

3053

STATUS OF APPLICATION

Change in point of diversion
 Date filed 5-28-74
 Date of hearing 3-15-77
 Place of hearing Enterprise
 Date of order 3-17-77 Vol. 28, page 387
 Date for application of water 10-1-78

Proof mailed

Proof received

Certificate issued OCT 17 1977 Vol. 36, page 44914
AUG 27 1985 48
53404
to survey 9/77

DESCRIPTION OF WATER RIGHT

Name of stream South Fork Wallowa River
 Trib. of County of Wallowa
 Use irrigation + stock
 Quantity of water No. of acres 60.0
 Name of ditch
 Date of priority
 In name of
Wallowa R Adjudication, Vol. 5, page 144
 App. No. Per. No. Cert. No. 2940
 Certificate cancelled
 Notation made on record by

FEES PAID

Date	Amount	Receipt No.
5-28-74	25.00	40344
2/17/77	43.55	58223
2/17/77	36.55 PON	58224
TOTAL		
2/17/77	\$2 Cert. Fee	58225
Chieftan Pond	\$36.55	Paid 2/28/77
		Paid 7 ch. # 1163

FEES REFUNDED

Date	Amount	Check No.

Fee Exam 15.00
 POD 15.00
 30.00

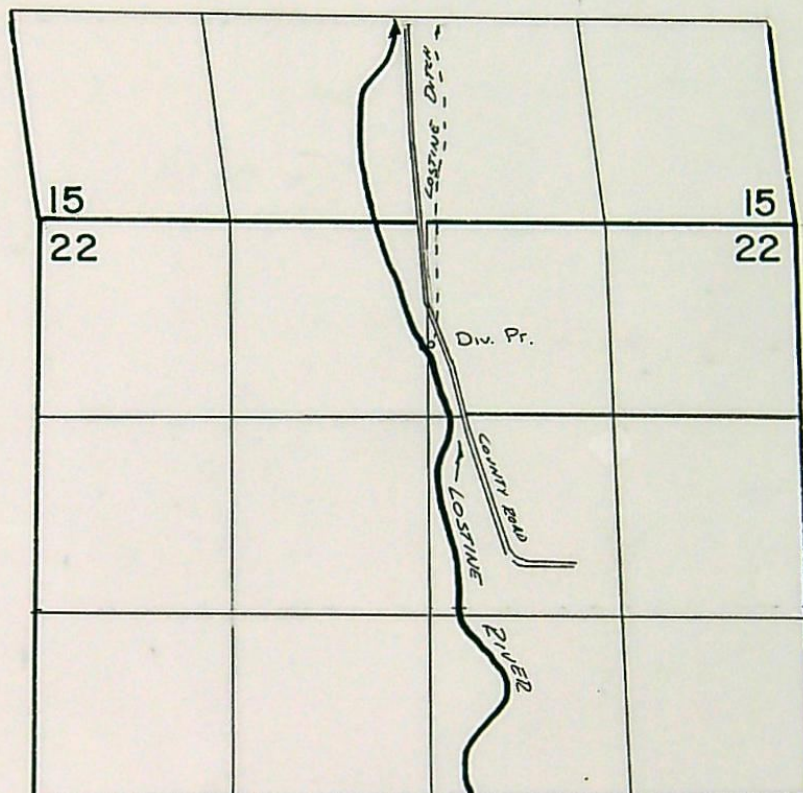
need \$43.55

REMARKS

See T #3052

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<u>WH</u> Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WH</u> Stream	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WH</u> Pt. of Div.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>WH</u> Calendar	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>0</u> Twp. & Rge.	<input type="checkbox"/>	<input type="checkbox"/>
<u>V</u> Decree-vault	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>V</u> Decree-safe	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>V</u> Cert. of W/R	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>—</u> Per. Folder	<input type="checkbox"/>	<input type="checkbox"/>
<u>—</u> Chainindex	<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. 15., R. 43E., W. M.



Div. Pt. loc: 830' S + 2700' E. FROM NW COR. SEC 22

FINAL PROOF SURVEY
UNDER

TRANSFER 3053

IN NAME OF

.....RICHARD.....HAGANAH.....

