

Name Franklin Hoeft

3948

By _____

Address Route 2, Box 108

DESCRIPTION OF WATER RIGHT

FEES PAID

Pendleton, OR 97801

Name of stream Birch Creek

Date	Amount	Receipt No.
<u>4-27-78</u>	<u>80.00</u>	<u>2525</u>
TOTAL . . .		
	No. Cert. Fee	

Change in add'l POD

Trib. of _____ County of Umatilla

Date filed April 27, 1978

Use _____

Date of hearing July 25, 1978

Quantity of water _____ No. of acres _____

Place of hearing Pendleton

Name of ditch _____

Date of order 10-5-78 Vol. 31, page 290

Date of priority 1908

Date for application of water completed

In name of Louis Male

Proof mailed _____

Umatilla River Adjudication, Vol. 3, page 211

Proof received _____

App. No. _____ Per. No. _____ Cert. No. 2579

Certificate issued AUG 15 1986 Vol. 50, page 54768

Certificate cancelled _____

Notation made on record by _____

FEES REFUNDED

Date	Amount	Check No.
<u>6-23-78</u>	<u>\$45-</u>	<u>2399</u>
Ex 20-		
POD 15-		
35-		

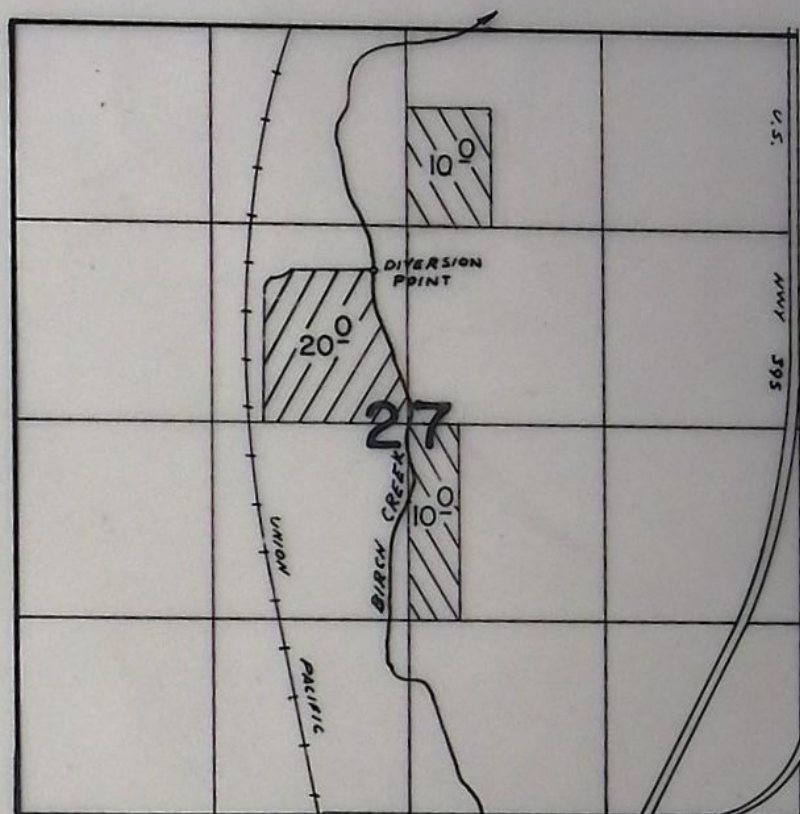
REMARKS

Hold until T-3160 completed

FP Map in T-3870

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

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



DIVERSION POINT 1020'N & 220'W FROM CENTER SEC 27



TRANSFER 3870



TRANSFER 3882

FINAL PROOF SURVEY

UNDER

TRANSFER 3870
TRANSFER 3882
TRANSFER 3948

Application No. Permit No.
IN NAME OF

.....**FRANKLIN HOEFT**.....

Surveyed 2-15..... 1979, by R. BARWIN.....

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That LOUIS MALE (For Geo. Male)
of Pilot Rock State of Oregon has a right to the use of
the waters of BIRCH Creek, a tributary of the Umatilla River,

for the purpose of the irrigation of 115 acres of land, domestic and stock use,

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 ^{STATE WATER BOARD} of the State of Oregon, in Volume ³ 7, at
page 127; that the priority of the right hereby confirmed dates from 1867 for
6 acres and 1908 for 109 acres

that the amount of water to which such right is entitled and hereby confirmed for the
purpose aforesaid, is limited to an amount actually beneficially used for said pur-
pose s, and shall not exceed 1.44 cubic feet per second, subject to the provisions
of paragraph 33 of said decree and all other conditions and limitations contained
in said decree.

