

3416 George D. McKinnis
La Grande, Or. 97850

Rt 1, Box 1371, La Grande, Or. 97850

3416

STATUS OF APPLICATION

Change in point of diversion
Date filed 5-21-76
Date of hearing 3-1-77
Place of hearing Enterprise
Date of order 3-16-77 Vol. 28, page 372
Date for application of water 10-1-78
Proof mailed _____
Proof received _____
Certificate issued NOV 28 1977 Vol. 37, page 45009
8-18-88 57556

Surveyed
8-19-88

Surveyed 8/3/85

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream Walloua River
Trib. of _____ County of Union
Use irrigation, domestic and stock
Quantity of water _____ No. of acres 57.0
Name of ditch Slough
Date of priority 1890
In name of M. K. Beaman
Walloua River Adjudication, Vol. 5, page 148
App. No. _____ Per. No. _____ Cert. No. 2952
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-21-76</u>	<u>35.00</u>	<u>5-2703</u>
<u>5-21-76</u>	<u>10.00 PON</u>	<u>5-2704</u>
<u>12-23-76</u>	<u>35.00 PON</u>	<u>57336</u>
TOTAL . . .		
<u>2-11-77</u>	<u>\$2 Cert. Fee</u>	<u>57336</u>
Chieftan PON	<u>\$3767</u>	ch. # <u>1145</u>

FEES REFUNDED

Date	Amount	Check No.
<u>2-11-77</u>	<u>5.33</u>	<u>1146</u>

Fees. Exam 20-
POD 15
35.00

INDEX CARDS:	Entered	Checked
<u>WH</u> Name	<u>✓</u>	<u> </u>
<u>WH</u> Stream	<u>✓</u>	<u> </u>
<u>WH</u> Pt. of Div.	<u>✓</u>	<u> </u>
<u>WH</u> Calendar	<u>✓</u>	<u> </u>
CHECKED TO RECORDS:		
<u>0</u> Twp. & Rge.	<u> </u>	<u> </u>
<u>✓</u> Decree-vault	<u> </u>	<u> </u>
<u>✓</u> Decree-sale	<u> </u>	<u> </u>
<u>✓</u> Cert. of W/R	<u> </u>	<u> </u>
<u> </u> Per. Folder	<u> </u>	<u> </u>
<u> </u> Chaindex	<u> </u>	<u> </u>
<u> </u> Cross Ref.	<u> </u>	<u> </u>
<u>✓</u> Power Claim	<u> </u>	<u> </u>
<u>✓</u> Abstracts	<u>✓</u>	<u> </u>

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Union County

IN THE MATTER OF THE APPLICATION
OF GEORGE D. McDANIEL FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM WALLOWA RIVER)

ORDER APPROVING
TRANSFER NO. 3416

On May 21, 1976, George D. McDaniel filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from Wallowa River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 2952, Volume 4, State Record of Water Right Certificates, in the name of M. K. Boatman, describes an existing right of record which includes the use of waters of Wallowa River for irrigation of 6.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 15.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 36.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 1 South, Range 43 East, W.M., with a date of priority of 1890.

Water for the said right is diverted through the Slough ditch from a point located 1155 feet North and 1980 feet East from the Southwest corner of Section 13, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 1 South, Range 43 East, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion and to obtain water for the said lands through the Cross Country Ditch from a point located North 66 degrees 11 minutes East, 3378.9 feet from the Southwest corner of Section 11, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 1 South, Range 43 East, W.M.

Notice of the application, pursuant to ORS 540.510 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 January 6, 13 and 20, 1977.

Mr. Robert W. DeBow, Watermaster of District No. 7, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection 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 from Wallowa River 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.

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, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to M. K. Boatman and recorded at Page 2952, Volume 4, State Record of

Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, 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 16th day of March, 1977.

/s/ JAMES E. SEXSON
Director

Gibraltar Union Skin
MILLERS FALLS
ALL COTTON

B-13-85 VEC
1082

Willowia

County ~~Union~~

Address Route 1, Box 1371 (P.O. Box 1012) LaGrande, OR 97850

3. Use irrigation, ~~domestic~~ and stock

4. Amount of Water Priority Date 1890

5. Proposed Point of Diversion North 66 degrees 11 minutes East, 3378.9 feet from
the SW Corner, Section 11, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 1S.,
Range 43E., W.M., Union County *Yellow Co.*

6. Completion Date October 1, 1978

7. Place of Use:

[illegible]



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

February 8, 1979

George D. McDaniel
P.O. Box 1012
LaGrande, Oregon 97850

RE: File No. T- 3416

The time allowed for completion of the change in point of diversion of water from Wallowa River, proposed by your water right transfer application No. 3416, expired on October 1, 1978.

