

Wayne Marks  
Imnaha, Or.

3684

MARKS

STATUS OF APPLICATION

Change in POU & POD  
Date filed 5-24-77  
Date of hearing Dec 20, 1977  
Place of hearing Enterprise  
Date of order 12-20-77 Vol. 30, page 203  
Date for application of water 10-1-79  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued JAN 31 1978 Vol. \_\_\_\_\_, page 45227  
APR 14 1989 60839

DESCRIPTION OF WATER RIGHT

Name of stream Thorn Cr., Imnaha Riv., Dunlap Cr.  
Trib. of \_\_\_\_\_ County of Wallowa  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
Date of priority \_\_\_\_\_  
In name of Jake B. Marks  
Imnaha River Adjudication, Vol. 10, page 322  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 9361  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>5-24-77</u>	<u>\$90-</u>	<u>60746</u>
<u>11-28-77</u>	<u>15.48</u>	<u>65233</u>
TOTAL . . .		
<u>11-17-77</u>	<u>\$2 Cert. Fee</u>	<u>First on 60746</u>

Wallowa County Clerk's R 58.48 pd 11/18/77 ck #1805

FEES REFUNDED

Date	Amount	Check No.
Recd		<u>90-</u>
Exam	<u>20-</u>	
POU	<u>10-</u>	
POD	<u>15-</u>	
Cert	<u>2-</u>	
PON	<u>58.48</u>	
	<u>105.48</u>	

