

HAUN BROTHERS

3637

STATUS OF APPLICATION

Change in point of diversion
 Date filed 4-22-77
 Date of hearing Dec 6, 1977
 Place of hearing Enterprise
 Date of order 12-13-77 Vol. 30, page 172
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____

Certificate issued SEP 15 1978 Vol. 39, page 46527
Nov 28, 1977 SEP 15 1978 39
AUG 27 1985 48

DESCRIPTION OF WATER RIGHT

Name of stream Lostine R.
 Trib. of _____ County of Wallowa
 Use irrigation
 Quantity of water _____ No. of acres 358
 Name of ditch _____
 Date of priority _____
 In name of _____
Wallowa Riv. Adjudication, Vol. 5, page 185
 App. No. _____ Per. No. _____ Cert. No. 2989
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
4-22-77	80.00	59897
11-21-77	17.25	65122
TOTAL . . .		
11-17-77	#4 Cert. Fee	Trust Fee 59897
Wallowa County Chairman \$58.25 pd 11/18/77 ck #1814		

FEES REFUNDED

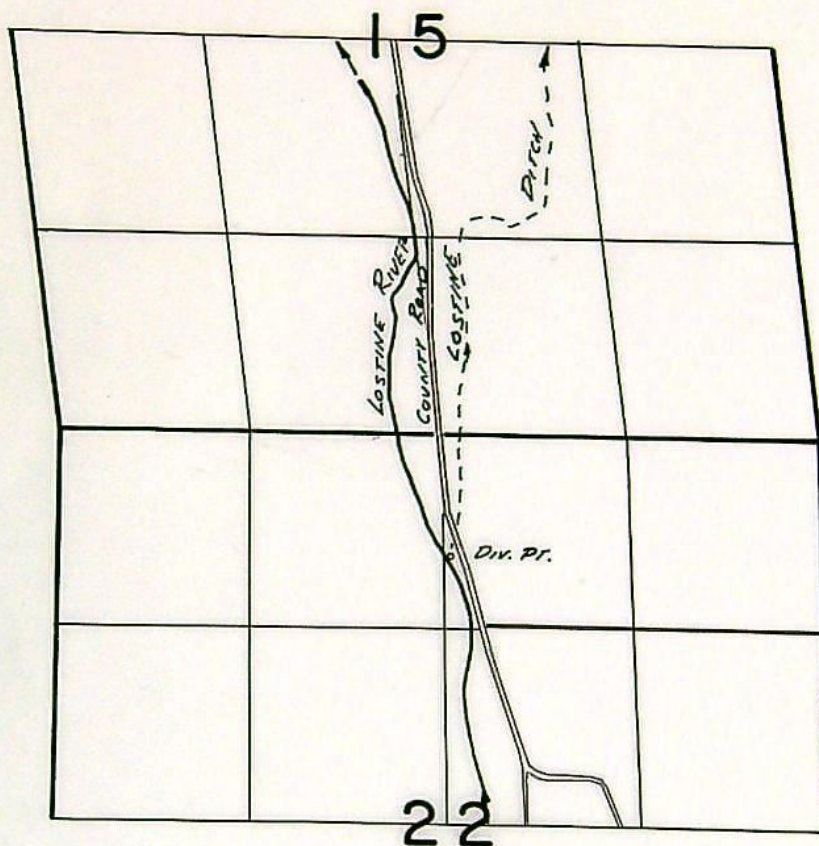
Date	Amount	Check No.
Exam	20	
PON	15	
Cert	4	
PON	58.25	
	97.25	

See A#46551 for Plat of "EVANS"

REMARKS

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

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



DIV. PT. LOC: 830'S. & 2700'E. FROM NW COR. SEC. 22

FINAL PROOF SURVEY
UNDER

TRANSFER 3637

IN NAME OF

HAUN BROTHERS

Surveyed 8-10-1982, by *V.L. Church*

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

This Is to Certify, *That*

S. W. MILES

of Evans, State of Oregon 97857, has
a right to the use of the waters of South Fork of Wallowa River

a tributary of Wallowa River for the purpose of
the primary and supplemental irrigation of 1,204.4 acres, domestic 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 WATER RESOURCES DIRECTOR, in Volume 5 , at page 184-* ; that the priority of the right thereby confirmed dates from 1882 for Tract No. 1; 1889 for Tract No. 2 and 1896 for Tracts No. 3 & 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 1½ 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.

