

2347

STATUS OF APPLICATION

Change in Point of ~~Oregon~~ Diversion
 Date filed March 4, 1970
 Date of hearing June 3, 1970
 Place of hearing Enterprise Oregon
 Date of order 1-29-71 Vol. 20, page 377
 Date for application of water 10-1-71
 Proof mailed _____
 Proof received _____
 Certificate issued NOV 21 1973 Vol. 31, page 39605
To Survey Mar 2, 1971

DESCRIPTION OF WATER RIGHT

Name of stream Unnamed Spring
 Trib. of _____ County of Walla Walla
 Use Domestic & stock
 Quantity of water 0.05 cfs No. of acres _____
 Name of ditch _____
 Date of priority June 7, 1929
 In name of W.T. Puderbaugh
 _____ Adjudication, Vol. _____, page _____
 App. No. 12769 Per. No. 9097 Cert. No. 9004
 Certificate cancelled _____
 Notation made on record by slw

FEES PAID

| Date | Amount | Receipt No. |
|-----------------------------|--|---|
| 3/17/70 | 30 ⁰⁰ Publication of Notice | 18051 |
| 3-19-70 | 25.00 | From P-6 |
| TOTAL 12-5-73 4-27-70 | 50 ⁰⁰ \$1 Cert. Fee | 31108 - See CT56 From Pub. of Notice |

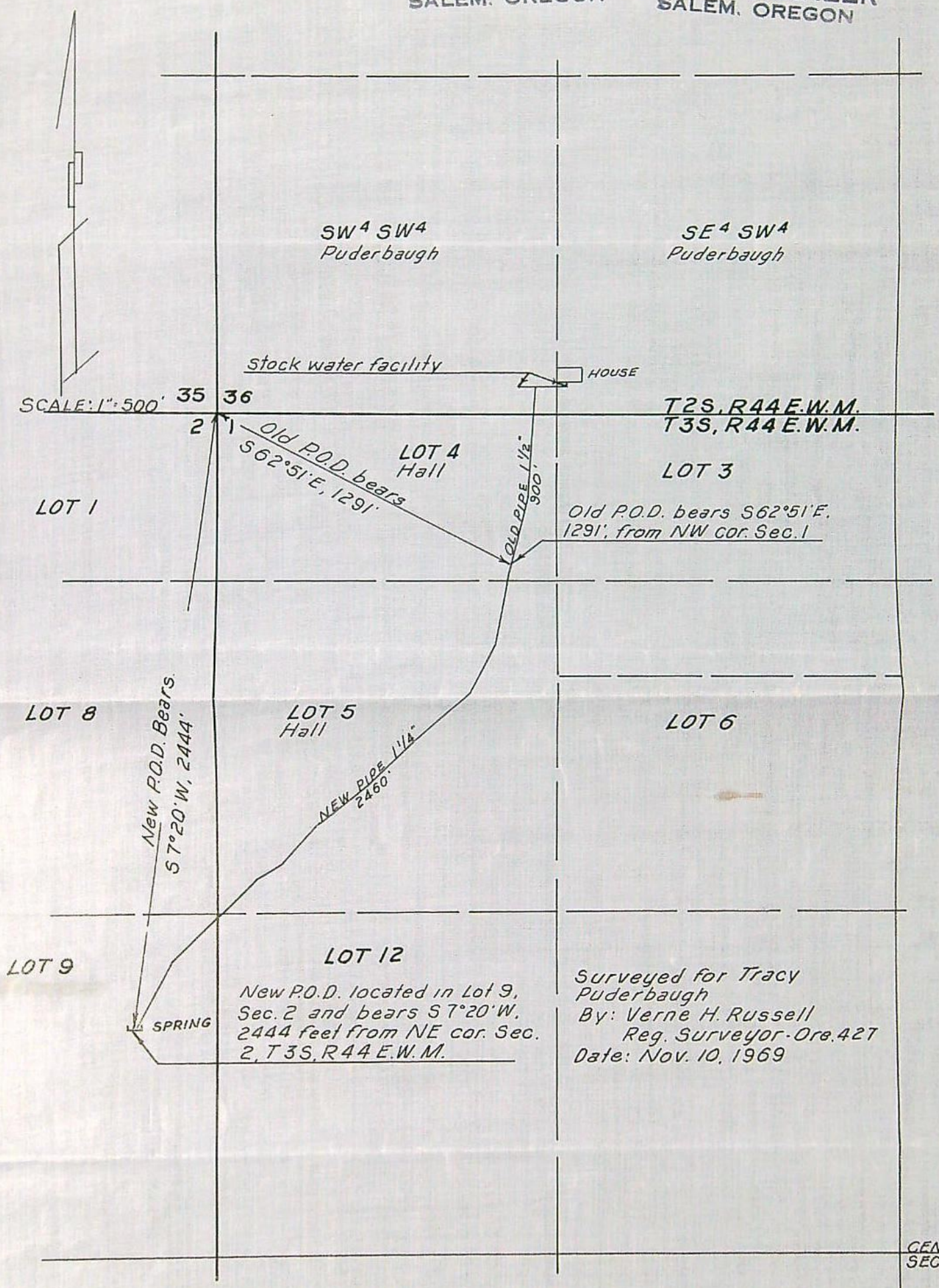
FEES REFUNDED

| Date | Amount | Check No. |
|---------|-----------------------|-----------|
| 4-27-70 | \$8.78 Pub. of Notice | 3601 |