Need 15.48

REMARKS

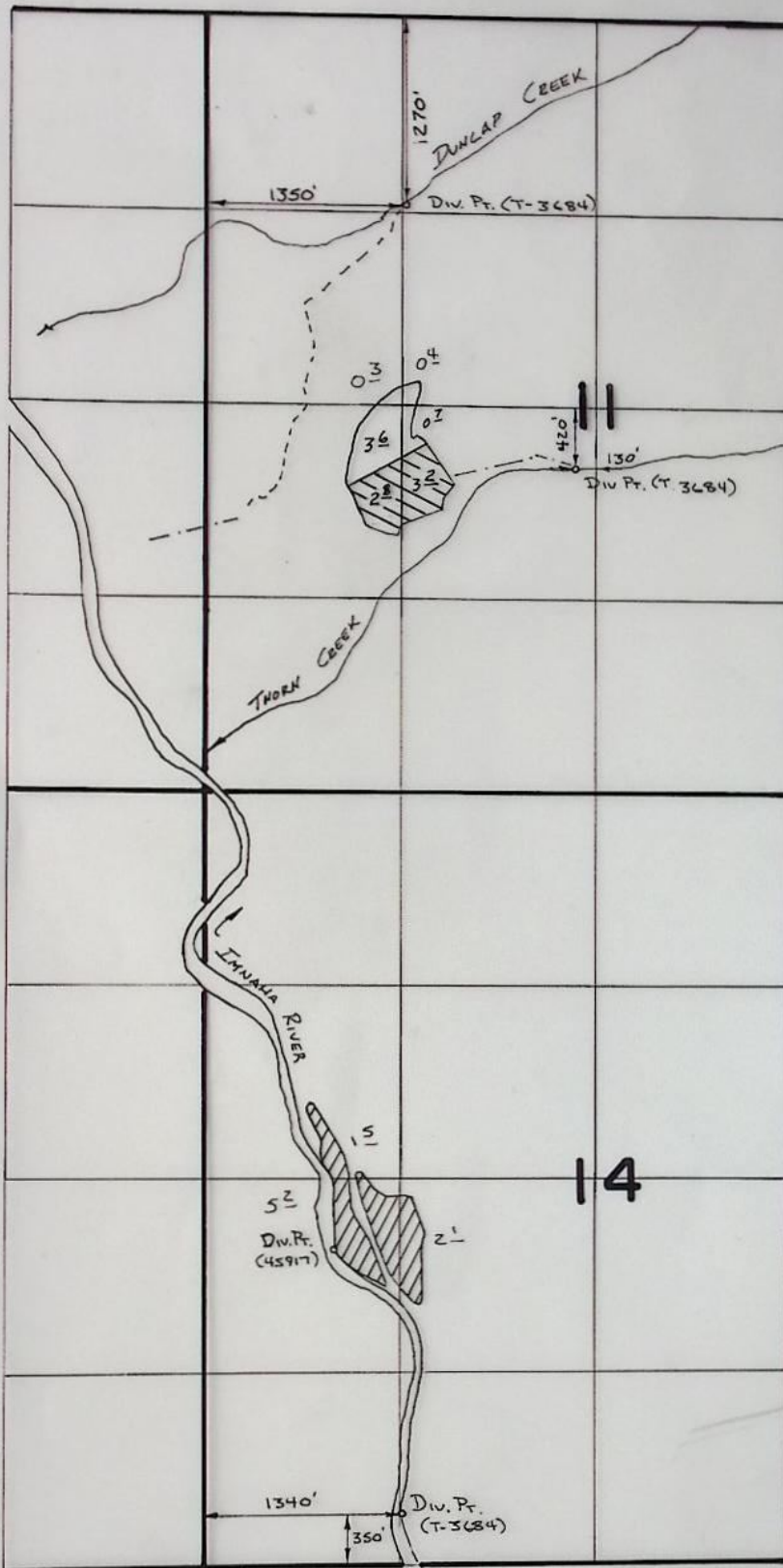
finis

Surveyed 8/27/85

CARD FOR C DEC 26 1979

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/>	Name	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Stream	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Pt. of Div.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Calendar	<u>lg</u>	_____
<input checked="" type="checkbox"/>	CHECKED TO RECORDS:		
<input checked="" type="checkbox"/>	Twp. & Rng.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Deed-Grant	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Deed-Sale	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Cert. of W.	<u>lg</u>	_____
<input type="checkbox"/>	Per. Folder	_____	_____
<input type="checkbox"/>	Chaindex	_____	_____
<input type="checkbox"/>	Cross Ref.	_____	_____
<input checked="" type="checkbox"/>	Power Claim	_____	_____
<input checked="" type="checkbox"/>	Abstracts	<u>lg</u>	_____





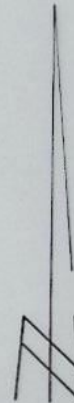
T. 1 S., R. 48 E., W. M.



PER. 45917



T-3684



SCALE 1" = 1320'

# FINAL PROOF SURVEY

TRANSFER 3684  
APPL. 61516 PER. 45917

IN NAME OF

**MARKS & MARKS, PARTNERSHIP**

**SURVEYED 8-27, 1985, by V.L.CHURCH**

Div. Pt. Loc: 2150'N. & 880'E FROM SW COR. SEC 14

SPECIAL ORDER V. P.

265L 266L

REV. 1-24-87  
VLC

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WALLOWA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF WAYNE MARKS FOR APPROVAL OF )  
CHANGES IN PLACE OF USE AND POINT )  
OF DIVERSION OF WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3684

On May 24, 1977, an application was filed in the office of the Water Resources Director by Wayne Marks for approval of changes in place of use and point of diversion from Thorn Creek, Dunlap Creek and Imnaha River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 9361, Volume 9, State Record of Water Right Certificates, in the name of Jake B. Marks, describes rights allowed by decree of the Court in the Imnaha River adjudication which include:

(1) Use of water from Thorn Creek, through the Thorn Ditch, from a point located 1260 feet North and 780 feet East from the Southwest Corner of Section 11, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, Township 1 South, Range 48 East, W.M., for irrigation of 2.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 4.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10 of said Township and Range, with a date of priority of 1888.

The applicant herein, owner of the said lands, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 0.5 acre in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 1.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 4.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 11 from a point of diversion located 2440 feet North and 2630 feet East from the Southwest Corner of Section 11, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 11.

(2) Use of water from the Imnaha River, through the Lloyd Ditch, from a point located 1080 feet South and 1640 feet East from the Northwest Corner of Section 23, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 23, Township 1 South, Range 48 East, W.M., for irrigation of 6.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 0.6 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 14; and 0.8 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 23 of said Township and Range, with a date of priority of 1894.