Surveyed Aug. 10, 1982, by *V.L. Church*

"A"

Do w/T.3052 (B)

APR

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

Richard Haganah

THIS IS TO CERTIFY, That MINNIE E. ALLEN AND W. C. BOATMAN, By E. G. Allen,
Star Rt. Box 28

Agent, of Lostine, State of Oregon, ⁹⁷⁸⁵⁷ has a right to the use of the waters of the South
(Lostine)

Fork of Wallowa River, a tributary of the Wallowa River, for the purpose of the ir-

^{600.34}
rigation of 116 acres ~~of land and stock use~~, 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 WATER BOARD of
Oregon in Volume 5, at page 144; that the priority of the right hereby confirmed
dates from 1896; 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 1 1/2 acre feet per acre during any period
of 30 days prior to July 31st of each year, and thereafter not to exceed 1 acre foot
per acre during the entire remainder of the irrigation season; and said right shall

be available at the original point of diversion in the SE 4 SW 4
Sec 15, T.1S., R.43E., WM; Wood-Boatman Ditch - N. 67° degrees E.,
2540' from the SW Cor Sec. 15

POD: NW 4 NE 4 Sec 22, T.1S., R.43E., WM; Lostine Ditch - 830' S.
§ 2700'E. from the NW Cor Sec 22

POU.:

20.0 ac NE SE

40.0 ac NWSE

Sec 10

T.1S., R.43E., WM

This certificate is issued to confirm a change in ~~place of use and~~ point of
diversion approved by an order of the Water Resources Director
entered 3-17-77 and together with certificates of water right
recorded at page 44914, Volume 36, State Record of Water
Right Certificates, supersedes certificate 2940 and "B" Vol. 33412 page 1

The issuance of this superseding certificate does not confirm the status of
the water right in regard to the provisions of ORS 540.610 pertaining to
forfeiture or abandonment.

STATE WATER BOARD

By PERCY A. CUPPER,
State Engineer, President.

53404

(SEAL OF STATE WATER BOARD)

ATTEST:

R. W. POTTER,
Secretary.

Recorded in State Record of Water Right Certificates Volume 4, page 2940 Place in file

T#3052, T#3053

on vault copy

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, That MINNIE E. ALLEN AND W. C. BOATMAN, By E. C. Allen,

Agent, of Lostine, State of Oregon, has a right to the use of the waters of the South
(Lostine)
Fork of Wallowa River, a tributary of the Wallowa River, for the purpose of the ir-
31
rigation of 116 acres of land and stock use, 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 WATER BOARD of
Oregon in Volume 5, at page 144; that the priority of the right hereby confirmed
dates from 1896; 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 1 1/2 acre feet per acre during any period
of 30 days prior to July 31st of each year, and thereafter not to exceed 1 acre foot
per acre during the entire remainder of the irrigation season; and said right shall
be subject to all other conditions and limitations contained in said decree.

A description of the lands irrigated under such rights, and to which the
water hereby confirmed is appurtenant, or, if for other purposes, the place where
such water is put to beneficial use, is as follows: 24 acres in the NE 1/4 NE 1/4;
31 acres in the SE 1/4 NE 1/4; 20 acres in the NE 1/4 SE 1/4 and 40 acres in the NW 1/4 SE 1/4 of Section
10, Township 1 South, Range 43 East of Willamette Meridian, in Wallowa County, Oregon.

P.O.D.: SE 1/4 SW 1/4 Sec 15, T1S, R43E WM; Boatman & Wood Ditch-
N 67 degrees E, 2540' from the SW cor Sec 15

T#3052 T#3053

<u>24.0 ac in NE 1/4 NE 1/4</u>	<u>34°</u>
<u>31.0 ac in SE 1/4 NE 1/4</u>	<u>—</u>
<u>20.0 ac in NE 1/4 SE 1/4</u>	<u>30°</u>
<u>40.0 ac in NW 1/4 SE 1/4</u>	<u>40°</u>

Sec 10

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

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 2940, Volume 4, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on March 17, 1977, approving transfer application, Nos. 3052 & 3053.