The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, T. 1 S., R. 43 E., W. M., Wood Boatman Ditch-950 feet North and 2365 feet East from the SW Corner, Section 15

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

Tract No. 1

12.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$

15.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$

3.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 9

27.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$

38.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$

3.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

13.5 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$

80.0 acres W $\frac{1}{2}$ SW $\frac{1}{4}$

37.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$

1.0 acre SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 4

42.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$

40.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$

80.0 acres E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 5

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

40.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

80.0 acres S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 32

9.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 33

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

Tract No. 2

To supplement the diversion through the Miles ditch for the following described lands also described and included in the lands described above under the Miles ditch, to-wit:

17.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 4

40.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 5

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

40.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

80.0 acres S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 32

9.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 33

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

Tract No. 3

To supplement diversions through Miles ditch and Middle Valley Irrigation and Water Ditch Co. ditch for the following described lands, also described and included above under said ditch, to-wit:

10.8 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$

19.6 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 9

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

Tract No. 4

15.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 9

27.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$

38.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$

3.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$

13.5 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$

80.0 acres W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 4

42.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$

40.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$

80.0 acres E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 5

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

40.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$

80.0 acres S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 32

9.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 33

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

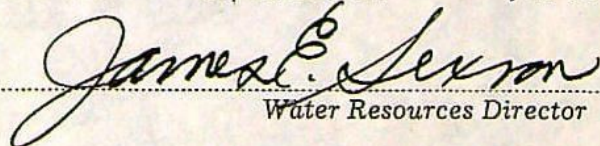
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 3110, Volume 4, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on December 13, 1977, approving transfer application No. 3637.

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 September 15, 1978.


Water Resources Director

97639

INDEXED

CERTIFICATE OF WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON,

County of Wallowa

ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume 3
of Record of Water Right Certificates, at
Page 140, on the 19th day
of October, 1978
at 11:20 a. m.

My name Markin

County Clerk.

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JOHN McDONALD

of Wallowa , State of Oregon, 97885 , has
a right to the use of the waters of Bear Creek and the South Fork of Wallowa River

a tributary of Wallowa River for the purpose of
the irrigation of 120.0 acres, domestic 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 WATER RESOURCES DIRECTOR, in Volume 5 , at page 183-*; that the priority of the
right thereby confirmed dates from 1907 for Tract No. 1; 1887 for Tract No. 2; 1893
for Tract No. 3

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 1½ 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.

The point of diversion is located in the SE¼ NW¼, Section 22, T. 1 N., R. 42 E., W. M.,
(City of Wallowa Ditch); SE¼ SW¼, Section 15, T. 1 S., R. 43 E., W. M.; Wood
Boatman Ditch-950 feet North and 2365 feet East from the SW Corner, Section 15

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

Tract No. 1

To supplement the water diverted through the City of Wallowa ditch for:

8.0 acres SE¼ NE¼
Section 15

Tract No. 2

30.0 acres SW¼ NE¼
30.0 acres SE¼ NE¼
10.0 acres NW¼ SE¼
Section 10

Tract No. 3

34.0 acres SW¼ NW¼
Section 14
8.0 acres SE¼ NE¼
Section 15

T. 1 N., R. 42 E., W. M.

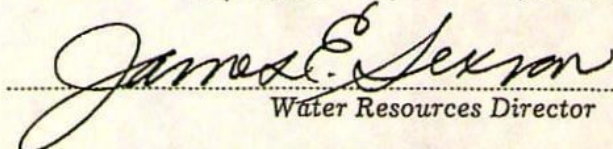
This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 3107, Volume 4, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on December 13, 1977, approving transfer application No. 3637.
The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

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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 September 15, , 1978 .


Water Resources Director

97638

INDEXED

CERTIFICATE OF WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON,

County of Wallowa

} ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume 3
of Record of Water Right Certificates, at
Page 139, on the 19th day
of October, 1978
at 11:15 a. m.

May Ann Martin

County Clerk.