The applicant herein, owner of said lands, proposes to change the point of diversion therefrom, without loss of priority, to a point located 400 feet North and 950 feet East from the Southwest Corner of Section 14, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 14, Township 1 South, Range 48 East, W.M.



(3) Use of water from Dunlap Creek, through the Dunlap Creek Ditch, from a point located 2120 feet South and 1320 feet West from the Northeast Corner of Section 10, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, Township 1 South, Range 48 East, W.M., for irrigation of 6.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 10, with a date of priority of 1900.

The applicant herein, owner of said lands, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1200 feet South and 1650 feet East from the Northwest Corner of Section 11, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 11 of said Township and Range.

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 October 27; November 3 and 10, 1977.

Mr. Robert W. DeBow, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old points of diversion under the subject rights.

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.

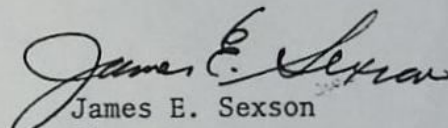
It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred



shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Jake B. Marks and recorded at page 9361, Volume 9, 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 20th day of December, 1977.

  
James E. Sexson  
Director



## STATE OF OREGON

COUNTY OF WALLOWA

## CERTIFICATE OF WATER RIGHT

This is to Certify, That JAKE B. MARKS

of Imnaha, State of Oregon has a right to the use of

the waters of Imnaha River for ~~tribe~~ Snake River, Thorn Creek for Tract No. 2, and Dunlap Creek for Tract No. 5, for the purpose of the Irrigation of 8.8 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Wallowa County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 11, at page 6; that the priority of the right thereby confirmed dates from 1888 for Tract Nos. 1 and 2; 1889 for Tract No. 3, and 1900 for Tract Nos. 4 and 5.

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed three-eighths of one cubic foot per second per acre of land irrigated, and not to exceed one and one-half acre feet per acre during any period of 30 days during the irrigation season.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

Tract No. 1:

0.2 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
5.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Section 10,  
T. 1 S., R. 48 E. W. M.

Tract No. 4:

0.1 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
3.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Section 10;  
T. 1 S., R. 48 E. W. M.

Tract No. 2:

2.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Section 10;  
T. 1 S., R. 48 E. W. M.

Tract No. 5:

6.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Section 10,  
T. 1 S., R. 48 E. W. M.

Tract No. 3:

6.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
0.6 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
Section 14;  
0.8 acre in NW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
Section 23;  
T. 1 S., R. 48 E. W. M.

And said right shall be subject to all other conditions and limitations contained in said decree.  
The right to the use of the water for irrigation purposes is restricted to the lands or place

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 9361, Volume 9, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Dec 20, 1977, approving transfer application No. 3684.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 9, page 9361



## STATE OF OREGON

COUNTY OF      WALLOWA

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JAKE B. MARKS

of Imnaha      , State of Oregon, 97828      , has  
a right to the use of the waters of Imnaha River

a tributary of Snake River      for the purpose of  
the irrigation of 8.8 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Wallowa County, and the said decree entered of record at Salem, in the Order Record of  
the WATER RESOURCES DIRECTOR, in Volume 11, at page 6; that the priority of the  
right thereby confirmed dates from 1888 for Tract No. 1 and 1900 for Tract No. 4

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed three-eighths of  
one cubic foot per second per acre of land irrigated, and not to exceed one and  
one-half acre feet per acre during any period of 30 days during the irrigation  
season.

The point of diversion is located in the

A description of the place of use under the right, and to which such right is appurtenant, is as  
follows:

Tract No. 1  
0.2 acre SE $\frac{1}{4}$  NE $\frac{1}{4}$   
5.0 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 10  
T. 1 S., R. 48 E., W. M.

Tract No. 4  
0.1 acre NE $\frac{1}{4}$  SE $\frac{1}{4}$   
3.5 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 10  
T. 1 S., R. 48 E., W. M.

And said right shall be subject to all other conditions and limitations contained  
in said decree.

This certificate describes that portion of the water right confirmed by the prior  
certificate recorded at page 9361, Volume 9, State Record of Water Right  
Certificates, NOT modified by the provisions of an order of the Water Resources  
Director entered on December 20, 1977, approving transfer application No. 3684.

