

3579

FREEMAN ANGUS RANCH, INC.

3579

STATUS OF APPLICATION

Change in point of diversion
Date filed 3-11-77
Date of hearing _____
Place of hearing _____
Date of order 5-31-77 Vol. 29, page 80
Date for application of water 10-1-79
Proof mailed _____
Proof received DEC 19 1977
Certificate issued OCT 23 1986 Vol. 37, page 50
45021
34986

DESCRIPTION OF WATER RIGHT

Name of stream Waggie Creek
Trib. of _____ County of Baker
Use irrigation
Quantity of water _____ No. of acres 60⁰⁰
Name of ditch Lee Weas
Date of priority _____
In name of _____
Powder Riv. Adjudication, Vol. 6, page 410
App. No. _____ Per. No. _____ Cert. No. 4303
Certificate cancelled _____
Notation made on record by _____

DVA Notification

FEES PAID

Date	Amount	Receipt No.
<u>3/11/77</u>	<u>30⁰⁰</u>	<u>58998</u>
<u>5-27-77</u>	<u>5.00</u>	<u>60850</u>
TOTAL . . .		
<u>5-27-77</u>	<u>2</u> Cert. Fee	<u>60849</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

CARD FOR C. DEC 26 1979

Surveyed 5/24/81

W.R.I.S.

Assembled 7-30-85 by SCA

Entered _____ by _____

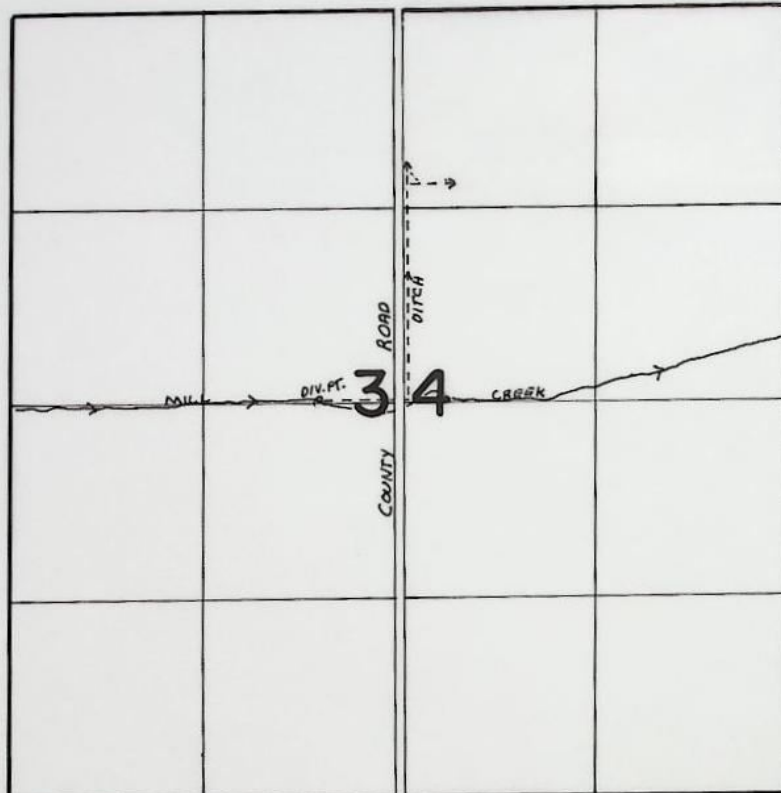
Verified _____ by _____

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

Freeman Angus

T.8S. R.39E. W.M.


SCALE 1"=1320'



DIV. PT. LOCATED 20' N. AND 540' W. FROM C. 1/4 COR. SEC. 34

FINAL PROOF SURVEY
UNDER

TRANSFER 3579
IN NAME OF

FREEMAN ANGUS RANCH

Surveyed5-24..... 1984.., by ..V.L.CHURCH.....

