

Sche 11

3938

Name Robert Schell
By _____
Address Box 487
Pendleton, OR 97801

Change in P.O.D.
Date filed April 21, 1978
Date of hearing _____
Place of hearing _____
Date of order 7-27-78 Vol. 31, page 93
Date for application of water completed
Proof mailed _____
Proof received _____
Certificate issued DEC 31 1983 Vol. 48, page 53647

DESCRIPTION OF WATER RIGHT

Name of stream Wild Horse Creek
Trib. of _____ County of Umatilla
Use irrigation
Quantity of water _____ No. of acres 1.44
Name of ditch _____
Date of priority April 20, 1915
In name of G. W. Chamberlain
_____ Adjudication, Vol. _____, page _____
App. No. 4212 Per. No. 2430 Cert. No. 2749
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>4-21-78</u>	<u>80.00</u>	<u>2398</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
<u>8-24-78</u>	<u>45.00</u>	<u>2551</u>
exam 20.00		
POD 15.00		
<u>35.00</u>		

REMARKS

Surveyed 1/30/84

W.R.I.S.

Assembled 5-16-83 by SKL

Entered _____ by _____

Verified _____ by _____

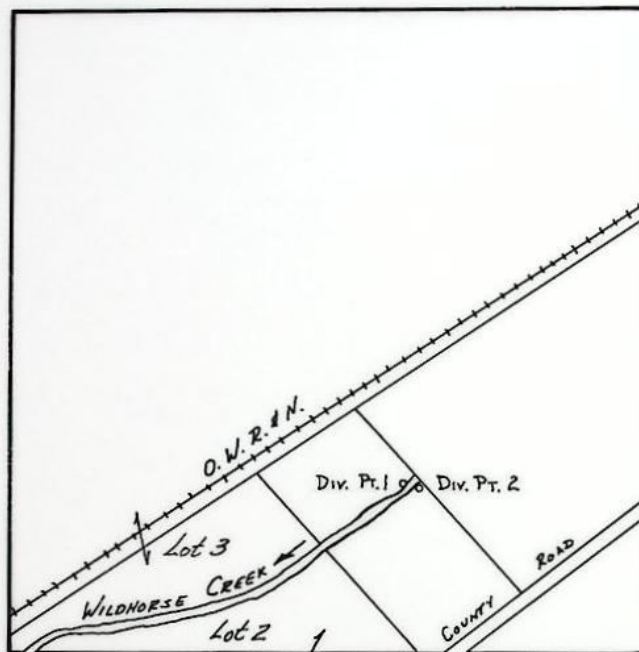
INDEX CARDS:		Entered	Checked
☒	Name	<u>for</u>	_____
☒	Stream	<u>for</u>	_____
☐	Pt. of Div.	<u>for</u>	_____
☒	Calendar	<u>for</u>	_____
CHECKED TO RECORDS:			
☐	Twp. & Rge.	_____	_____
☐	Decree-vault	_____	_____
☐	Decree-safe	_____	_____
☒	Cert. of W/R	<u>for</u>	_____
☒	Per. Folder	<u>for</u>	_____
☐	Chainindex	_____	_____
☐	Cross Ref.	_____	_____
☐	Power Claims	_____	_____
☒	Abstracts	<u>for</u>	_____

CCB

T. 3N., R. 33E., W. M.

NW1/4 NW1/4 SEC. 32

SCALE 1" = 400'



Div. Pt. 1 Loc: 970'S. & 810'E. FROM NW COR. SECTION 32

Div. Pt. 2 Loc: 980'S. & 840'E. FROM NW COR. SECTION 32

FINAL PROOF SURVEY
UNDER

TRANSFER 3938

IN NAME OF

ROBERT SCHELL

Surveyed Jan. 30, 1984, by J. L. Church

STATE OF OREGON

WATER DIVISION NO.

COUNTY OF

UMATILLA

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That

Robert Schell
~~C. W. CHAMBERLAIN~~

STAR Rt. of ~~Box 723~~ ³³⁰, Pendleton, State of Oregon ⁹⁷⁸⁰¹, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of Wild Horse Creek, a tributary of Umatilla River

, for the purpose of ~~the~~ irrigation of ^{1.44} ~~14.84~~ acres of land

and stock use

under Permit No. 2430 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1,

at page ~~351~~, on the ~~14th~~ day of April, ~~1920~~; that the priority of

the right hereby confirmed dates from April 20, 1915; 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 ^{0.018} ~~0.19~~ cubic ^{foot} ~~feet~~ per second, if available at the original point of diversion or for its equivalent in case of rotation. The use

hereunder shall conform to any reasonable rotation system ordered by the proper State Officer. A description of the lands 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: 2.86 acres in the Southeast quarter of Northeast quarter of Section Thirty-one; 2.94 acres in the Northeast quarter of Northwest quarter; 6.05 acres in the Northwest quarter of Northwest quarter and 2.99 acres in the Southwest quarter of Northwest quarter of Section Thirty-two, Township Three North, Range Thirty-three East of Willamette Meridian, in Umatilla County, Oregon.

*1.44 ac Lot 2 (NW4 NW4)
Sec 32
T.3N., R.33E., WM*

The right to the use of the water aforesaid hereby confirmed is restricted to the

This certificate is issued to confirm a change in point of diversion approved by an order of the W.R. Director entered 7-27-78, pursuant to transfer application No. 3938.

The issuance of this certificate does not confirm... etc

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 4, Page 2749

53647

T-3936 T-3937 T-3922 T-3927

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROBERT SCHELL FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM WILDHORSE CREEK)

ORDER APPROVING
TRANSFER NO. 3938

On April 21, 1978, an application was filed in the office of the Water Resources Director by Robert Schell for approval of a change in point of diversion of water from Wildhorse Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2749, Volume 4, State Record of Water Right Certificates, in the name of G. W. Chamberlain, describes a right which includes the use of not to exceed 0.018 cubic foot per second from Wildhorse Creek for irrigation of 1.44 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 3 North, Range 33 East, W.M., with a date of priority of April 20, 1915.

The authorized point of diversion for said right is located 240 feet South and 1560 feet East from the Northwest Corner of Section 32, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 3 North, Range 33 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 920 feet South and 710 feet East from the Northwest Corner of Section 32, Township 3 North, Range 33 East, W.M., being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 32.

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, and shall not exceed 0.018 cubic foot per second.

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;

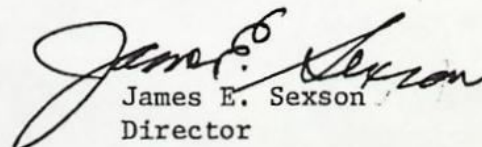
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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

The order of the Water Resources Director entered July 27, 1978, approving transfer application No. 2393, provided for cancellation of the certificate of water right recorded at page 2749, Volume 4, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; 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 27th day of July, 1978.


James E. Sexson
Director