

STATUS OF APPLICATION

Change in point of diversion
 Date filed 6-26-74
 Date of hearing July 8, 1975
 Place of hearing Baker
 Date of order 7-10-75 Vol. 26, page 11-13
 Date for application of water 10-1-76
 Proof mailed _____
 Proof received _____
 Certificate issued JUL 23 1979 Vol. 41, page 48331
Survey 2/76

DESCRIPTION OF WATER RIGHT

Name of stream Powder River
 Trib. of _____ County of Union
 Use irrigation
 Quantity of water 2.51 cfs No. of acres 147.2
 Name of ditch _____
 Date of priority March 15, 1966
 In name of Richard B. Alexander
 _____ Adjudication, Vol. 3, page _____
 App. No. 40672 Per. No. 31402 Cert. No. 39115
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
6-26-74	30.00	41577
6-26-74	45.00 P.D.U.	41578
TOTAL . . .	1.50	
6-26-74	Cert. Fee	41579
6-11-75	2.50	41578 FROM P.C.N. 3070

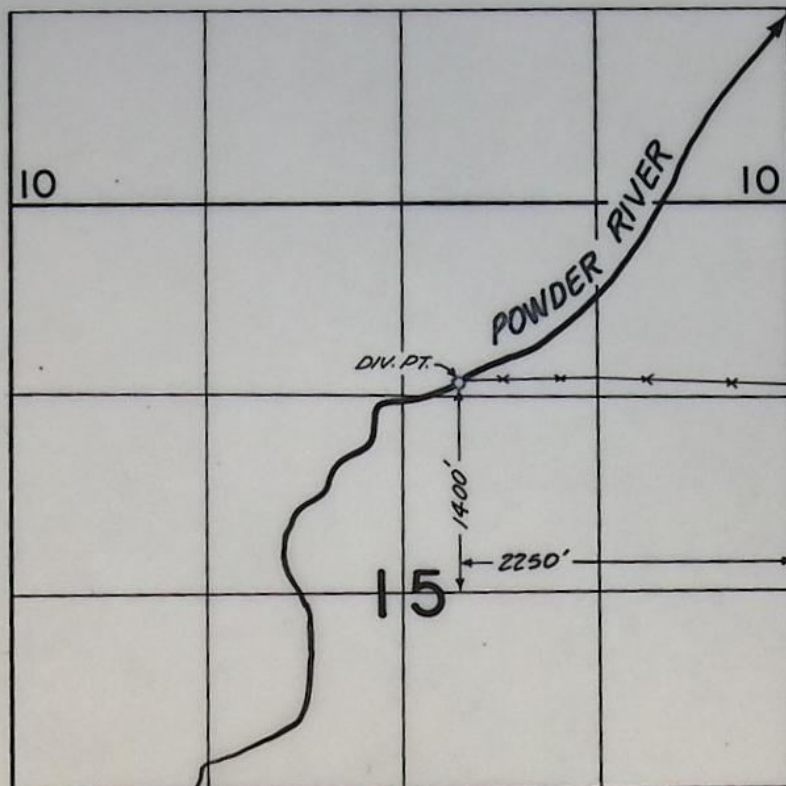
FEES REFUNDED

Date	Amount	Check No.
6-11-75	9.12	6376
1-27-76	2.00	233

REMARKS

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

T. 7 S. R. 39 E. W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER 3070
Application No. Permit No.
IN NAME OF

LENN C. & MIRIAM M. HOLMAN

Surveyed JUNE 24 1976, by C.R. KING

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

LENN C. AND MIRIAM M. HOLMAN

~~RICHARD B. ALEXANDER~~

of ~~P. O. Box 418, Baker~~ ^{1508 2ND STREET} ~~LA GRANDE~~ ⁹⁷⁸¹⁴ ~~97850~~, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Powder River

a tributary of Snake River
irrigation of ~~576.8~~ ^{146.2} acres

for the purpose of

under Permit No. 31402 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 March 15, 1966

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 ~~9.93~~ ^{2.51} cubic feet per second, ^{if available at the original point of diversion, NWSE Sec 21}
^{T75 R39E W4, 1230' N & 1330' E from the center of SW Sec 21}

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the ~~NW 1/4 Sec 21~~ ^{NW 1/4 SEC 15}, Section 21, T. 7 S., R. 39 E., W. M., ~~1230 feet North and 1330 feet East from the center of SW 1/4, Section 21.~~
^{1400' N & 2250' W from E 1/4 COR. of SEC. 15}

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 3 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:

~~39.5 acres NE 1/4 SW 1/4~~ ✓
~~39.0 acres NW 1/4 SW 1/4~~ ✓
~~39.5 acres NE 1/4 SE 1/4~~ ✓
~~39.5 acres NW 1/4 SE 1/4~~ ✓
~~Section 14~~

39.6 acres NE 1/4 SE 1/4
39.6 acres SE 1/4 SE 1/4
Section 15

39.6 acres NE 1/4 NE 1/4
27.2 acres SE 1/4 NE 1/4
Section 22

~~40.0 acres NE 1/4 NE 1/4~~ ✓
~~40.0 acres NW 1/4 NE 1/4~~ ✓
~~7.0 acres SW 1/4 NE 1/4~~ ✓
~~6.8 acres SE 1/4 NE 1/4~~ ✓
~~40.0 acres NE 1/4 NW 1/4~~ ✓
~~39.5 acres NW 1/4 NW 1/4~~ ✓
~~30.8 acres SW 1/4 NW 1/4~~ ✓
~~34.4 acres SE 1/4 NW 1/4~~ ✓
~~Section 23~~

34.8 acres NW 1/4 NW 1/4 ✓
Section 24
T. 7 S., R. 39 E., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered July 10, 1975 and together with certificate of water right recorded on Page 39115, Volume 31, SRWRC supersedes certificate of water right recorded on Page 39115, Volume 31, SRWRC.