STATE OF OREGON

COUNTY OF

WALLOWA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

S.W. MILES

of Evans, State of Oregon 97857, has
a right to the use of the waters of South Fork Wallowa River (Lostine River)

a tributary of Wallowa River for the purpose of
irrigation of 550.9 acres, domestic 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 WATER RESOURCES DIRECTOR, in Volume 5 at page 184-*; that the priority of the
right thereby confirmed dates from 1882 for Tract No. 1; 1889 for Tract No. 2 and
1896 for Tracts 3 and 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 1.5 acre-feet per
acre during any period of 30 days prior to July 31 of each year, and
thereafter not to exceed 1 acre-foot per acre during the entire remainder of
the irrigation season;

The point of diversion is located in the Tract 1 - SE 1/4 NE 1/4, Section 9, T1S,
R43E, WM; Miles Ditch, Tract 3 - NE 1/4 SE 1/4, Section 9, T1S, R43E, WM,
Miles Magill Ditch.

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

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SEE NEXT PAGE

Tract No. 1

12.0 acres NW 1/4 NE 1/4
15.0 acres NE 1/4 NW 1/4
3.0 acres SE 1/4 NW 1/4

Section 9

27.0 acres NW 1/4 NW 1/4
38.0 acres SW 1/4 NW 1/4
3.0 acres SE 1/4 NW 1/4
13.5 acres NE 1/4 SW 1/4
80.0 acres W 1/2 SW 1/4
37.0 acres SE 1/4 SW 1/4
1.0 acre SW 1/4 SE 1/4

Section 4

42.0 acres NE 1/4 NE 1/4
40.0 acres SE 1/4 NE 1/4
80.0 acres E 1/2 SE 1/4

Section 5

Township 1 South, Range 43 East, WM

40.0 acres NW 1/4 SE 1/4
80.0 acres S 1/2 SE 1/4

Section 32

9.0 acres SW 1/4 SW 1/4

Section 33

Township 1 North, Range 43 East, WM

Tract No. 2

For use of the Middle Valley Irrigation and Water Ditch Company Ditch to supplement the diversion through the Miles Ditch for the following described lands also described and included in the lands described above under Miles Ditch, to-wit:

17.0 acres NW 1/4 NW 1/4
Section 4

40.0 acres NE 1/4 NE 1/4
Section 5

Township 1 South, Range 43 East, WM

40.0 acres NW 1/4 SE 1/4
80.0 acres S 1/2 SE 1/4
Section 32

9.0 acres SW 1/4 SW 1/4
Section 33

Township 1 North, Range 43 East, WM

Tract No. 3

10.8 acres NW 1/4 NE 1/4
19.6 acres NE 1/4 NW 1/4

Section 9

Township 1 South, Range 43 East, WM

Tract No. 4

For use of the Miles-Magill Ditch to supplement diversions through the Miles Ditch and Middle Valley Irrigation and Water Ditch Company Ditch for the following described lands, also described and included above under said ditch, to-wit:

15.0 acres NE 1/4 NW 1/4
Section 9
27.0 acres NW 1/4 NW 1/4
38.0 acres SW 1/4 NW 1/4
3.0 acres SE 1/4 NW 1/4
13.5 acres NE 1/4 SW 1/4
80.0 acres W 1/2 SW 1/4
Section 4
42.0 acres NE 1/4 NE 1/4
40.0 acres SE 1/4 NE 1/4
80.0 acres E 1/2 SE 1/4
Section 5
Township 1 South, Range 43 East, WM

40.0 acres NW 1/4 SE 1/4
80.0 acres S 1/2 SE 1/4
Section 32
9.0 acres SW 1/4 SW 1/4
Section 33
Township 1 North, Range 43 East, WM

This certificate is issued to correctly describe the number of acres irrigated and to more correctly describe the points of diversion, and supersedes certificate of water right recorded at page 46528, Volume 39, State Record of Water Right Certificates.

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.

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 August 27, 19 85.

