

32817

STATUS OF APPLICATION

Change in point of diversion
 Date filed 2-29-75
 Date of hearing 1-18-77
 Place of hearing Roseburg
 Date of order 1-20-77 Vol. 28, page 263
 Date for application of water 10-1-78
 Proof mailed _____
 Proof received _____
 Certificate issued AUG 29 1988 Vol. _____, page 57586

Summary 4-79

DESCRIPTION OF WATER RIGHT

Name of stream Porter Creek
 Trib. of _____ County of Douglas
 Use irrigation
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority _____
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 15576 Per. No. 11465 Cert. No. 13455
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
7-29-75	35.00 ^{see below}	48665
11-12-76	40.00 PON	56836
TOTAL . . .	3.00 Cert. Fee	<u>see below</u> <u>48664</u>
** 1-6-77 Twp. above 53 ⁰⁰ to P.O.N. Rec. # 56836		
* also 1-6-77 Twp. 304 from Rec. Fees to P.O.N. # 56836		

FEES REFUNDED

Date	Amount	Check No.
1-6-77	Paid Newspaper (The News-Review \$43.30) Part of ch. # 1050	

REMARKS

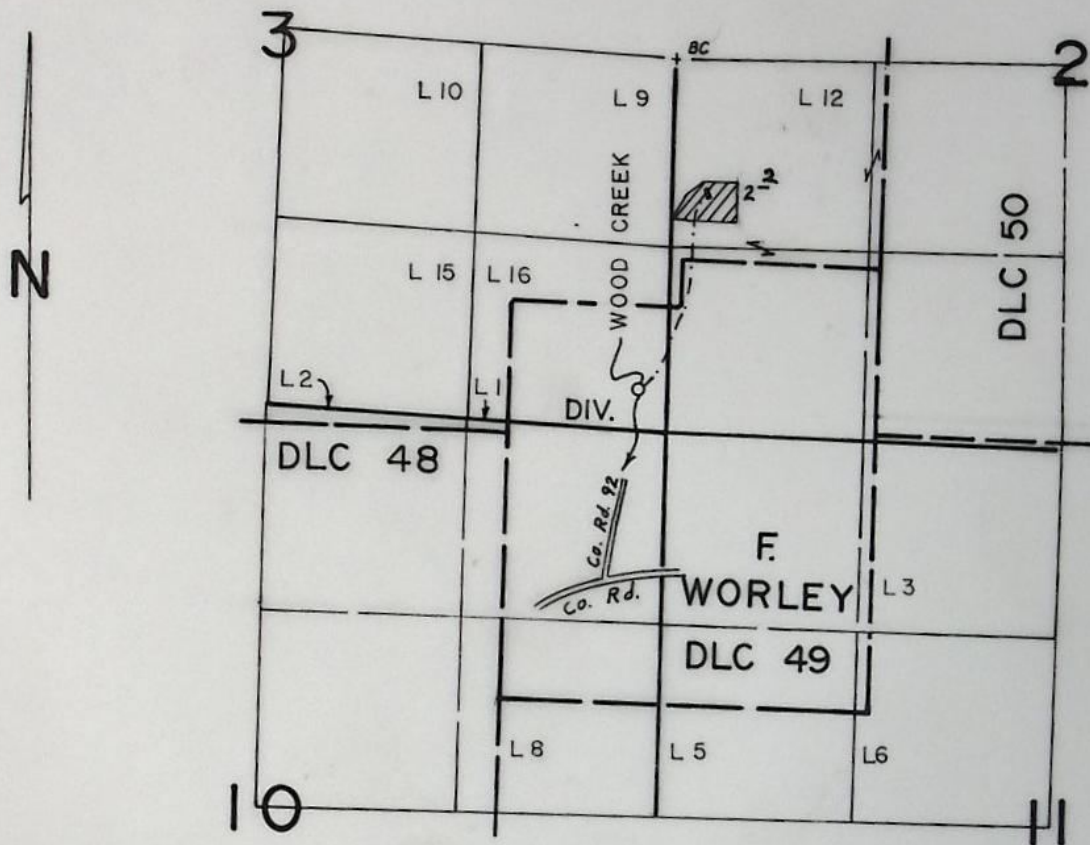
See 53482

See 15576

See T-4023

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	<u>WA</u> Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>WA</u> Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>WA</u> Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>WA</u> Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>0</u> Twp. & Rge.	<u>GLS</u>	<input type="checkbox"/>
	<u> </u> Decree-vault	<input type="checkbox"/>	<input type="checkbox"/>
	<u> </u> Decree-sale	<input type="checkbox"/>	<input type="checkbox"/>
	<u> </u> Cert. of W/R	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u> </u> Per. Folder	<input checked="" type="checkbox"/>	<u>Rep</u>
	<u> </u> Chsindex	<input type="checkbox"/>	<input type="checkbox"/>
<u> </u> Cross Ref.	<input type="checkbox"/>	<input type="checkbox"/>	
<u> </u> Power Claim	<input type="checkbox"/>	<input type="checkbox"/>	
<u> </u> Abstracts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

T. 30 S., R 4 W., W.M.



DIV. PT. LOC. 280' N. and 190' W. FROM SE COR. SEC. 3.