The issuance of this superseding certificate does not confirm the status of the  
water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree.  
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date January 31, 1978.

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 37, page 45227



# 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. 3684

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

October 27, 1977  
November 3, 1977  
November 10, 1977

*Thelma Morgan*

Subscribed and sworn to before me this  
10th day of December

*Donald Stewart*

Notary Public for Oregon

(My Commission expires 15 Jan. 1981.)



RECEIVED

NOV 14 1977

WATER RESOURCES DEPT  
SALEM, OREGON

## NOTICE OF WATER RIGHT TRANSFER Application No. 3684

Notice is given hereby  
that an application has  
been filed in the office of  
the Water Resources Di-  
rector by Wayne Marks for  
approval of changes in  
place of use and point of  
diversion under existing  
water rights of record.

The certificate recorded  
at page 9361, Volume 9,  
State Record of Water  
Right Certificates, in the  
name of Jake B. Marks,  
describes rights allowed by  
decree of the Court in the  
Imnaha River adjudication  
which include:

(1) Use of water from  
Thorn Creek through the  
Thorn Ditch from a point  
located 1260 ft N and 780  
ft E from the SW corner of  
Sec 11, being within the  
SW 1/4 SW 1/4 of Section 11,  
Township 1 South, Range  
48 East, WM, for irrigation  
of 2.0 acres in NE 1/4 SE 1/4  
and 4.0 acres in SE 1/4 SE 1/4  
of Sec 10 of said Township  
and Range, with a date of  
priority of 1888.

The applicant herein,  
owner of the said lands,  
proposes to change the  
place of use and point of  
diversion therefrom, with-  
out loss of priority, to  
irrigate in lieu thereof a  
certain 0.5 acre in SW 1/4  
NW 1/4, 1.5 acres in SE 1/4  
NW 1/4 and 4.0 acres in  
NW 1/4 SW 1/4 of said Sec 11  
from a point of diversion  
located 2440 ft N and 2630  
ft E from the SW cor of Sec  
11, being within the NE 1/4  
SW 1/4 of said Sec 11.

(2) Use of water from the  
Imnaha River through the  
Lloyd Ditch from a point  
located 1080 ft S and 1640  
ft E from the NW cor of  
Sec 23, being within the  
NE 1/4 NW 1/4 of Sec 23, T 1  
S, R 48 E, WM, for  
irrigation of 6.4 acres in  
SW 1/4 SW 1/4 and 0.6 acre in  
SE 1/4 SW 1/4 of Sec 14; 0.8  
acre in NW 1/4 NW 1/4 of Sec  
23 of said Township and  
Range, with a date of  
priority of 1894.

The applicant herein,  
owner of said lands, pro-  
poses to change the point

of diversion therefrom,  
without loss of priority, to  
a point located 400 ft N and  
950 ft E from the SW cor  
of Sec 14, being within the  
SW 1/4 SW 1/4 of Sec 14, T 1  
S, R 48 E, WM.

(3) Use of water from  
Dunlap Creek through the  
Dunlap Creek Ditch from a  
point located 2120 ft S and  
1320 ft W from the NE cor  
of Sec 10, being within the  
SE 1/4 NE 1/4 of Sec 10, T 1  
S, R 48 E, WM, for  
irrigation of 6.0 acres in  
NE 1/4 SE 1/4 of said Sec 10,  
with a date of priority of  
1900.

The applicant herein,  
owner of said lands, pro-  
poses to change the point  
of diversion therefrom,  
without loss of priority, to  
a point located 1200 ft S  
and 1650 ft E from the NW  
cor of Sec 11, being within  
the NE 1/4 NW 1/4 of said Sec  
11 of said Township and  
Range.

All persons interested  
are notified hereby that a  
hearing will be held at the  
county courthouse at En-  
terprise, Oregon, on De-  
cember 20, 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  
Wayne Marks, Imnaha, OR  
97842 and one copy filed  
with the Water Resources  
Department, Salem, OR  
97310, together with a \$10  
filing fee, at least 10 days  
prior to the date set for  
hearing. IF NO OBJEC-  
TIONS ARE 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 Director upon  
request.

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

James E. Sexson  
Director

c32t3

ok  
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