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48, page 53407

(B)

Do w/ T 3598 (A)

STATE OF OREGON

COUNTY OF

WALLOWA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~J. F.~~ HAUN BROTHERS

of Lostine ^{Kt1, Box 52} (~~Lostine~~), State of Oregon ⁹⁷⁸⁵⁷, has a right to the use of the waters of South Fork of Wallowa River ~~and Wallowa River~~

a tributary of Wallowa River (~~Grande Ronde River~~) for the purpose of irrigation of ~~169.8~~ ^{6.4} acres of land, domestic 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 ENGINEER, in Volume 5, at page 171; that the priority of the right thereby confirmed dates from 1896 for Tract No. 1; 1889 for Tract No. 2; 1895 for Tract No. 3 and 1883 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 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, if available at the original point of diversion in the~~ SET SW 1/4 Sec 15, T. 15, R. 43E, WM; 950' N. & 2365' E. from the SW Cor Sec 15 (Wood-Boatman Ditch).

The point of diversion is located in the NW 1/4 NE 1/4 Sec 22, T. 15, R. 43E, WM; 830' S & 2700' E from the NW Cor Sec 22 (Lostine Ditch)

A description of the place of use under the right, and to which such right is appurtenant, is as follows: ~~Tract No. 1, irrigated from the South Fork of Wallowa River; Blocks 1, 2, 3 and 15; Lots 1, 2, 3, 14, 15, 16 in Block 6; S 1/2 of Block 5; Lots 3, 4, 5, 6, 7 and 8 in Block 5; Lots 1, 2, 15 and 16 of Block 8; Lots 9, 10, 11, 12, 13, 15, 16 in Block 12 in the Town of Evans in Wallowa County, Oregon.~~

2.85 ac NW 1/4 SE
4.05 ac SW 1/4 SE
Sec 3
T. 15, R. 43E, WM

Land upon which water is used more particularly described as

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 12-13-77 and together with certificate of water right recorded at page 45010, Volume 37, State Record of Water Right Certificates, supersedes certificate 37398 and 53405 Vol.

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.

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 State Engineer, affixed

this date February 26, 1971.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37398

53410

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That ~~LEONARD COUCH~~ Hawn Brothers
of Rt 1, Box 52, Lostine, State of Oregon 97857 has a right to the use of
the waters of South Fork of Wallowa River, a tributary of Wallowa River

for the purpose of ~~the~~ irrigation of 5.26 acres of land, domestic 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 the State of Oregon, in Volume 5, at page 157 ;
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, if available at the original point of diversion in the SE 1/4 Sec 15, T. 15, R. 43E, W.M.; 950' N. & 2365' E. from the SW Cor Sec 15

A description of the lands irrigated under such right, and to which the water hereby con-
firmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use,
is as follows: ~~5.26 acres in~~ Blocks 16 and 17, N 1/2 of Block 19; N 1/2 of Block 12,
Lots 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15 and 16 of Block 9, in the Town of Evans,
Wallowa County, Oregon.

* POD - NW 1/4 NE 1/4 Sec 22, T. 15, R. 43E, W.M.; 830' S. & 2700' E. from the NW Cor Sec 22
(Lostine Ditch)

5.26 ac SW 1/4 SE 1/4
Sec 3
T. 15, R. 43E, W.M.

Land upon which water is used more explicitly described as ...

This certificate is issued to confirm a change in point of diversion approved
by an order of the Water Resources Director entered 12-13-77 and
supersedes certificate of water right recorded at page 2989,
Volume 4, State Record of Water Right Certificates.

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.

Secretary

Recorded in State Record of Water Right Certificates, Volume 4, page 2989

T#3637

53406

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. 3637

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 13, 1977
October 20, 1977
October 27, 1977

Thelma Morgan

Subscribed and sworn to before me this 27th
day of October, 1977

Ronald L. Schwant

Notary Public for Oregon

(My Commission expires 15 Jan. 1981.)

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3637

Notice is given hereby
that an application has
been filed in the office of
the Water Resources Dir-
ector by Haun Brothers
for approval of a change in
point of diversion from
South Fork Wallowa (Los-
tine) River.

The certificate recorded
at page 2989, Volume 4,
State Record of Water
Right Certificates, in the
name of Leonard Couch,
describes a right for irri-
gation of 5.26 acres in
Blocks 16 and 17, N $\frac{1}{2}$ of
Block 19, N $\frac{1}{2}$ of Block 12,
Lots 1-5 and 9-16 of Block
9, Town of Evans, being
5.26 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 3, Township 1
South, Range 43 East,
WM, with a date of priority
of 1896.

