

Name Franklin Hoeft

3882

DESCRIPTION OF WATER RIGHT

By _____

Address Rt 2 Box 108Pendleton, OR 97801Change in POU & PODDate filed Feb. 10, 1978Date of hearing July 25, 1978Place of hearing PendletonDate of order 10-5-78 Vol. 31, page 286Date for application of water Completed

Proof mailed _____

Proof received _____

Certificate issued NOV 2 1978 Vol. 39, page 46829JUL 19 1982APR 4 198645
49
51169
54119To survey 10/78Name of stream Birch CreekTrib. of _____ County of Umatilla

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1-29-57In name of Edwin Hoeft

_____ Adjudication, Vol. _____, page _____

App. No. 31327 Per. No. 24830 Cert. No. 30426, V22

Certificate cancelled _____

Notation made on record by _____

du 03

REMARKS

Exchange of rights - See also T-3870See T3870 for FPM mapHOLD AND to with T-3870

DVA Notification

FEES PAID

Date	Amount	Receipt No.
<u>2-10-78</u>	<u>\$ 45.00</u> <u>< 2.00 ></u>	<u>1062</u>
TOTAL . . .		
<u>10-11-78</u>	<u>\$ 2 Cert. Fee</u>	<u>Trans. fr. 1062</u>

FEES REFUNDED

Date	Amount	Check No.
<u>10-11-78</u>	<u>13-</u>	<u>2677</u>
Exam	20.00	
POU	10.00	
Cert Fee	2.00	
	<u>32.00</u>	<u>45.00</u> <u>22.00</u> <u>13.00</u>

Refund

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>ly</u>	
<input checked="" type="checkbox"/> Stream	<u>ly</u>	
<input checked="" type="checkbox"/> Pl. of Div.	<u>ly</u>	
<input checked="" type="checkbox"/> Calendar	<u>ly</u>	
<input checked="" type="checkbox"/> Twp. & Rge.	<u>ly</u>	
<input checked="" type="checkbox"/> Decree-vault		
<input checked="" type="checkbox"/> Decree-safe		
<input checked="" type="checkbox"/> Cert. of W/R	<u>WC</u>	
<input checked="" type="checkbox"/> Per. Folder	<u>WC</u>	
<input checked="" type="checkbox"/> Chainindex		
<input checked="" type="checkbox"/> Cross Ref.		
<input checked="" type="checkbox"/> Power Claim		
<input checked="" type="checkbox"/> Abstracts	<u>ly</u>	

No-Pl

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF FRANKLIN HOEFT FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)

ORDER AMENDING
ORDER APPROVING
TRANSFER NO. 3882

The Administrative Order of the Water Resources Director dated October 5, 1978, and recorded at pages 286 and 287, Volume 31, Special Order Record, approving water right transfer application No. 3882, in the name of Franklin Hoeft, was in error in paragraph 2 on page 286 in stating the amount of water and the number of acres owned by the applicant to which the water right described by the certificate recorded at page 30426, Volume 22, State Record of Water Right Certificates, is appurtenant. The Order listed an amount of water of not to exceed 0.42 cubic foot per second from Birch Creek for the irrigation of a certain 22.0 acres in SE 1/4 NW 1/4 of Section 27, Township 1 North, Range 32 East, W.M., when it should have stated: "...an amount of water of not to exceed 0.38 cubic foot per second from Birch Creek for the irrigation of 20.0 acres in SE 1/4 NW 1/4 of Section 27, Township 1 North, Range 32 East, W.M."

Also, the Order was in error in describing in paragraph 4 on page 286, the number of acres the applicant proposed to irrigate. The Order listed a certain 10.0 acres in NW 1/4 SE 1/4 and 12.0 acres in NW 1/4 NE 1/4 of said Section 27, when it should have listed: "...10.0 acres in NW 1/4 SE 1/4 and 10.0 acres in NW 1/4 NE 1/4 of said Section 27."

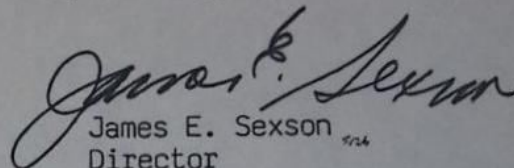
NOW, THEREFORE, it is ORDERED that paragraph 2 on page 286 of the Administrative Order of the Water Resources Director entered October 5, 1978, approving water right transfer application No. 3882, in the name of Franklin Hoeft, be and the same hereby is amended to read:

"The certificate recorded at page 30426, Volume 22, State Record of Water Right Certificates, in the name of Edwin Hoeft, describes a right which includes the use of not to exceed 0.38 cubic foot per second from Birch Creek for irrigation of 20.0 acres in SE 1/4 NW 1/4 of Section 27, Township 1, North, Range 32 East, W.M., with a date of priority of January 29, 1957."