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

~~The right to the use of the water aforesaid hereby confirmed is restricted
to the lands or place of use herein described.~~

WITNESS the seal and signature of the State Water Board,
affixed this 2nd day of April, 1921.

STATE WATER BOARD

By PERCY A. CUPPER,
State Engineer, President.

(SEAL OF STATE WATER BOARD)

ATTEST:

R. W. POTTER,
Secretary.

Recorded in State Record of Water Right Certificates Volume 4, page 2940

T#3052, T#3053

on vault copy

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION)
OF RICHARD HAGENAH FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM SOUTH FORK)
WALLOWA RIVER)

ORDER APPROVING
TRANSFER NO. 3053

On May 28, 1974, Richard Hagenah filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from South Fork Wallowa River pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at Page 2940, Volume 4, State Record of Water Right Certificates, in the names of Minnie E. Allen and W. C. Boatman, describes a right which includes use of waters of South Fork Wallowa (Lostine) River for irrigation of 20.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 1 South, Range 43 East, W.M., with a priority date of 1896.

Water for the above described lands is diverted through the Boatman & Wood Ditch from a point located North 67 degrees East, 2540 feet from the Southwest corner of Section 15, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 1 South, Range 43 East, W.M.

The applicant proposes to change the point of diversion to a point located South 72 degrees East, 2880 feet from the Northwest corner of Section 22, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 1 South, Range 43 East, W.M., and take the water through the Lostine Ditch Co. ditch.

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 20 and 27, and February 3, 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 South Fork Wallowa River (Lostine) 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 for the lands described herein at the old point of diversion.

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 Minnie E. Allen and W. C. Boatman and recorded at Page 2940, 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 17th day of March, 1977.

/s/ JAMES E. SEXSON
Director

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON

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. 3053 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 20, 1977
January 27, 1977
February 3, 1977

Thelma Morgan
Subscribed and sworn to before me this 3rd
day of February, 1977

Ronald L. Stewart
Notary Public for Oregon

(My Commission expires 15 Jan. 1981.)



RECEIVED

FEB - 7 1977

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF WATER RIGHT TRANSFER Application No. 3053 For Change in Point of Diversion

Notice is given hereby
that Richard Hagenah has
filed an application in the
office of the Water Re-
sources Director for the
approval of a change in
point of diversion from
South Fork Wallowa Riv-
er.

The certificate recorded
at Page 2940, Vol. 4, State
Record of Water Right
Certificates, in the names
of Minnie E. Allen and
W.C. Boatman, describes a
right which includes use of
waters of South Fork
Wallowa (Lostine) River
for irrigation of 20.0 acres
in NE 1/4 SE 1/4 and 40.0
acres in NW 1/4 SE 1/4 of
Sec. 10, T. 1 S., R. 43 E.,
W.M., with a priority date
of 1896.

Water for the above
described lands is diverted
through the Boatman &
Wood Ditch from a point
located N. 67° E., 2540 ft.
from the SW corner of Sec.
15, being within the SE 1/4
SW 1/4 of Sec. 15, T. 1 S., R.
43 E., W.M.

The applicant proposes
to change the point of
diversion to a point located
S. 72° E., 2880 ft. from the
NW corner of Sec. 22,
being within the NE 1/4
NW 1/4 of Sec. 22, T. 1 S., R.
43 E., W.M., and take the
water through the Lostine
Ditch Co. ditch.

All persons interested
are notified hereby that a
hearing will be held at the
county courthouse at En-
terprise, Oregon, on March
15, 1977, at 1:30 p.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 prepar-
ed in writing, one copy to
be served on Richard
Hagenah, Lostine, Oregon,
97857, and one copy filed
with the Water Resources
Department, Salem, Ore-
gon, 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-
tives rules pertaining to
the filing of a protest will
be furnished by the Water
Resources Department up-
on request.

Dated at Salem, Oregon,
this 10th day of January,
1977.

James E. Sexson
Director

c44t3