A description of the lands irrigated under such right, and to which the water
hereby confirmed is appurtenant, or, if for other purposes, the place where such water
is put to beneficial use, is as follows: 5 acres in the Southeast quarter of Southwest
quarter and 25 acres in the Southwest quarter of Southeast quarter of Section
Twenty-two; 20 acres in the Northwest quarter of Northeast quarter; 20 acres in the
Southwest quarter of Northeast quarter; 20 acres in the Northeast quarter of Northwest
quarter; 5 acres in the Southeast quarter of Northwest quarter; 5 acres in the North-
east quarter of Southwest quarter; 10 acres in the Northwest quarter of Southeast
quarter and 5 acres in the Southwest quarter of Southeast quarter of Section Twenty-
Seven, Township One North, Range Thirty-two East of Willamette Meridian, in Umatilla
County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the
lands or place of use herein described.

WITNESS the seal and signature of the ^{State}
Water Board

^{STATE WATER BOARD}, affixed this 29th day
of December, 1919.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By Percy A. Cupper
State Engineer, President

Attest:

R. W. Potter
Secretary

Recorded in State Record of Water Right Certificates, Volume ³ 7, page 2579.

T-3948 T3370 T3160

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF FRANKLIN HOEFT FOR APPROVAL OF)
AN ADDITIONAL POINT OF DIVERSION)
OF WATER FROM BIRCH CREEK)

ORDER APPROVING
TRANSFER NO. 3948

On April 27, 1978, an application was filed in the office of the Water Resources Director by Franklin Hoeft for approval of an additional point of diversion from Birch Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2579, Volume 3, State Record of Water Right Certificates, in the name of Louis Male, 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 SW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 5.0 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 1908.

Water for the said right is diverted from a point located 50 feet North and 475 feet East from the South Quarter Corner of Section 27, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 1630 feet South and 260 feet West from the North Quarter Corner of said Section 27, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of May 31; June 7 and 14, 1978.

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

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.

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;

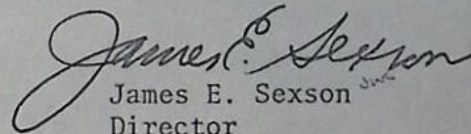
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the additional point of diversion is completed.

The order of the Water Resources Director entered October 5, 1978, approving transfer application No. 3870, provided for cancellation of the certificate of water right recorded at page 2579, Volume 3, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in that transfer proceeding or in this proceeding; therefore,

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 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

IN THE _____ COURT OF THE
STATE OF OREGON FOR UMATILLA COUNTY

AFFIDAVIT OF
PUBLICATION OF

Equity } No. _____
Law }

STATE OF OREGON, } ss
County of Umatilla }

I, Beverly Krosting being first duly
sworn, depose and say that I am the principal clerk of the publisher of the East
Oregonian, a newspaper of general circulation, as defined by ORS 193.010
and 193.020; printed and published at Pendleton in the aforesaid county and
state; that the EO- 776 Notice of water right transfer applications
#3870 & # 3948

a printed copy of which is hereto annexed, was published in the entire issue
of said newspaper for 3 successive and consecutive insertions in
the following issues:

May 31 & June 7th & 14th, 1978

Beverly Krosting

Subscribed and sworn to before me this 15th day of

June, 19 78

Fabrice A. Carpenter
Notary Public of Oregon

MY COMMISSION EXPIRES
SEPT. 8, 1980

EO-776
NOTICE OF WATER
RIGHT TRANSFER
APPLICATIONS NO. 3870 & 3948

Notice is given hereby that applications have been filed in the office of the Water Resources Director by Franklin Hoeft for approval of changes in place of use and point of diversion from Birch Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2579, Volume 3, State record of Water Right Certificates, in the name of Louis Male, describes a right which includes the use of not to exceed 0.44 cubic foot per second from Birch Cr for irrigation of 12.0 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 20.0 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 5.0 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$ & 10.0 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 27, T 1N, R 32E, WM, with a date of priority of 1908.

Water for the said right is diverted from a point located 50 ft N & 475 ft E from the S $\frac{1}{4}$ Corner of Sec 27, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 27, T 1N, R 32E, WM.

By transfer No. 3870, the applicant herein, owner of the lands above described, proposes to change the place of use of water from said 12.0 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$ & 10.0 ac in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 27 and, without loss of priority, to irrigate in Lieu thereof a certain 22.0 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec 27. The applicant herein also proposes to change from the above described point of diversion, without loss of priority, to divert water for irrigation of said 22.0 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 27 from a point of diversion located 1630 ft S & 260 ft W from the N $\frac{1}{4}$ Corner of said Sec 27, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 27.

By transfer No. 3948, the applicant herein proposes to establish an additional point of diversion for the irrigation of said 20.0 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$ & 5.0 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec 27, without loss of priority, at the point located 1630 ft S & 260 ft W from the N $\frac{1}{4}$ Corner of said Sec 27, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 27.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on July 25, 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 Franklin Hoeft, Rt 2, Box 108, Pendleton, OR 97801; 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. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon this 24th day of May, 1978.
James E. Sexson
Director
May 31, June 7, 14, 1978