

3728

## STATUS OF APPLICATION

Change in POD  
 Date filed 7-11-77  
 Date of hearing June 8, 1978  
 Place of hearing Vale  
 Date of order 8-22-80 Vol. 33, page 618  
 Date for application of water Complete  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued OCT 28 1980 Vol. 43, page 49718  
OCT 26 1987 52 56509

## DESCRIPTION OF WATER RIGHT

Name of stream Willow Creek  
 Trib. of \_\_\_\_\_ County of Malheur  
Malheur Riv.  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch \_\_\_\_\_  
 Date of priority \_\_\_\_\_  
 In name of \_\_\_\_\_  
Willow Creek Adjudication, Vol. 3, page 297  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 1607  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
7-11-77	\$ 78.40	62418
TOTAL . . .		
5-10-77	\$2 Cert. Fee	Trnf fr 62418
The Malheur Enterprise #32.34 pd 5/10/78 eb# 2190		

## FEES REFUNDED

Date	Amount	Check No.
5-10-78	9.06	2189
exam 20.00		Refund 9.06
POD 15.00		
Cert Fee 2.00		
POH 32.34		
	69.34	

## REMARKS

See PC 78-15 re pending cancellation of subject right

INDEX CARDS: Entered Checked

✓	Name	✓	✓
✓	Stream	✓	✓
✓	Pl. of Div.	✓	✓
✓	Calendar	✓	✓
CHECKED TO RECORD:			
✓	Top. map	✓	5Rb
✓	Deed. vault	5Rb	5Rb
✓	Deed. case	✓	5Rb
✓	Cert. of W/R	✓	5Rb
✓	Per. Folder	✓	5Rb
✓	Chaindex	✓	5Rb
✓	Cross Ref.	✓	5Rb
✓	Power Claim	✓	5Rb
✓	Abstracts	✓	5Rb



(A)

Emil W. and Helen Maag.

Warner Maag  
Jamieson, Oregon 97909

Notify Jamieson before acting.



## STATE OF OREGON

COUNTY OF

MALHEUR

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That** CLARENCE H. OXMAN and FRANK C. OXMAN, JR.

of Vale, State of Oregon 97918, has  
a right to the use of the waters of  
Willow Creek

a tributary of Malheur River for the purpose of  
irrigation of 280.5 acres, domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Malheur County, and the said decree entered of record at Salem, in the Order Record of  
the WATER RESOURCES DIRECTOR, in Volume 3, at page 258; that the priority of the right  
thereby confirmed dates from 1871 for 150 acres; 1873 for 130.5 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 a rate of flow of  
7.01 second feet from February 15 to May 1 and 3.50 second feet from May 1 to  
September 1 of each year, or the equivalent in case of rotation; the total  
quantity diverted during each irrigation season not to exceed 841.5 acre-feet.

The point of diversion is located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 9, T. 16 S., R. 43 E., W.M.;  
Hammack & Maag Ditches - 1304 feet South and 139 feet West from NE Corner,  
Section 9.

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

3.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
36.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
15.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	38.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 11	40.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
	31.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
27.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 14
5.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$	T. 16 S., R. 43 E., W.M.
5.5 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$	
Section 15	
T. 16 S., R. 43 E., W.M.	

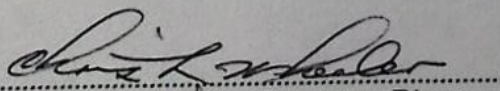
This certificate describes that portion of the water right confirmed by the prior  
certificate recorded at page 1607, Volume 2, State Record of Water Right  
Certificates, NOT modified by the provisions of an order of the Water Resources  
Director entered on August 22, 1980, approving transfer application No. 3728.

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 October 28, 1980.

  
Deputy Water Resources Director



# STATE OF OREGON

Superseded by  
Cert. No. 49718

WATER DIVISION NO. 2 COUNTY OF MALHEUR

## CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That **CLARENCE H. OYMAN AND FRANK C. OYMAN, Jr**  
of Vale State of Oregon has a right to the use of  
the waters of Willow Creek, a tributary of Malheur River

for the purpose of the irrigation of 300.5 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 Malheur 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 2 at page 250; that the priority of the right hereby confirmed dates from 1871 for 200 acres and 1873 for 100.5 acres

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 a rate of flow of 9.76 sec. ft. from February 15th to May 1st and 4.87 sec. ft. from May 1st to September 1st of each year, or the equivalent in case of rotation; the total quantity diverted during each irrigation season not to exceed 1160.5 acre feet.

A description of the lands irrigated under such right, 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: 19 acres in NE 1/4, 36 acres in NW 1/4, 14 acres in SW 1/4, 40 acres in SE 1/4 of Section 10; 3 acres in NW 1/4, 36 acres in SW 1/4, 15 acres in NE 1/4 of Section 11; 27 acres in NE 1/4, 5 acres in SE 1/4, 5.5 acres in NW 1/4 of Section 15; 40 acres in NE 1/4, 40 acres in NW 1/4, 30 acres in SW 1/4, 40 acres in SE 1/4; 31 acres in NE 1/4 of Section 14, Tp. 16 N. R. 45 E. 4. N., in Malheur 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 11th day  
of June, 1927.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS  
State Engineer, President

Attests

H. F. LEWIS  
Secretary

Recorded in State Record of Water Right Certificates, Volume 2, page 1607.