It is FURTHER ORDERED that paragraph 4 on said page 286 of said Order be and the same hereby is amended to read:

"The applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof a certain 10.0 acres in NW 1/4 SE 1/4 and 10.0 acres in NW 1/4 NE 1/4 of Section 27, Township 1 North, Range 32 East, W.M."

Dated at Salem, Oregon, this 1st day of July, 1980.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF FRANKLIN HOEFT FOR APPROVAL OF)
A CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER NO. 3882

On February 10, 1978, an application was filed in the office of the Water Resources Director by Franklin Hoeft for approval of a change in place of use from Birch Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 30426, Volume 22, State Record of Water Right Certificates, in the name of Edwin Hoeft, describes a right which includes the use of not to exceed 0.42 cubic foot per second from Birch Creek for irrigation of a certain 22.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W.M., with a date of priority of January 29, 1957.

Water for the said right is diverted from a point located 1630 feet South and 260 feet West from the North Quarter Corner of Section 27, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof, a certain 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 12.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W.M.

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

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

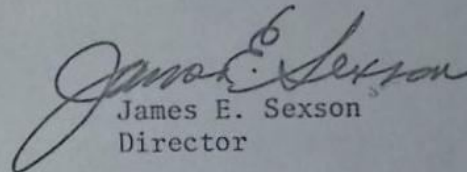
It is FURTHER ORDERED that NO time need be fixed for completion as the change in place of use is completed.

It is FURTHER ORDERED that the certificate of water right heretofore issued Edwin Hoeft and recorded at page 30426, Volume 22, State Record of Water Right

431.228

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 5th day of October, 1978.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That EDWIN HOEFT

of Rt. 2, Box 108, Pendleton, State of Oregon, 97801, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Birch Creek

a tributary of Umatilla River for the purpose of irrigation of 99.9 acres

under Permit No. 24830 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 January 29, 1957

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 1.92 cubic feet 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, T. 1 N., R. 32 E., W. M., No. 1-1630 feet South and 260 feet West from the N $\frac{1}{4}$ Corner, Section 27, No. 2-560 feet South and 150 feet East, No. 3-1150 feet South and 180 feet East, Hoeft Ditch-3580 feet South and 1260 feet West, all from the N $\frac{1}{4}$ Corner, Section 34

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 $\frac{1}{2}$ 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:

15.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$	1.7 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
20.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$	30.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
3.8 1.8 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$	29.0 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$
2.4 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 27

T. 1 N., R. 32 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 30426, Volume 22, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on October 5, 1978, approving transfer application No. 3882. The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

This certificate is issued to correctly describe the water right as provided by the amending order of the WRD entered 7-1-80 and supersedes certificate of water right recorded at page 46829 Vol 39 SPURC.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. November 2, 1978

James E. Saxon
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 39, page 46829

51169

0384B

STATE OF OREGON
COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That EDWIN HOEFT

of Route 2, Box 108, Pendleton, State of Oregon ⁹⁷⁸⁰¹, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Birch Creek

a tributary of Umatilla River for the purpose of irrigation of ~~121.9~~ ^{99.9} acres

under Permit No. 24830 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 January 29, 1957,

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

1.92 ~~2.34~~ cubic feet 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 ~~No. 1 - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, T. 1 N., R. 32 E., No. 2 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 34, T. 1 N., R. 32 E., No. 3 - NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 1 N., R. 32 E., 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-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 $4\frac{1}{2}$ 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:

T-3870

15.0 acres	NW $\frac{1}{4}$	NE $\frac{1}{4}$
20.0 acres	SW $\frac{1}{4}$	NE $\frac{1}{4}$
^{1.8} 23.8 acres	SE $\frac{1}{4}$	NW $\frac{1}{4}$
2.4 acres	NE $\frac{1}{4}$	SW $\frac{1}{4}$
1.7 acres	SE $\frac{1}{4}$	SW $\frac{1}{4}$
30.0 acres	NW $\frac{1}{4}$	SE $\frac{1}{4}$
29.0 acres	SW $\frac{1}{4}$	SE $\frac{1}{4}$
Section 27		
T. 1 N., R. 32 E., W.M.		

0.42 cfs

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 30426, Volume 22, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Oct. 5, 1978, approving transfer application No 3882

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

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 22, page

30426

46829

T-3882

T-3163

No. 1 - 1630' S of 260' W from the N $\frac{1}{4}$ cor Sec 27, No. 2 - 560' S of 150' E, No. 3 - 1150' S of 180' E, Hoeft Ditch - 3580' S of 1260' W all from the N $\frac{1}{4}$ cor Sec 34