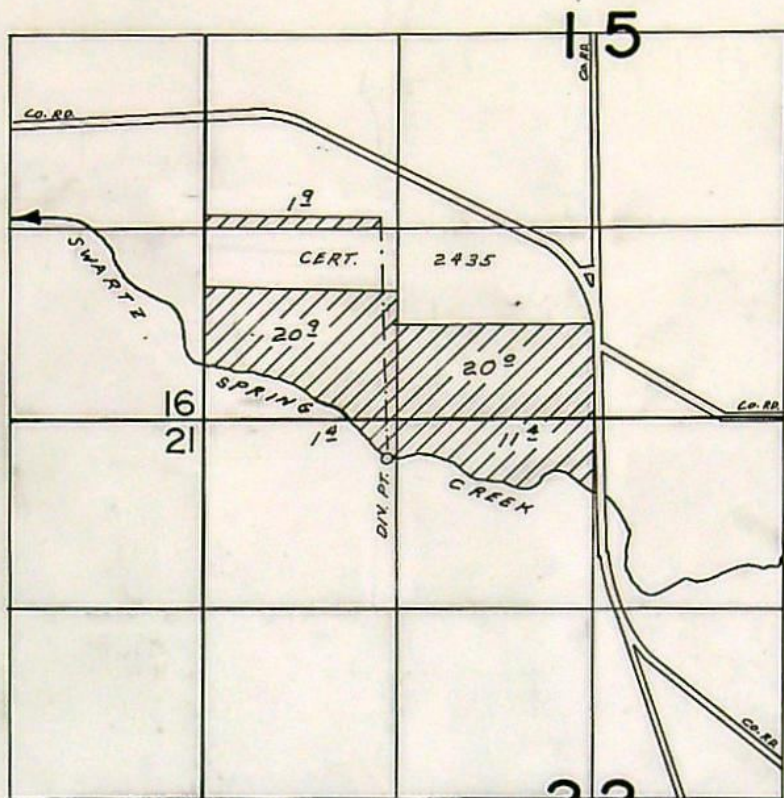
...../s/.....WILLIAM H. YOUNG.....  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 50, page 54644

4202D/SA  
T-3843



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



DIV. PT. LOC. 260' S. & 1260' E. FROM NW COR. SEC. 22

**FINAL PROOF SURVEY**  
UNDER

TRANSFER NO. H-128

Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF \_\_\_\_\_

PHILIP L. HOON

Surveyed APR. 7 1975, by L.H. NUNN



RECEIVED  
FEB 10 1978  
WATER RESOURCES DEPT.  
SALEM, OREGON

**NOTICE OF WATER RIGHT  
TRANSFER APPLICATION  
NO. 3843**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Phillip L. Hoon for approval of a change of point of diversion from Schwartz Spring Branch, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the State Engineer, entered June 1, 1973, approving transfer application No. H-128, the right previously described by the certificate recorded at page 5520, Volume 6, State Record of Water Right Certificates, in the name of Lane Hoon, now exists for the appropriation of water from Schwartz Spring Branch, with a date of priority of 1880, for domestic and stock use and for irrigation of a certain 5.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec 15; 5.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 20.0 acres in S $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec 22, T 6 N, R 34 E, WM, from point of diversion No. 1 located 1040 ft S and 1090 ft E from the N $\frac{1}{4}$  Corner of Sec 22, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Sec 22; and irrigation of a certain 1.9 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 13.1 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 20.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec 15, from point of diversion No. 2 located 260 ft S and 1260 ft E from the NW Corner of Sec 22, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec 22.

The applicant herein, owner of the lands above described, proposes to change from point of diversion No. 1, described above, for irrigation of said 5.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec 15 and 20.0 acres in S $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec 22 and, without loss of priority, hereafter obtain water for irrigation of said lands from point of diversion No. 2, described above.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on February 8, 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 Phillip L. Hoon, Route 2, Box 120, Milton-Freewater, OR 97862 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 7th day of December, 1977.

James E. Sexson  
Director

50-51-52-C

**Form 4. Proof of Publication. ORS 111.215(3).**

(Title of Court and Cause)

No. \_\_\_\_\_  
PROOF OF PUBLICATION OF  
NOTICE

State of Oregon )  
 ) ss.  
County of Umatilla )

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.

Dec. 15 Dec. 22 Dec. 29

*Dianne Zimmerman*

Subscribed and sworn to before me this 29 day of  
December, 19 77.

*Vi Hutton*  
Notary public for Oregon

My commission expires: July 5, 1981