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION )  
OF EMIL W. MAAG FOR APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF )  
WATER )  
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ORDER APPROVING  
TRANSFER NO. 3728

On July 11, 1977, an application was filed in the office of the Water Resources Director by Emil W. Maag for approval of a change in point of diversion of water from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of Circuit Court for Malheur County, entered October 25, 1913, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Willow Creek, tabulated at page 297, Volume 3, Order Record of the Water Resources Director, a water right was allowed in the name of Clarence H. and Frank C. Oxman, and is described by the certificate recorded at page 1607, Volume 2, State Record of Water Right Certificates, in the name of Clarence H. and Frank C. Oxman, for the use of water from Willow Creek for irrigation of among other lands, a certain 19.0 acres in NE 1/4 SE 1/4 and 31.0 acres in SE 1/4 SE 1/4, with a date of priority of 1871; 36.0 acres in NW 1/4 SE 1/4, 14.0 acres in SW 1/4 SE 1/4 and 9.0 acres in SE 1/4 SE 1/4, with a date of priority of 1873, all in Section 10, Township 16 South, Range 43 East, W.M.

Water for the said right is diverted through the Hammack and Maag Ditches, from a point located 1304 feet South and 139 feet West from the Northeast Corner of Section 9, being within the NE 1/4 NE 1/4 of Section 9, Township 16 South, Range 43 East, W.M.

The applicant herein proposes to change the point of diversion, without loss of priority, to a point located 77 feet South and 1170 feet West from the Northeast Corner of Section 9, being within the NE 1/4 NE 1/4 of Section 9, Township 16 South, Range 43 East, W.M. (Hammack Ditch).

Notice of the application, pursuant to ORS 540.520(2), was published in the Malheur Enterprise, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of April 19 and 26, and May 3, 1978.



Mr. Frank Elfering, 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 carried out prior to the diverting of water at the new point of diversion as herein confirmed:

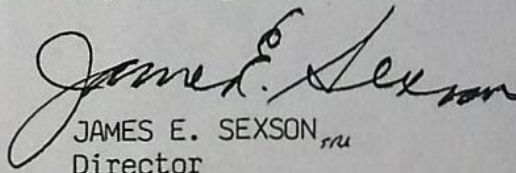
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 1607, Volume 2, 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 22nd day of August, 1980.

  
JAMES E. SEXSON, su  
Director



# AFFIDAVIT OF PUBLICATION

Vale, Oregon May 3 1978

## TO MALHEUR ENTERPRISE, Dr.

To publishing attached Legal Notice In 3 issues \$ 32.34

STATE OF OREGON )  
County of Malheur )ss.

I, Warren G. Ayer being first duly sworn, depose and say that I am the Foreman Publisher of the printers of The Malheur Enterprise, which is a weekly newspaper of general circulation, printed and published in Vale in said county and state that such newspaper is made up of at least four pages of eight columns each and at least 21 inches in depth of matter; that such newspaper was regularly and uninterruptedly published each week for at least twelve consecutive months immediately

preceding the first publication of attached Legal Notice and has more than 200

bona fide subscribers within said county; that the Legal Notice of which the one hereto attached is a true and correct copy as printed, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, once

each week for 3 successive and consecutive weeks, being published 3

times commencing with the issue dated the 19th day of April, 1978

and ending with the issue dated the 3rd day of May, 1978

That the amount of charge actually made and to be collected for such newspaper for such publication is \$ 32.34

Warren G. Ayer  
Foreman Publisher of the Printers

Subscribed and sworn to before me this 3rd day of May, 1978

Gordon Ayer  
Notary Public for Oregon

My commission expires August 11, 1978

RECEIVED

MAY 8 1978

WATER RESOURCES DEPT.  
SALE 1, OREGON

## notice

### NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3728

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Emil W. Maag for approval of a change in point of diversion from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded on page 1607, Volume 2, State Record of Water Right Certificates, in the names of Clarence H. & Frank C. Oxman, Jr., describes a right which includes the use of water from Willow Creek for irrigation of 19.0 ac in NE 1/4 SE 1/4 & 31.0 ac in SE 1/4 SE 1/4, with a date of priority of 1871; 36.0 ac in NW 1/4 SE 1/4, 14.0 ac in SW 1/4 SE 1/4 & 9.0 ac in SE 1/4 SE 1/4, with a date of priority of 1873; all within Sec 10, T 16 S, R 43 E, WM.

The authorized point of diversion is located 1304 ft S & 139 ft W from the NE Corner of Sec 9, being within the NE 1/4 NE 1/4 of Sec 9, T 16 S, R 43 E, WM.

The applicant herein proposes to change from said authorized point of diversion, without loss of priority, to an existing point of diversion located 77 ft S & 1170 Ft W from the NE Corner of Sec 9, being within the NE 1/4 NE 1/4 of Sec 9, T 16 S, R 43 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Vale, Oregon, on June 8, 1978, at 9:30 a.m. All objections to the proposed change shall be prepared in writing; one copy to be served on Emil W. Maag, Rt 2, Box 186, Vale, OR 97918; 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 FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 11th day of April, 1978

/s/ James E. Sexson

Director

Publish: April 19, 26, May 3, 1978