SCALE: 4" = 1 mile

FINAL PROOF SURVEY UNDER

T - 3287
T - 4023

Application No. Permit No.
IN NAME OF

ERNEST A. & LILLIE L. WAGNER

Surveyed AUG. 22, 1983, by J.S. DONALDSON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION }
OF ERNEST A. AND LILLIE L. WAGNER }
FOR THE APPROVAL OF A CHANGE IN }
POINT OF DIVERSION OF WATER FROM }
PORTER (WOODS) CREEK }

ORDER APPROVING
TRANSFER NO. 3287

On July 29, 1975, Ernest A. and Lillie L. Wagner filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Porter (Woods) Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 13455, Volume 11, State Record of Water Right Certificates, in the name of Ladd and Bush, describes an existing right of record for the use of not to exceed 0.37 cubic foot per second from Porter (Woods) Creek for irrigation of 5.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, 2.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, 4.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 and 16.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 30 South, Range 4 West, W.M., with a date of priority of October 11, 1934.

Water for the said right is diverted from a point located 690 feet South and 575 feet West from the East quarter-corner of Section 3, being within Lot 9 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 3, Township 30 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion for the said lands to a point located 100 feet North and 140 feet West from the Southeast corner of Section 3, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 30 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Roseburg News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of November 26, December 3 and 10, 1976.

Mr. M. John Youngquist, Watermaster of District No. 15, 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 Porter (Woods) Creek 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, and shall not exceed 0.37 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 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 Ladd and Bush and recorded at Page 13455, Volume 11, 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 Ernest A. and Lillie L. Wagner.

Dated at Salem, Oregon, this 20th day of January, 1977.