REMARKS

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

RECEIVED MAR 17 1970
 STATE ENGINEER SALEM, OREGON
RECEIVED MAR 4 1970
 STATE ENGINEER SALEM, OREGON



Surveyed for Tracy Puderbaugh
 By: Verne H. Russell
 Reg. Surveyor - Ore. 427
 Date: Nov. 10, 1969

BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION)
OF W. T. PUDERBAUGH FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM AN UN-)
NAMED SPRING)

ORDER APPROVING
TRANSFER NO. 2347

On March 4, 1970, W. T. Puderbaugh filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from an unnamed spring, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to W. T. Puderbaugh and recorded at page 9004, Volume 8, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.05 cubic foot per second of water from an unnamed spring for domestic and stock use in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 2 South, Range 44 East, W.M., with a date of priority of June 7, 1929. The water is conveyed to these lands from a point of diversion located S 62° 51' E 1291 feet from the NW corner of Lot 4, Section 1 being within Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 1, Township 3 South, Range 44 East, W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands from a point of diversion to be located S 7° 20' W 2444 feet from the NE corner of Section 2 being within Lot 9 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 2, Township 3 South, Range 44 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Enterprise, Oregon, on June 3, 1970, at 9:30 a.m. The notice was published in the Wallowa County Chieftain, a newspaper printed and having general circulation

in Wallowa County, Oregon, for a period of three weeks in the issues of April 9, 16, and 23, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Walter L. Astwood, Watermaster of District No. 7, has filed a report 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 proposed change in point of diversion of water from an unnamed spring, to-wit:

From a point located S 62° 51' E 1291 feet from the NW corner of Lot 4, Section 1 being within Lot 4 (NW¼ NW¼), Section 1, Township 3 South, Range 44 East, W.M.

To a point to be located S 7° 20' W 2444 feet from the NE corner of Section 2 being within Lot 9 (NE¼ SE¼), Section 2, Township 3 South, Range 44 East, W.M.

for domestic and stock use in SW¼ SW¼ and SE¼ SW¼, Section 36, Township 2 South, Range 44 East, W.M., with a date of priority of June 7, 1929, is approved.

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, 1971.

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 and shall not exceed 0.05 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 certificate of water right heretofore issued to W. T. Puderbaugh and recorded at page 9004, Volume 8, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to W. T. Puderbaugh confirming the change in point of diversion.

Dated at Salem, Oregon, this 29th day of January, 1971.

/s/ CHRIS L. WHEELER
State Engineer

C-date 10/1/71

Done

$P_n' 426-3725$

Transfer No. 2347

County Wallowa ✓

1. Name W. T. Puderbaugh ✓ Address Enterprise, Oregon 97828 ✓

2. Source of Supply unnamed spring ✓, Trib. of ---

3. Amount of Water 0.05 cfs ✓ Priority Date June 7, 1929 ✓

4. Use domestic and stock ✓

5. Proposed Point of Diversion S 7° 20' W 2444 ft. from the NE corner of Sec. 2
being within Lot 9 (NE¼ SE¼), Sec. 2, T. 3 S., R.
44 E., W.M.

6. Place of Use ---

[illegible]

Info: W. T. Puderbaugh

Spring: Located on N. slope. Has a box of 2" Tongue & groove lumber approx. 2' x 6' x 2 1/2' Deep, with lumber & corr. galv. iron roofing.

Pipe: 2500' 1 1/4" Galv. Iron.
900' 1 1/2" " "

Fall: 400' to pressure release valve then 120' on to House. Pressure at outdoor hose bib is 100 p.s.i.