If the authorized change(s) was/were accomplished on or before said date, please fill out and sign the statement of completion at the bottom of this letter and send it to us.

If you were unable to fully accomplish the change within the time allowed, but were diligently working on it and, therefore, you want to apply for an extension of the time limit, check the box at the very bottom of this letter to request the proper application form.

Sincerely,

James W. Carver, Jr.
James W. Carver, Jr.
Engineer

JWC:lcj

STATEMENT OF COMPLETION

I hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving water right transfer application No. 3416 was accomplished by MAR. 1, 1978.

FEB. 15, 1979
Date

G. D. McDaniel
Signature



Please send form for application for extension of time limit.

RECEIVED

FEB 20 1979

WATER RESOURCES DEPT.
SALEM, OREGON

ok
lg

RECEIVED

APR 5 1974
STATE ENGINEER
SALEM, OREGON

RECEIVED

DEC 22 1976
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

MAY 2 1976
WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, George D. McDaniel

(Name of applicant)

of P. O. Box 1012, La Grande, Ore. County of Union

(Postoffice)

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 Wallowa River

(Name of stream)

2. The use to which the water is applied is Irrigation, ~~Power & Manufacturing~~

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

3. The name of the ditch, canal or pipe line is Slough Ditch4. The point of diversion is located 1155 ft. N. and 1980 ft. E. from the SW

(N. or S.)

(E. or W.)

corner of section 13

(Section or subdivision)

being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13 Tp. 1 S. R. 43 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 $\frac{1}{4}$	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 $\frac{1}{4}$
1 S.	43 E.	11							6		15	36						

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

57 ac

(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? Yes8. What is the date of priority of your water right? 18909. Was your water right acquired by State Engineer's Permit? No If so, give number

(Yes or No)

of permit

10. Do you hold a water right certificate? Yes If so, give number of certificate 2952
(Yes or No)

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

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

12. Is the water right recorded in your name? No - M. K. Boatman Vol 5, Page 148
(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.

N. 66° 11' E. 3378.9 feet

14. The proposed point of diversion is located ft. and ft. from the SW
(N. or S.) (E. or W.)
corner of section 11 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11 Tp. 1 S. R. 43 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 Cross Country

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.

Ben Wheeler of Lostine, Oregon owns the land but CrossCountry Ditch has the
easements to the site.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? Yes

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.? No
(Answer Yes or No)

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT
<u>CONTRACT OF SALE</u>	<u>G. CROW</u>	<u>\$43,000 -</u>

20. Reasons for the proposed changes are convenience of this newer ditch

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Union

} ss.

I, George L M Daniel, 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 3 day of April, 1974

George L M Daniel
(Name of applicant)

Subscribed and sworn to before me this 3 day of April, 1974

[Notarial Seal]

Therese J. Lincoln

NOTARY PUBLIC FOR OREGON

My commission expires April 12, 1974

Remarks USE FOR IRRIGATION ONLY - DELETE STOCK & DOMESTIC

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.



STATE OF OREGON

INTEROFFICE MEMO

TO: James W. Carver, Jr.

DATE: 10 March 1977

FROM: Robert DeBow
Watormaster Dist. #7

SUBJECT: T-3416

It is my feeling that there will be no harm done to existing rights because of this transfer of point of diversion. There is a measuring station and continuous recorder installed on this Cross Country Canal.

RECEIVED
MAR 11 1977
WATER RESOURCES DEPT
SALEM, OREGON

Robert W. DeBow

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 WATER RIGHT TRANSFER
APPLICATION NO. 3416 FOR CHANGE
IN POINT OF DIVERSION

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

January 6, 1977

January 13, 1977

January 20, 1977

Thelma Morgan

Subscribed and sworn to before me this 20th
day of January 1977

Ronald L. Schwart

Notary Public for Oregon

(My Commission expires 15 Jan. 1981...)

NOTICE OF WATER RIGHT TRANSFER Application No. 3416 For Change In Point Of Diversion

Notice is given hereby
that George D. McDaniel
has filed an application in
the office of the Water
Resources Director for the
approval of a change in
point of diversion from
Wallowa River.

