

Name Glen Swilling

3940

30

By _____
Address Rt. 1, Goodrich Cr. Rd., Box 83
Baker, OR 97814

DESCRIPTION OF WATER RIGHT

FEEES PAID

Change in POD

Date filed April 25, 1978

Date of hearing _____

Place of hearing _____

Date of order 9-5-75 Vol. 31, page 186

Date for application of water 10-1-80

Proof mailed _____

Proof received _____

Certificate issued FEB 9 1989 Vol. _____, page 60013
MAR 20 1992 67217

Name of stream Pine and Spring Creeks

Trib. of _____ County of Baker

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1898

In name of Nancy G. Beckwith

Powder River Adjudication, Vol. 6, page 360
291

App. No. _____ Per. No. _____ Cert. No. 3996

Certificate cancelled _____

Notation made on record by _____

DIC cert

REMARKS

- finish -

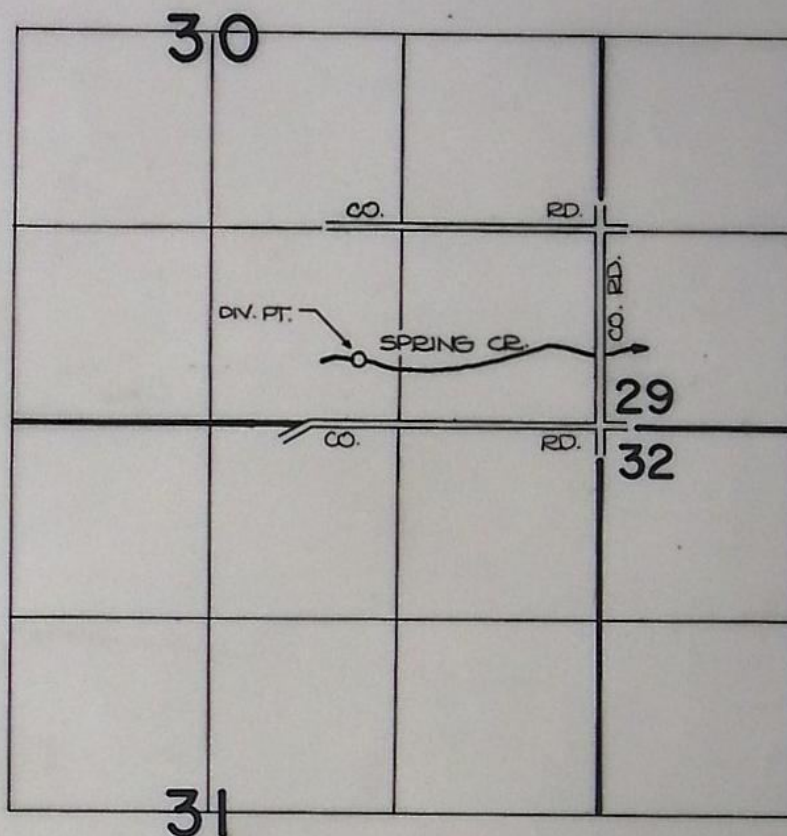
Date	Amount	Receipt No.
<u>4-25-78</u>	<u>35-</u>	<u>2868</u>
TOTAL . . .		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
☒	Name	<i>lg</i>
☒	Stream	<i>lg</i>
☒	Pt. of Div.	<i>lg</i>
☒	Calendar	<i>lg</i>
☒	Top. & Rge.	
☒	Deer-cant	<i>WJO</i>
☒	Deer-cave	
☒	Cert. of W/R	<i>WJO</i>
☒	Per. Folder	
☒	Ch-index	
☒	Gross Ref.	
☒	Power Claim	
☒	Abstracts	<i>lg</i>

T.8S. R.39E. W.M.



DIVERSION POINT IS LOCATED 410' N. AND 1000' E.
FROM THE S. 1/4 CORNER OF SECTION 30.

FINAL PROOF SURVEY

UNDER

TRANSFER NO. 3940

IN NAME OF

GLEN SWILLING

Surveyed **AUG. 3, 1983**, by **V. CHURCH**

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF GLEN SWILLING FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM SPRING CREEK)

ORDER APPROVING
TRANSFER NO. 3940

On April 25, 1978, an application was filed in the office of the Water Resources Director by Glen Swilling for approval of a change in point of diversion from Spring Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 3996, Volume 5, State Record of Water Right Certificates, in the name of Nancy G. Beckwith, describes a right for the use of water from Spring and Pine Creeks for irrigation of 10.0 acres in E $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 35.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 8 South, Range 39 East, W.M., with a date of priority of 1898.