/s/ JAMES E. SEXSON
Director

76-21B-15

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN: POD
POU
USE
Add'l POD

Transfer NO. 3287County DouglasOld Certificate NO. 13455

(209) 532-2796

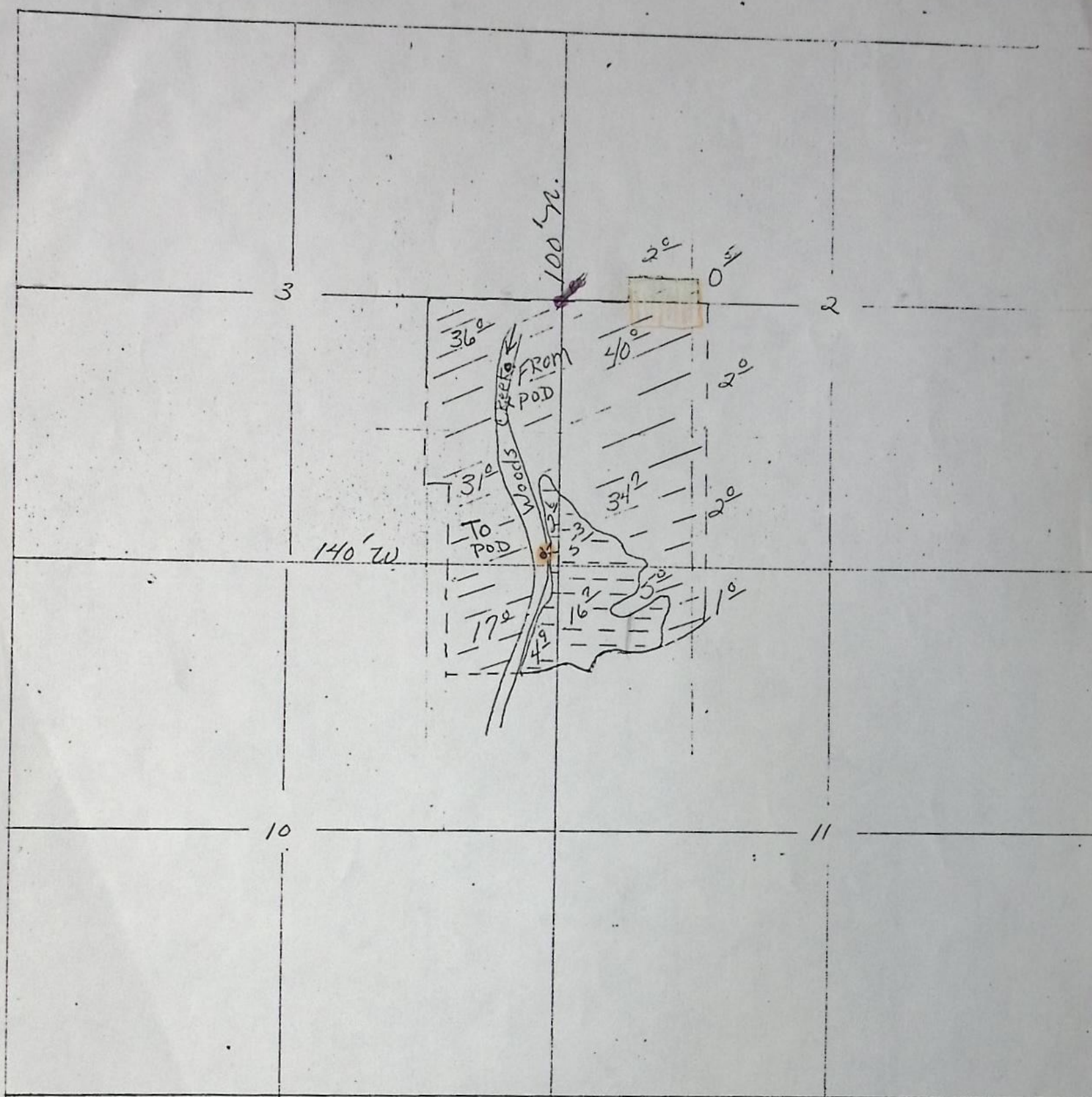
1. Name Ernest A. & Lillie L. Wagner
Address 39 Sylvan Place Sonoma, CA 95370
2. Source of Supply Porter Creek Wood Creek, Trib of Days Creek
3. Use irrigation
4. Amount of Water _____ Priority Date October 11, 1934
5. Proposed Point of Diversion 100 ft. North and 140 ft. West from SE Corner, Section 3, being within the SE 1/4 SE 1/4, Section 3, T. 30S, R. 4W, W.M., County of Douglas
6. Completion Date October 1, 1978
7. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
30	4			
OTHER PERMITS IN 40				

Section layout from 1983 RMT resurvey of 1896 CLOS

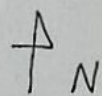
Photo 30S 4W NE 1/4
Aug. 22, 1983 JSD

T. 30 S., R. 4 W.



--- Original Right

- - - New Right



4" = 1 mile

53432

43136

Transfer 3287

Info: Ernest Wagner new diversion point has been used to irrigate
all land covered by the 1934 water right

Div: Pumps from pool in Woods Creek formed by a
2½' high earth dam in creek channel.

Pump & Motor: Berkeley CDD 5"x4" Model No. 4GRC
GE 20 hp @ 1760 r.p.m.

Pipe: 1200' 5" alum
1800' 3" alum

Heads: 10 RB 40's 3/16 x 3/32 10 RB 30 3/16 x 0
25 RB 30's 11/64 x 3/32 (all 25 max)

Lift: + 10'

use: Irrigation of hay and pasture

photo: 30S 4W NE¼ (Days Creek 16"x16")

E. Steve Donaldson
Water Rights Examiner
August 22, 1983

RECEIVED

APR 13 1979

WATER RESOURCES DEPT.
SALEM, OREGON

ok
Lg.

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. 3287 was accomplished by July 1, 1978.

4/10 / 79
Date

Ernest O Wagner
Signature



Please send form for application for extension of time limit.

RECEIVED

JUL 29 1975

WATER RESOURCES DEPT.
SALEM, OREGON

T-3287

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

b I, Ernest A. and Lillie L. Wagner
(Name of applicant)
39 SYLVAN PLACE, SONORA
of General Delivery, Days Creek, County of Douglas
(Postoffice)
State of CALIFORNIA 95370
Oregon, do hereby make application for change point of diversion

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

1. The source of present water right is (Woods) Porter Creek
(Name of stream)
2. The use to which the water is applied is irrigation
(Irrigation; Mining; Power; Manufacturing; etc.)
3. The name of the ditch, canal or pipe line is none
4. The point of diversion is located (1050) 690 ft. S and 575 ft. W from the 1/4 corner
(N. or S.) (E. or W.) between Secs. 3 & 2
corner of Section 3 being within the NE 1/4 SE 1/4
(Section or subdivision)
of Section 3 Tp. 30S R. 4W W. M., in the County of Douglas
(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
30S	4W	2											5.3					
		3																2.6
		10	4.9															
		11						16.7										

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? October 11, 1934
9. Was your water right acquired by State Engineer's Permit? Yes If so, give number
(Yes or No)
of permit 1-1465

10. Do you hold a water right certificate? Yes If so, give number of certificate 13455
(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? No: Ladd & Bush Bank, assignee of Glenn Fox
(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.