Certificate of water
right recorded at Page
2952, Vol. 4, State Record
of Water Right Certifi-
cates, in the name of M.K.
Boatman, describes an
existing right of record
which includes the use of
waters of Wallowa River
for irrigation of 6.0 acres in
SW¹/₄ NW¹/₄, 15.0 acres in
NE¹/₄ SW¹/₄ and 36.0 acres
in NW¹/₄ SW¹/₄ of Sec. 11,
T. 1 S., R. 43 E., W.M.,
with a date of priority of
1890.

Water for the said right
is diverted through the
Slough ditch from a point
located 1155 ft. N. and 1980
ft. E. from the SW corner
of Sec. 13, being within the
SE¹/₄ SW¹/₄ of Sec. 13, T. 1
S., R. 43 E., W.M.

The applicant herein,
owner of the lands above
described, proposes to
change, without loss of
priority, the point of diver-
sion and to obtain water
for the said lands through
the Cross Country Ditch
from a point located N. 66°
11 min. E., 3378.9 ft. from
the SW corner of Sec. 11,
being within the NW¹/₄
SE¹/₄ of Sec. 11, T. 1 S., R.
43 E., W.M.

All persons interested
are notified hereby that a
hearing will be held at the
county courthouse at En-
terprise, Oregon, on Mar.
1, 1977, 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 pre-
pared in writing, one copy
to be served on George D.
McDaniel, Rt. 1, Box 1371,
La Grande, Ore., 97850,
and one copy filed with the
Water Resources Depart-
ment, Salem, Oregon,
97310, together with a \$10
filing fee, at least 10 days
prior to the date set for
hearing. IF NO OBJEC-
TION IS FILED, THE
APPLICATION MAY BE
APPROVED BY THE
WATER RESOURCES
DIRECTOR WITHOUT A
HEARING. Administra-
tive rules pertaining to the
filing of a protest will be
furnished by the Water
Resources Department
upon request.

Dated at Salem, Oregon,
this 27th day of December,
1976.

JAMES E. SEXSON
Director

c42t3

RECEIVED

FEB-7 1977

WATER RESOURCES DEPT
SALEM, OREGON

Doug McDaniel
Route 1, Box 1371
La Grande, Ore 97850

RE: File No. 51806

Attention: Mr. Jim Cowan

Dear Sir:

Enclosed is the application form for the transfer of water rights along with a copy of our cancelled check in payment.

I called your office on the date of the check and requested an explanation as to exactly how much was due and the secretary explained that we owed \$45.00.

It was an oversight that the application, maps, etc. were not returned at that time. I regret the error.

It is my understanding that Don Baldwin has called you and this data is to be in your office by January 1, 1977.

I hope this will complete the file and expedite the matter.

Sincerely,

Maryna J. McDaniel

Mrs. Doug McDaniel

RECEIVED
DEC 22 1976
WATER RESOURCES DEPT.
SALEM, OREGON

378-3066

June 4, 1976

TR-3416
51806

George D. McDaniel
P.O. Box 1012
La Grande, OR 97850

Dear Mr. McDaniel:

Your application for a change in point of diversion of water from the Wallowa River has been filed as transfer number 3416. The map and fees of \$45.00 were also received.

The transfer application requires the examination fee of \$20.00, a recording fee of \$15.00, and a deposit for publication of the proposed change of \$45.00, being a total of \$80.00. Therefore, an additional \$35.00 is required.

As mentioned in our previous correspondence, it will be necessary for you to show on the map the location of the stock watering facilities and house supplied water from the Wallowa River. The location of the stock facilities and house must also be listed in the proper place in item No. 5 of the application.

If the stock drink directly from the irrigation ditches, this may be noted on the map.

Will you please review the acreage presently allowed a right under the certificate 2952 involved in your proposed transfer and the additional acreage you intend to irrigate as listed in your application No. 51806. The 20.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and part of the 19.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11 illustrated on the map supporting application No. 51806 are covered by the water right evidenced by the certificate 2952. Unless the earlier right has been lost through nonuse for five successive years, you may wish to amend both of your applications and maps.

June 4, 1976

-2-

TR-3416
File 51806

The certificate 2952 was issued to M.K. Boatman and evidences the right to the use of water from the Wallowa River for domestic, stock and the irrigation of:

20.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
6.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$
24.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
36.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
20.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
of Section 11,
Township 1 South, Range 43 East, W.M.,

with a priority date of 1890.