The certificate recorded
at page 37398, Volume 29,
State Record of Water
Right Certificates, in the
name of J. F. Haun,
describes a right which
includes irrigation of lands
within Blocks 1, 2, 3 and
15; Lots 1, 2, 3, 14, 15 and
16 of Block 6; S $\frac{1}{2}$ of Block
5; Lots 3-8 of Block 5; Lots
1, 2, 15 and 16 of Block 8;
Lots 9-13, 15 and 16 of
Block 12, Town of Evans,
being 2.85 acres in NW $\frac{1}{4}$,
SE $\frac{1}{4}$ and 4.05 acres in
SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 3, T 1S,
R 43 E, WM, with a date of
priority of 1896.

The certificate recorded
at page 3107, Volume 4,
State Record of Water
Right Certificates, in the
name of John McDonald,
describes a right which
includes irrigation of Block
7, Lots 6-8 of Block 9, and
Lots 6-11 of Block 8, Town
of Evans, being 2.16 acres
in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 3, T 1
S, R 43 E, WM, with a date
of priority of 1896.

The certificate recorded
at page 3110, Volume 4,
State Record of Water
Right Certificates, in the
name of S. W. Miles,
describes a right which
includes irrigation of
Blocks 13 and 18, S $\frac{1}{2}$ of
Block 19; Lot 14 of Block
12, Lots 1, 4, 5 and 6 of
Block 4, Lots 9-13 of Block
6, Lots 3, 4, 5, 12, 13 and 14
of Block 8, Town of Evans,
being 4.5 acres in SW $\frac{1}{4}$

SE $\frac{1}{4}$ of Sec 3, T 1 S, R 43
E, WM, with a date of
priority of 1896.

Water for the said rights
is diverted, through the
Wood-Boatman Ditch,
from a point located 950 ft
N and 2365 ft E from the
SW corner of Sec 15, being
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of
Sec 15, T 1 S, R 43 E, WM.

The applicants herein,
owners of the lands above
described, propose to
change the point of diver-
sion therefrom and, with-
out loss of priority, to
divert the water through
the Lostine Ditch from a
point located 750 ft S and
2700 ft E from the NW cor
of Sec 22, being within the
NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 22, T 1
S, R 43 E, WM.

All persons interested
are notified hereby that a
hearing will be held at the
county courthouse at Ent-
erprise, Oregon, on Dec-
ember 6, 1977, at 9:30 a.m.
All objections to the pro-
posed 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 Haun Broth-
ers, Route 1, Box 52,
Lostine, OR 97857 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
OBJECTIONS ARE FIL-
ED, THE APPLICATION
MAY BE APPROVED BY
THE WATER RE-
SOURCE DIRECTOR
WITHOUT A HEARING.
Administrative rules per-
taining to the filing of a
protest will be furnished
by the Water Resources
Department upon request.

Dated at Salem, Oregon,
this 7th day of October,
1977.

James E. Sexson
Director

c30t3

RECEIVED

NOV 14 1977

WATER RESOURCES DEPT
SALEM, OREGON

ok. 99

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WALLOWA COUNTY

IN THE MATTER OF THE APPLICATION OF)
HAUN BROTHERS FOR APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3637

On April 22, 1977, an application was filed in the office of the Water Resources Director by Haun Brothers for approval of a change in point of diversion from South Fork Wallowa (Lostine) River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2989, Volume 4, State Record of Water Right Certificates, in the name of Leonard Couch, describes a right for irrigation of 5.26 acres in Blocks 16 and 17, North one-half of Block 19, North one-half of Block 12, Lots 1 to 5 and 9 to 16 of Block 9, Town of Evans, being 5.26 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 1 South, Range 43 East, W.M., with a date of priority of 1896. ✓

The certificate recorded at page 37398, Volume 29, State Record of Water Right Certificates, in the name of J. F. Haun, describes a right which includes irrigation of lands within Blocks 1, 2, 3 and 15; Lots 1, 2, 3, 14, 15 and 16 of Block 6, South one-half of Block 5; Lots 3 to 8 of Block 5; Lots 1, 2, 15 and 16 of Block 8; Lots 9 to 13, 15 and 16 of Block 12, Town of Evans, being 2.85 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.05 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 1 South, Range 43 East, W.M., with a date of priority of 1896. ✓