14. The proposed point of diversion is located 100 ft. N and 140 ft. W from the SE corner of Sec. 3 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3 Tp. 30S. R. 4W. W. M.,
(Smallest legal subdivision) (N. or S.) (E. or W.)
in the county of Douglas. The name of the ditch to be used is

15. Are you the owner of the land on which the proposed point of diversion is to be located? Yes

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.

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.? Yes
(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 point of diversion

AFFIDAVIT OF APPLICANT

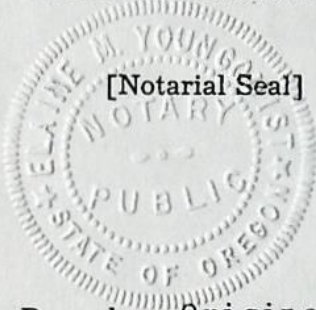
STATE OF OREGON,
County of Douglas } ss.

I, Ernest A. and Lillie L. Wagner, 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 28th day of July, 1975.

E. A. Wagner M.D.
Lillie L. Wagner
(Name of applicant)

Subscribed and sworn to before me this 28th day of July, 1975.



Elaine M. Youngquist
NOTARY PUBLIC FOR OREGON

My commission expires 8-4-78

Remarks Original certificate was in error as P.O.D. is on Woods Creek.

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.

Affidavit of Publication
The News-Review
Roseburg, Oregon

ISSUED DAILY EXCEPT SUNDAY

STATE OF OREGON }
COUNTY OF DOUGLAS } ss.

I, Elsille Martin, being
first duly sworn, depose and say that I am the Business Manager, of The News-Review, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Roseburg in the aforesaid county and state; that the

Water Right Transfer Application

No. 3287

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues:

November 26, December 3, 10, 1976

The fee actually charged by such newspaper for such publication is \$ 113.30

Elsille Martin

Subscribed and sworn to before me this 10th day of

December

1977

Barbara Brian
Notary Public of Oregon

My Commission expires 10th day of October 1980

**NOTICE OF WATER
RIGHT TRANSFER
APPLICATION NO. 3287
FOR CHANGE IN
POINT OF DIVERSION**

Notice is given hereby that Ernest A. and Lillie L. Wagner have filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from Porter (Woods) Creek.

Certificate of water right recorded at Page 13455, Vol. 11, State Record of Water Right Certificates, in the name of Ladd and Bush, describes an existing right of record for the use of not to exceed 0.37 c.f.s. from Porter (Woods) Creek for irrigation of 5.3 acres in SW $\frac{1}{4}$ of Sec. 2, 2.6 acres in SE $\frac{1}{4}$ of Sec. 3, 4.9 acres in NE $\frac{1}{4}$ of Sec. 10 and 16.7 acres in NW $\frac{1}{4}$ of Sec. 11, T. 30 S., R. 4 W., W.M., with a date of priority of Oct. 11, 1934.

Water for the said right is diverted from a point located 690 ft. S. and 575 ft. W. from the E. $\frac{1}{2}$ corner of Sec. 3, being within the Lot 9 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Sec. 3, T. 30 S., R. 4 W., W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion for the said lands to a point located 100 ft. N. and 140 ft. W. from the SE corner of Sec. 3, being within the SE $\frac{1}{4}$, SE $\frac{1}{4}$ of Sec. 3, T. 30 S., R. 4 W., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Roseburg, Oregon, on January 18, 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 prepared in writing, one copy to be served on Ernest A. and Lillie L. Wagner, 39 Sylvan Place, Sonoma, Ca 95370, and one copy filed with the Water Resources Department, Salem, Oregon, 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dates at Salem, Oregon, this 16th day of November, 1976.

JAMES E. SEXSON
Director

Invoice No. 2528

Publication dates: Nov. 26, Dec. 3, 10, 1976

RECEIVED

JAN 20 1977

WATER RESOURCES DEPT.
SALEM, OREGON