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

Freeman Angus Ranch
 This is to Certify, That *MILES LEE,*
1180 Resort St.
 of Baker, State of Oregon, *97814* has a right to the use of
 the waters of ~~Spring Creek, Waggle Creek, and Little Spring Creek,~~ *(Mill Creek)* tributaries of
 Powder River, ~~for the purpose of the Irrigation of 401 acres of land,~~ *341.0*
~~for the purpose of the Irrigation of 401 acres of land,~~ *60.0 acres*

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Baker 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 six, at page 291;
 that the priority of the right thereby confirmed dates from ~~1865 for 60 acres; 1865 for 90~~
~~acres; 1864 for 60 acres; 1867 for 40 acres; 1865 for 61 acres, and 1864 for~~
~~30 90 acres;~~

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 one-fortieth of one
 cubic foot per second per acre; and shall be subject to all other conditions and
 limitations contained in said decree.

if available at the original point of diversion in the SW 1/4 NW 1/4 Sec 34 T. 8S., R. 39E., WM; Lee-Wess
 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:

30 acres in the Southwest quarter of Southeast quarter, and 30 acres in the
 Southeast quarter of Southeast quarter of Section Twenty-seven, 10 acres in the

*P.O.D. - SE 1/4 NW 1/4 Sec 34, T. 8S., R. 39E., WM; 20' N. & 540' W.
 from the Center 1/4 Cor Sec 34.*

30.0 ac NE 1/4 NE 1/4

30.0 ac NW 1/4 NE 1/4

Sec 34

T. 8S., R. 39E., 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 *5-31-77* and together with certificate of water right
 recorded at page *45021*, Volume *37*, State Record of
 Water Right Certificates, supersedes certificate *4303*.

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.

R. W. POTTER,

Secretary

Recorded in State Record of Water Right Certificates, Volume *5*, page *4303.*

Several
pods

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That MILES LEE,

of Baker, State of Oregon, 97814 has a right to the use of
the waters of Spring Creek, Waggle Creek, and Little Spring Creek, tributaries of
Powder River, 341.0
for the purpose of the Irrigation of 401 acres of land,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Baker 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 six, at page 291;
that the priority of the right thereby confirmed dates from 1865 for 60 acres; 1865 for 90
acres; 1864 for 60 acres; 1867 for 40 acres; 1865 for 61 acres, and 1864 for
30 00 acres;

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 one-fortieth of one
cubic foot per second per acre; and shall be subject to all other conditions and
limitations contained in said decree. $3\frac{1}{2}$ a.f.

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:

30 acres in the Southwest quarter of Southeast quarter, and 30 acres in the
Southeast quarter of Southeast quarter of Section Twenty-seven; 10 acres in the
Southeast quarter of Northeast quarter; 40 acres in the Northeast quarter of
Southeast quarter; 40 acres in the Northwest quarter of Southeast quarter; 30 acres
in the Southwest quarter of Northeast quarter; 30 acres in the Southeast quarter of
Northeast quarter; 20 acres in the Southwest quarter of Southeast quarter, and 20
acres in the Southeast quarter of Southeast quarter of Section Thirty-four;
40 acres in the Southwest quarter of Northeast quarter and 21 acres in the Southeast
quarter of Northeast quarter of Section Thirty-three; 10 40 acres in the Northeast
quarter of Northeast quarter; 10 40 acres in the Northwest quarter of Northeast quarter,
and 10 acres in the Southwest quarter of Northeast quarter of Section Thirty-four,
Township Eight South, Range Thirty-nine East of Willamette Meridian, in Baker County,
Oregon.

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 4303, Volume 5, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on May 31, 1977, approving transfer application No. 3579.

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 for irrigation purposes is restricted to the lands or place
of use herein described.

WITNESS the seal and signature of the State
Water Board, affixed this 15th day
of February, 1983.

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 5, page 4303.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION }
OF FREEMAN ANGUS RANCH, INC., FOR }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION OF WATER FROM WAGGIE }
CREEK }

ORDER APPROVING
TRANSFER NO. 3579

On March 11, 1977, an application was filed in the office of the Water Resources Director by Freeman Angus Ranch, Inc., for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at Page 4303, Volume 5, State Record of Water Right Certificates, in the name of Miles Lee, describes a right which includes the use of water from Waggle Creek for irrigation of 30.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 30.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 8 South, Range 39 East, W.M., with a date of priority of 1864.

Water for the said right is diverted through the Lee Wess Ditch, from a point located 20 feet North and 1550 feet West from the center of Section 34, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 34.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 5 feet North and 790 feet West from the center of Section 34, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 34.

Mr. V. Kent Searles, 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 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 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 head-gates 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 certificate of water right heretofore issued to Miles Lee and recorded at Page 4303, Volume 5, 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 31st day of May, 1977.

/s/ JAMES E. SEXSON
Director