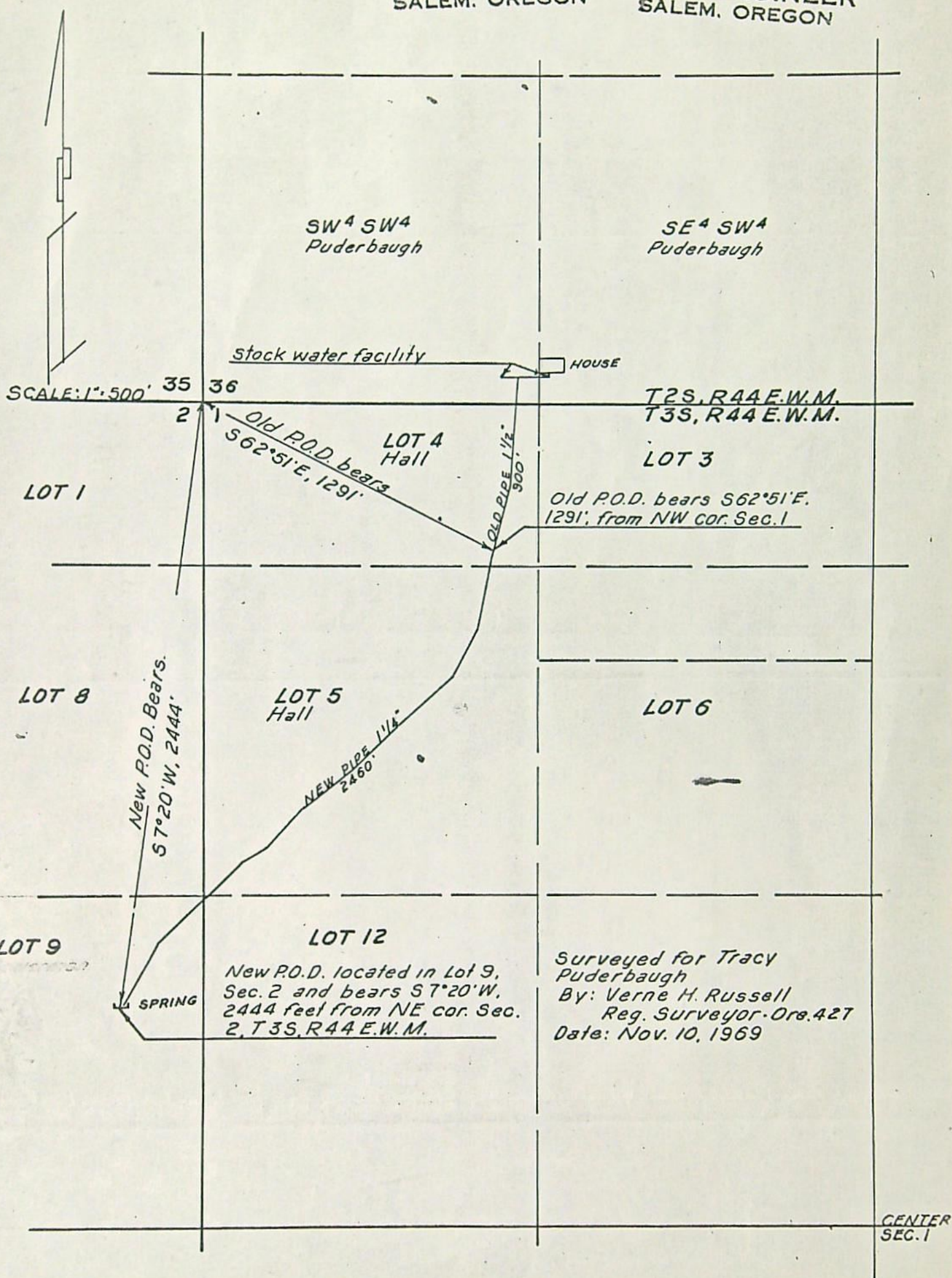
Use: Domestic Use of 1 family & Stock water for a max. of 40 head of cattle. Stock tanks at barn approx. 150' W. from House.

Note: Mr. Puderbaugh said that his reason for changing Springs was to go high enough to find unpolluted water.

Inspection reveals system and location to be exactly as shown on Application Map.

June 27, 1972, L. E. Gould
Field Engineer

RECEIVED **RECEIVED**
 MAR 17 1970 MAR 4 1970
 STATE ENGINEER STATE ENGINEER
 SALEM, OREGON SALEM, OREGON



RECEIVED
MAR 1 1971
STATE ENGINEER
SALEM OREGON

Transfer No. 2347

NOTICE OF COMPLETION OF CONSTRUCTION

I, W. T. Puderaugh, hereby certify
that the construction work has been completed and the change in
point of diversion of water made as set forth in the order of
the State Engineer dated January 29, 1971, approving an appli-
cation for a change in point of diversion of water from _____
an unnamed spring.