I am returning your transfer application No. 3416, application No. 51806 and the two supporting maps for correction and completion. The application No. 51806 is endorsed so that in order to retain its priority date, it must be received in this office on or before August 4, 1976.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:cc
cc: Robert W. DeBow
Watermaster, District 7

RECEIVED

DEC 22 1976

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

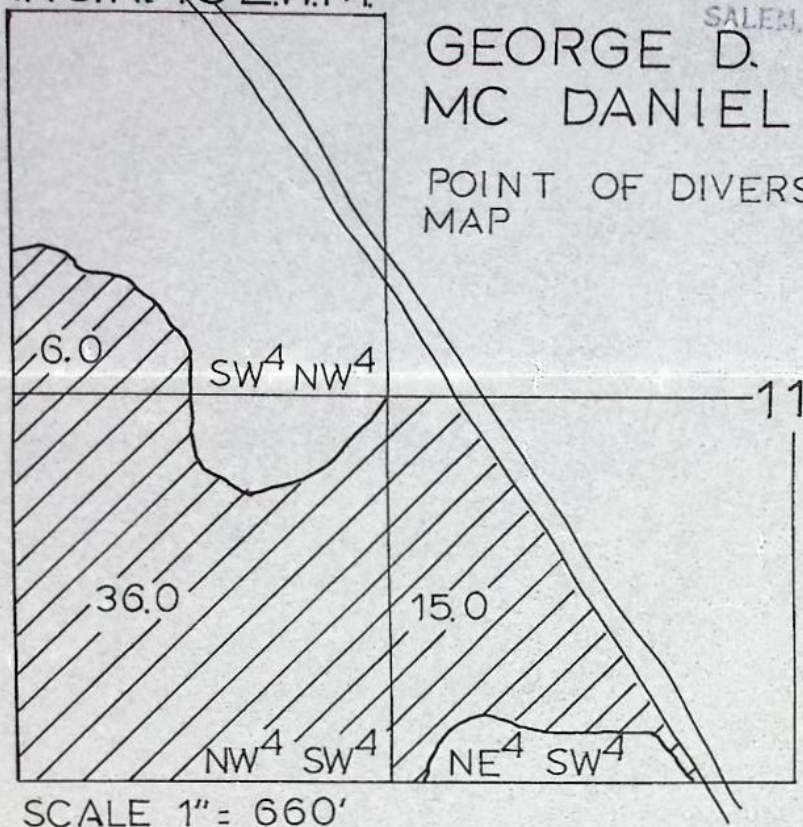
APR 5 1974

STATE ENGINEER
SALEM, OREGON

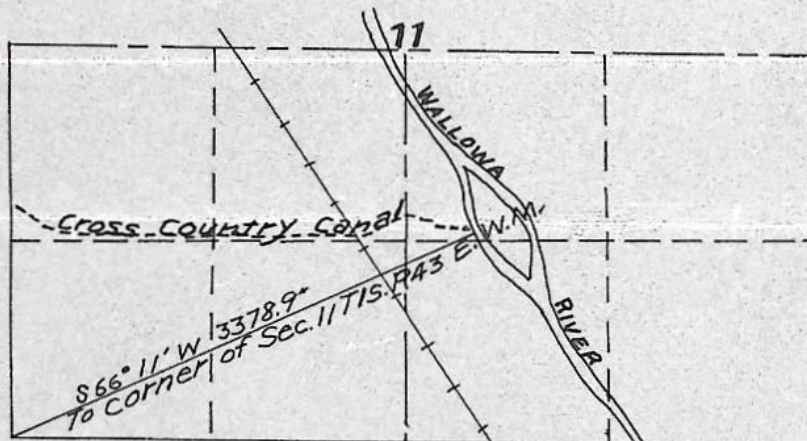
T.1S.R.43E.W.M.

GEORGE D.
MC DANIEL

POINT OF DIVERSION
MAP



SCALE 1" = 660'



SCALE 1" = 1320'

New point of diversion

Old point of diversion is

North 1155 ft. and East 1980 ft.
from the SW corner of Sec. 13,
T.1S, R.43 E.W.M., being in the
SE 1/4 SW 1/4 Sec. 13 T.1S, R.43 E.W.M.

Section 11

SW 1/4 NW 1/4	6.0	ac.
NW 1/4 SW 1/4	36.0	ac.
NE 1/4 SW 1/4	15.0	ac.
TOTAL:	57.0	ac.



RECEIVED

MAY 21 1976

WATER RESOURCES DEPT
SALEM, OREGON

T-3416