

3783

Name John D. Hisey

By \_\_\_\_\_

Address Route 2 Box 164

Milton-Freewater, Or 97862

Change in POD

Date filed Sept. 22, 1977

Date of hearing \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of order 2-23-78 Vol. 30, page 433

Date for application of water 10-1-79

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

Proof received APR 12 1978

Certificate issued \_\_\_\_\_ Vol. \_\_\_\_\_, page 45443

FEB 11 1987 51

4-80 Survey OK cert

DESCRIPTION OF WATER RIGHT

Name of stream A Well

Trib. of \_\_\_\_\_ County of Umatilla

Use \_\_\_\_\_

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch \_\_\_\_\_

Date of priority June 8, 1964

In name of Louis Swearingen

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. G-2882 Per. No. G-2674 Cert. No. 34727

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

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

FEES PAID

Date	Amount	Receipt No.
<u>9-22-77</u>	<u>\$ 30.00</u>	<u>64031</u>
TOTAL . . .		
<u>2-17-78</u>	<u>\$2 Cert. Fee</u>	<u>1185</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

CARD FOR C. DEC 26 1979

See T-4070

W.R.I.S.

Assembled 6-25-85 by 926

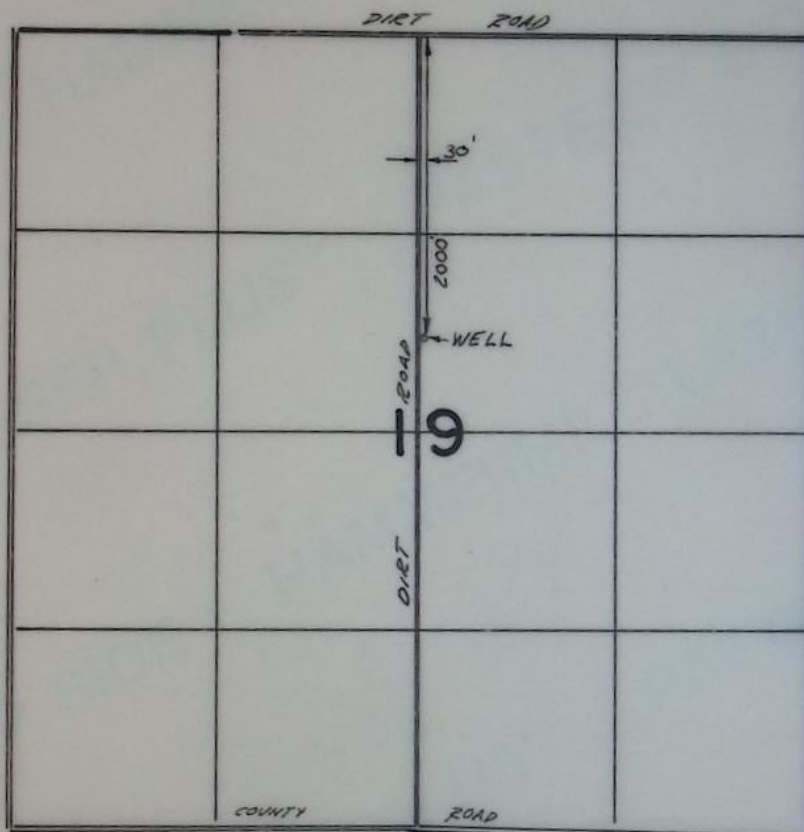
Entered \_\_\_\_\_ by \_\_\_\_\_

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

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



T. 6N., R. 35E., W.M.



**FINAL PROOF SURVEY**  
UNDER

**TRANSFER 3783**

Application No. .... Permit No. ....  
IN NAME OF

..... **HAROLD MCGOWEN** .....

Surveyed 3-31 1982, by V.L. Church



## STATE OF OREGON

COUNTY OF

UMATILLA

## CERTIFICATE OF WATER RIGHT

**This is to certify, That** HAROLD MC GOWEN

of Route 2, Box 164, Milton-Freewater, State of OR 97862, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a well

a tributary of Mud Creek (Pine Creek) for the purpose of supplemental irrigation of 19.2 acres

under Permit No. G-2674 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 June 8, 1964

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 0.09 cubic foot per second, if available at the original point of appropriation in the SW 1/4 NE 1/4, Section 19, T6N, R35E, WM; 542 feet North and 58 feet West from the SE corner SW 1/4 NE 1/4, Section 19

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the SW 1/4 NE 1/4, Section 19, T6N, R35E, WM; 2000 feet South and 30 feet East from the N 1/4 corner Section 19.

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 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to the appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others.

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:

19.2 acres SW 1/4 NE 1/4  
Section 19  
Township 6 North, Range 35 East, WM

This certificate is issued to confirm a change in point of appropriation approved by an order of the Water Resources Director entered February 23, 1978, and together with certificate of water right recorded at page 45443, Volume 37, State Record of Water Right Certificates, supersedes certificate 34727.

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.

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. February 11, 1987

/s/ William H. Young  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51, page 55611

8115D/SA  
T-3783



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF JOHN D. HISEY FOR APPROVAL OF )  
A CHANGE IN POINT OF APPROPRIA- )  
TION OF WATER FROM A WELL )  
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ORDER APPROVING  
TRANSFER NO. 3783

On September 22, 1977, an application was filed in the office of the Water Resources Director by John D. Hisey for approval of a change in point of appropriation from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 34727, Volume 16, State Record of Water Right Certificates, in the name of Louis Swearingen, describes a right which includes the use of not to exceed 0.09 cubic foot per second from a certain ground water aquifer for supplemental irrigation of a certain 19.2 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, Township 6 North, Range 35 East, W.M., with a date of priority of June 8, 1964.

Water for the said water right is diverted from a well located 542 feet North and 58 feet West from the Southeast Corner of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 19.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation therefrom, without loss of priority, to a well located 660 feet North and 20 feet East from the Center Corner of Section 19, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 19.

Mr. David Beach, Hydrogeologist, Water Resources Department, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

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

No objections having been filed and appearing that the proposed change in point of appropriation 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 appropriation, as described herein, without loss of priority, is approved.



It is FURTHER ORDERED that the quantity of water diverted at the new point of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water available at the old point of appropriation 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 measuring devices:

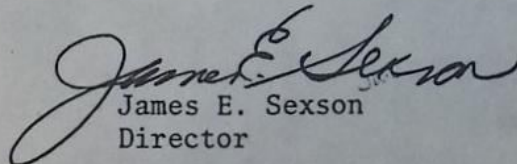
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 appropriation of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Louis Swearingen and recorded at page 34727, Volume 26, 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 23rd day of February, 1978.

  
James E. Sexson  
Director



## STATE OF OREGON

COUNTY OF UMATILLA

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That LOUIS SWEARINGEN

of Route 2, Box 167, Milton-Freewater, 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 a well

a tributary of Mud Creek (~~Pine Creek~~) for the purpose of supplemental irrigation of ~~39.0~~ acres

19.8

under Permit No. G-2674 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 June 8, 1964

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 0.19 cubic foot per second

0.10

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 19, T. 6 N., R. 35 E., W. M. Well located 542 feet North and 58 feet West from the SE Corner, SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 19.

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 3 acre feet per acre for each acre irrigated during the irrigation season of each year; and shall be further limited to appropriation of water that does not impair or substantially interfere with existing surface water rights;

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:

198 ~~39.0~~ acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 19  
T. 6 N., R. 35 E., W. M.

3783

- 19.8 ac

0.09

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 34727, Volume 26, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Feb-23, 1978, approving transfer application No. 3783.

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

this date. March 29, 1968

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 26, page 34727

T# 3783