Waters of Spring Creek for the said right are diverted, through Beckwith Ditch, from a point located 430 feet North and 690 feet East from the South Quarter Corner of Section 30, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 8 South, Range 39 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion of water from Spring Creek and, without loss of priority, to hereafter divert water from Spring Creek at a point located 410 feet North and 1000 feet East from the South Quarter Corner of Section 30, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 8 South, Range 39 East, W.M.

Mr. V. Kent Searles, 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

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diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

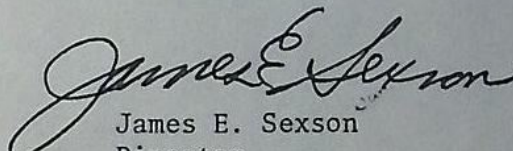
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1980.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Nancy G. Beckwith and recorded at page 3996, Volume 5, State Record of Water Right Certificates, is canceled; 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 September, 1978.


James E. Sexson
Director

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GLEN SWILLING
ROUTE 1, BOX 83, GOODRICH CREEK ROAD
BAKER CITY, OREGON 97814

confirms the right to use the waters of SPRING CREEK AND PINE CREEK, tributaries of POWDER RIVER, for IRRIGATING 45.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for BAKER County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 6, at Page 291. The date of priority is 1898.

The use is limited to 1.125 CUBIC FEET PER SECOND, IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SPRING CREEK - SW 1/4 SE 1/4, SECTION 30, T 8 S, R 39 E, W.M.;
410 FEET NORTH AND 1000 FEET EAST FROM THE S 1/4 CORNER OF SECTION 30;
PINE CREEK - SW 1/4 NE 1/4, SECTION 26, T 8 S, R 38 E, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated.

A description of the place of use to which this right is appurtenant is as follows:

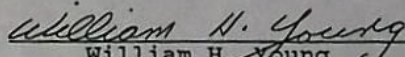
SW 1/4 SE 1/4 10.0 ACRES
SE 1/4 SE 1/4 35.0 ACRES
SECTION 30
TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

This certificate is issued to correctly describe the place of use and describes that portion of the water right confirmed by Certificate 60013, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered September 5, 1978, and supersedes Certificate 60013, State Record of Water Right Certificates.

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 above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed
MARCH 20, 1992.


William H. Young

Recorded in State Record of Water Right Certificates numbered 67217.

T-3940.JS

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That

of Rt-1, Box 83, Goodrich Cr. Rd.
Baker, State of

Glen Swilling

NANCY G. BECKWITH

Oregon 97814 has a right to the use of

the waters of Spring and Pine Creeks, tributary of Powder Riverfor the purpose of the irrigation of 45 acres of land

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Baker 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 6, at page 291;
that the priority of the right thereby confirmed dates from 1898

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 1.125 cfs if available at
the original point of diversion 1/40 of one cubic foot
per second per acre; and shall be subject to all other conditions and limitations
contained in said decree.

A description of the lands irrigated under such right, and to which the water is appur-
tenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:
10 acres in the Southwest quarter of Southeast quarter and 35 acres in the South-
east quarter of Southeast quarter of Section Thirty, Township Eight South, Range
Thirty-nine East of Willamette Meridian, in Baker County, Oregon.

SW 1/4 SE 1/4 10.0 acres

SE 1/4 SW 1/4 35.0 acres

Sec 30

T. 8 S., R. 39 E., W. M.

Should be SE 1/4 SE 1/4 35 ACRES

3 Clause

This certificate is issued to confirm a change in point of diversion approved
by an order of the Water Resources Director entered Sept. 5, 1978 and
supersedes certificate 3996, State Record of Water Right
Certificates.

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.

of use herein described.

WITNESS the seal and signature of the State
Water Board, affixed this 15th day
of February, 192 3

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

5 page 3996 60013

T-3940

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POD Spring Creek: SW 1/4 SE 1/4, Sec 30, T. 8 S., R. 39 E., W. M., 410' N & 1000' E from SW cor
Sec 30; Pine Creek: SW 1/4 NE 1/4 Sec 26, T. 8 S., R. 38 E., W. M.