The certificate recorded at page 3107, Volume 4, State Record of Water Right Certificates, in the name of John McDonald, describes a right which includes irrigation of Block 7, Lots 6 to 8 of Block 9, and Lots 6 to 11 of Block 8, Town of Evans, being 2.16 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 1 South, Range 43 East, W.M., with a date of priority of 1896. ✓

The certificate recorded at page 3110, Volume 4, State Record of Water Right Certificates, in the name of S.W. Miles, describes a right which includes irrigation of Blocks 13 and 18, South one-half of Block 19, Lot 14 of Block 12, Lots 1, 4, 5 and 6 of Block 4, Lots 9 to 13 of Block 6, Lots 3, 4, 5, 12, 13 and 14 of Block 8, Town of Evans, being 4.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 1 South, Range 43 East, W.M., with a date of priority of 1896. ✓

Water for the said rights is diverted from South Fork Wallowa (Lostine) River, through the Wood-Boatman Ditch, from a point located 950 feet North and 2365 feet East from the Southwest Corner of Section 15, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Town-

ship 1 South, Range 43 East, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to divert the water through the Lostine Ditch from a point located 750 feet South and 2700 feet East from the Northwest Corner of Section 22, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, 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 October 13, 20 and 27, 1977.

Mr. Robert W. DeBow, Watermaster, has filed a statement 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 requested change in point of diversion, as 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 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, 1979.

It is FURTHER ORDERED that the portion of the right previously described by the certificate recorded at page 37398, Volume 29, State Record of Water Right Certificates, in the name of J. F. Haun, which is involved in the change authorized herein, NOT be included in the new certificate to be issued as provided by the order entered August 18, 1977, approving transfer application No. 3598.

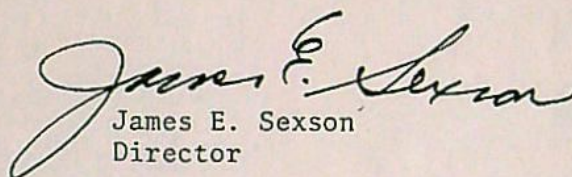
It is FURTHER ORDERED that the certificate recorded at page 2989, Volume 4, State Record of Water Right Certificates, in the name of Leonard Couch, is canceled.

It is FURTHER ORDERED that the certificate recorded at page 3107, Volume 4, State Record of Water Right Certificates, in the name of John McDonald, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding.

It is FURTHER ORDERED that the certificate recorded at page 3110, Volume 4, State Record of Water Right Certificates, in the name of S. W. Miles, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 13th day of December, 1977.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF

WALLOWA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. F. HAUN

of Lostine, State of Oregon, has a right
to the use of the waters of South Fork of Wallowa River and Wallowa River

a tributary of Wallowa River (Grande Ronde River) for the purpose of
irrigation of 169.8 acres of land, domestic 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 ENGINEER, in Volume 5, at page 171-2; that the priority of the right thereby
confirmed dates from 1896 for Tract No. 1; 1889 for Tract No. 2; 1895 for Tract No.
3 and 1883 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 $1\frac{1}{2}$ 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.

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, irrigated from the South Fork of Wallowa River; Blocks 1, 2
3 and 15: Lots 1, 2, 3, 14, 15, 16 in Block 6: $S\frac{1}{2}$ of Block 5: Lots 3, 4, 5, 6, 7 and 8
in Block 5: Lots 1, 2, 15 and 16 of Block 8: Lots 9, 10, 11, 12, 13, 15, 16 in Block
12 in the Town of Evans in Wallowa County, Oregon.

Tract No. 2, irrigated from Wallowa River: 7 acres in the $NW\frac{1}{4}$ $NE\frac{1}{4}$; 19 acres in
the $SW\frac{1}{4}$ $NE\frac{1}{4}$; 38 acres in the $NE\frac{1}{4}$ $NW\frac{1}{4}$; 34.0 acres in the $NW\frac{1}{4}$ $NW\frac{1}{4}$; 8.5 acres in the
 $SW\frac{1}{4}$ $NW\frac{1}{4}$; 19.5 acres in the $SE\frac{1}{4}$ $NW\frac{1}{4}$ and 12 acres in the $NW\frac{1}{4}$ $SE\frac{1}{4}$ of Section 3, T.
1 S., R. 43 E., W. M., in Wallowa County, Oregon.