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 31, page 39115

48331

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Union County

IN THE MATTER OF THE APPLICATION
OF LENN C. AND MIRIAM M. HOLMAN }
FOR THE APPROVAL OF A CHANGE IN }
POINT OF DIVERSION OF WATER FROM }
POWDER RIVER }

ORDER APPROVING
TRANSFER NO. 3070

On June 26, 1974, Lenn C. and Miriam M. Holman filed an application in the office of the Water Resources Department for the approval of a change in point of diversion of water from Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Richard B. Alexander and recorded at page 39115, Volume 31, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 9.93 cubic feet per second of water from Powder River for the irrigation of, among other lands, 39.6 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 39.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, 39.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 27.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 7 South, Range 39 East, W.M., with a date of priority of March 15, 1966. These lands are irrigated from a point of diversion located 1230 feet North and 1330 feet East from the center corner of SW $\frac{1}{4}$, Section 21, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 7 South, Range 39 East, W.M. An order entered February 18, 1975, approved a change in point of diversion for irrigation of 430.8 acres which is the balance of the lands described in the certificate.

The applicants herein, owners of the lands above described in paragraph two above, propose to irrigate these lands from a point of diversion to be located 1400 feet North and 2350 feet West from the East quarter-corner of Section 15, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 7 South, Range 39 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 Baker, Oregon, on July 8, 1975, at 9:30 a.m. The notice was published in the Baker Democrat Herald, a newspaper printed and having general circulation in Union County, Oregon, for a period of three weeks in the issues of May 15, 22 and 29, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. V. Kent Searles, Watermaster of District No. 8, 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 change in point of diversion of water from Powder River, to wit:

From a point located 1230 feet North and 1330 feet East from the center corner of SW $\frac{1}{4}$, Section 21, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 7 South, Range 39 East, W.M.

To a point to be located 1400 feet North and 2350 feet West from the East quarter-corner of Section 15, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 7 South, Range 39 East, W.M.

for the irrigation of 39.6 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 39.6 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, 39.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 27.2 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 7 South, Range 39 East, W.M., with a date of priority of March 15, 1966, 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, 1976.

Gilbert for Onion Skin

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 2.51 cubic feet 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 no new certificate be issued as provided by the order entered February 18, 1975, for the lands involved in this proceeding and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Lenn C. and Miriam M. Holman confirming the change in point of diversion.

Dated at Salem, Oregon, this 10th day of July, 1975.

/s/ JAMES E. SEXSON
Director

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

Notice is given hereby that Lenn C. and Miriam M. Holman have filed an application for the approval of a change in point of diversion of water from Powder River.

Certificate of water right issued to Richard B. Alexander and recorded at page 39115, Volume 31, State Record of Water Right Certificates, confirms a right to use of 2.51 cubic feet per second of water for the irrigation of, among other lands, 39.6 acres in NE 1/4 SE 1/4, 39.6 acres in SE 1/4 SE 1/4, Sec. 15, 39.6 acres in NE 1/4 NE 1/4 and 27.2 acres in SE 1/4 NE 1/4, Sec. 22, T. 7 S., R. 39 E., W.M., with a date of priority of March 15, 1966. Water for this use is diverted from a point located 1230 ft. N. and 1330 ft. E. from the center corner of SW 1/4, Sec. 21, being within the NW 1/4 SE 1/4, Sec. 21, T. 7 S., R. 39 E., W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 1400 ft. N. and 2350 ft. W. from the East 1/4 corner of Sec. 15, being within the NW 1/4 NE 1/4, Sec. 15, T. 7 S., R. 39 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Baker, Oregon, on July 8, 1975, 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 Lenn C. and Miriam M. Holman, 1508 2nd Street, La Grande, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Chris L. Wheeler
State Engineer

Legal No. 47
Publish: May 15, 22 and 29, 1975

AFFIDAVIT OF PUBLICATION

Baker, Oregon, May 31, 1975

STATE OF OREGON,
County of Baker

ss.

I, Barbara Dagelis, being first duly sworn, depose and say that I am the Principal Clerk of the Baker Democrat-Herald which is a Daily (except Sunday) newspaper of general circulation published in Baker, in said county and state; that such newspaper is made up of at least four pages of five columns each and of at least 17 3/4 inches in depth of type matter; that such newspaper was regularly and uninterruptedly published once each week for at least twelve consecutive months immediately preceeding the first publication of the attached Legal Advertisement # 47 Water Department, and has more than 200 bona fide subscribers within said county; that the Legal Advertisement of which the one hereto attached is a true and correct copy as printed, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, once each week for three successive and consecutive weeks being published three times commencing with the issue dated the 15th day of May, 19, 75, and ending with the issue dated the 29th day of May, 19, 75, and that the dates of publication were May 15, 1975, May 22, 1975, May 29, 1975

Barbara Dagelis

Subscribed and sworn to before me this 31st day of May, 19 75

Shyler Eugene
Notary Public for Oregon.

My commission expires September 8, 19 78