Feb 26th 1971
Date

W. T. Puderaugh
Name

RECEIVED
APR 27 1970
STATE ENGINEER
SALEM OREGON

Affidavit of Publication

STATE OF OREGON }
County of Wallowa } ss

I, Thelma Morgan, being
first duly sworn, depose and say that I am the

Office Manager

(printer, foreman of the printer, principal clerk, publisher or business manager) of the WALLOWA COUNTY CHIEFTAIN, a newspaper of general circulation printed and published at Enterprise in the aforesaid County and State, as defined in Section 58, Oregon Laws, and that the

NOTICE OF FILING APPLICATION
FOR A CHANGE IN POINT OF
DIVERSION OF WATER

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 3 weeks in the issues of

April 9, 1970
April 16, 1970
April 23, 1970

Thelma Morgan

Subscribed and sworn to before me this 24th
day of April, 1970

Mayimie Martin
Notary Public for Oregon

Wallowa County Clerk
(My commission expires)

**Notice Of Filing
Application For A
Change In Point Of
Diversion Of Water**

Notice is given hereby that W. T. Puderbaugh has filed an application for the approval of a change in point of diversion of water from an unnamed spring.

Certificate of water right issued to W. T. Puderbaugh and recorded at page 9004, Volume 8, State Record of Water Right Certificates, confirms a right to use of 0.05 cubic foot per second of water from an unnamed spring for domestic and stock use in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, T. 2 S., R.

44 E., W.M., with a date of priority of June 7, 1929. The water is conveyed to these lands from a point of diversion located S 62° 51' E 1291 ft. from the NW corner of Lot 4, Sec. 1 being within Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 1, T. 3 S., R. 44 E., W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands from a point of diversion to be located S 7° 20' W 2444 ft. from the NE corner of Sec. 2 being within Lot 9 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 2, T. 3 S., R. 44 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Enterprise, Oregon, on June 3, 1970, 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 W. T. Puderbaugh, Enterprise, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 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 State Engineer without a hearing.

Dated at Salem, Oregon, this 24th day of March, 1970.

CHRIS L. WHEELER
State Engineer

c213

RECEIVED
MAR 4 1970
STATE ENGINEER
SALEM, OREGON

RECEIVED
MAR 17 1970
STATE ENGINEER
SALEM, OREGON

12767

2347

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, W.T. Puderbaugh

(Name of applicant)

of Enterprise

(Postoffice)

County of Wallowa

State of Oregon

, do hereby make application for change

In point of diversion

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is Unnamed spring

(Name of stream)

2. The use to which the water is applied is Domestic, and stock

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is None

4. The point of diversion is located Bears S 62° 51' E 1291 feet from the NW

(N. or S.)

(E. or W.)

corner of Lot 4 Sec. 1

(Section or subdivision)

being within the Lot 4 NW 1/4 NW 1/4

of Section 1/ Tp. 3 S R. 44 E. W. M., in the County of Wallowa

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

| Twp. | Range | Sec. | NE 1-4 | | | | NW 1-4 | | | | SW 1-4 | | | | SE 1-4 | | | |
|------|----------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|----------------------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |
| 2 S | 44 E W M | 36 | | | | | | | | | | | Stk. Stk. | | | | | |
| | | | | | | | | | | | | | Dom. | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? June 7, 1929

9. Was your water right acquired by State Engineer's Permit? Yes If so, give number

(Yes or No)

of permit 9097

10. Do you hold a water right certificate? Yes If so, give number of certificate 9004
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? Yes
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

| Twp. | Range | Sec. | NE 1-4 | | | | NW 1-4 | | | | SW 1-4 | | | | SE 1-4 | | | |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| | | | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

Bears S 70° 20' W 2444 feet

14. The proposed point of diversion is located ft. and ft. from the NE
(N. or S.) (E. or W.)
corner of Sec. 2 being within the Lot 9 of Section 2 Tp. 3 S. R. 44 E. W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Wallowa The name of the ditch to be used is None

15. Are you the owner of the land on which the proposed point of diversion is to be located? No

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.
Sally Sternglanz and Rolf Sternglanz, husband and wife
Port Jefferson Station, NY, N.Y. EASEMENT recorded in Deed Book 77 page 407
William J. Hall and Martha Hall, husband and wife
Fort Ord, California EASEMENT recorded in Deed Book 77 page 408
Richard Rathbun, Trustee for Wendy J. Rathbun, Mary M. Rathbun, Carol S. Rathbun, Robert Hall, minors EASEMENT recorded in Deed Book 77 page 409
Joseph, Oregon

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

| NATURE OF ENCUMBRANCE | HELD BY | AMOUNT |
|-----------------------|---------|--------|
| | | |
| | | |
| | | |
| | | |

20. Reasons for the proposed changes are to eliminate contamination in the open ditch from livestock and logging operations. New point of diversion will supply a source of clean, pure water for domestic use.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Wallowa

} ss.

I, W. T. Puderbaugh, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 3rd day of March, 1970

W. T. Puderbaugh
(Name of applicant)

Subscribed and sworn to before me this 3rd day of March, 1970

[Notarial Seal]

G. E. Richards
NOTARY PUBLIC FOR OREGON

My commission expires 12/18/71

Remarks

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.