Tract No. 3, irrigated from the South Fork of Wallowa River: 2.9 acres in the $NE\frac{1}{4}$
 $SW\frac{1}{4}$ and 2 acres in the $NW\frac{1}{4}$ $SW\frac{1}{4}$ of Section 10, T. 1 S., R. 43 E., W. M., in Wallowa
County, Oregon.

Tract No. 4, irrigated from the South Fork of Wallowa River: 10 acres in the $NW\frac{1}{4}$
 $NW\frac{1}{4}$ of Section 10 and 10 acres in the $SW\frac{1}{4}$ $SW\frac{1}{4}$ of Section 3, T. 1 S., R. 43 E., W.
M., in Wallowa County, Oregon.

Certificate of water right issued to J. F. Haun and recorded at page 3048, Volume
4, State Record of Water Right Certificates, confirms the right to the use of
water for irrigation of 205.3 acres. A change in the right to the use of water
appurtenant to 35.5 acres was approved by order of the State Engineer entered
August 31, 1970. This certificate is issued to confirm the remaining right to the
use of water for irrigation and supersedes the certificate heretofore issued to
J. F. Haun.

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 State Engineer, affixed

this date February 26, 1971.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37398

STATE OF OREGON

COUNTY OF WALLOWA

Supervised by 37398
Cert. No. 41637
Trs. Sp. Or. 20 50
Trs. 12-200

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That J. F. HAUN

of Evans , State of Oregon has a right to the use of
the waters of South Fork of Wallowa River, a tributary of Wallowa River, and the
Wallowa River, a tributary of the Grande Ronde River

for the purpose of the irrigation of 205.3 acres of land, domestic 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 the State of Oregon, in Volume 5 , at page 171-2 ;
that the priority of the right hereby confirmed dates from 1896 for Tract No. 1; 1889 for
Tract No. 2; 1895 for Tract No. 3 and 1883 for Tract No. 4

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
 $1\frac{1}{2}$ 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 right, and to which the water hereby con-
firmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use,
is as follows: Tract No. 1, irrigated from the South Fork of Wallowa River: Blocks 1, 2
3 and 15: Lots 1, 2, 3, 14, 15, 16 in Block 6: $S\frac{1}{2}$ of Block 5: Lots 3, 4, 5, 6, 7 and 8 in
Block 5: Lots 1, 2, 15 and 16 of Block 8: Lots 9, 10, 11, 12, 13, 15, 16 in Block 12 in
the Town of Evans in Wallowa County, Oregon.

Tract No. 2, irrigated from Wallowa River: 7 acres in the $NW\frac{1}{4}NE\frac{1}{4}$; 19 acres
in the $SW\frac{1}{4}NE\frac{1}{4}$; 38 acres in the $NE\frac{1}{4}NW\frac{1}{4}$; 38 acres in the $NW\frac{1}{4}NW\frac{1}{4}$; $22\frac{1}{2}$ acres in the $SE\frac{1}{4}NW\frac{1}{4}$
37 acres in the $SE\frac{1}{4}NW\frac{1}{4}$ and 12 acres in the $NW\frac{1}{4}SE\frac{1}{4}$ of Section 3, Township 1 South,
Range 43 East of Willamette Meridian, in Wallowa County, Oregon.

Tract No. 3, irrigated from the South Fork of Wallowa River: 2.9 acres
in the $NE\frac{1}{4}SW\frac{1}{4}$ and 2 acres in the $NW\frac{1}{4}SW\frac{1}{4}$ of Section 10, Township 1 South, Range 43
East of Willamette Meridian, in Wallowa County, Oregon.

Tract No. 4, irrigated from the South Fork of Wallowa River: 10 acres in
the $NW\frac{1}{4}NW\frac{1}{4}$ of Section 10 and 10 acres in the $SW\frac{1}{4}SW\frac{1}{4}$ of Section 3, Township 1 South,
Range 43 East of Willamette Meridian, in Wallowa County, Oregon.

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 , 192 1

STATE WATER BOARD

(Seal of State Water Board)

By..... PERCY A. CUPPER.....
State Engineer, President

Attest:

R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume 4 , page 3048 37398

T#3637