

Name Kenneth Boyer
By _____
Address Box 108, Haines OR
97833

Change in POD
Date filed Dec. 22, 1977
Date of hearing 3-8-78
Place of hearing Baker
Date of order 3-8-78 Vol. 30, page 456
Date for application of water completed
Proof mailed _____
Proof received _____
Certificate issued MAY 1 1978 Vol. 42, page 45456
FEB 1 1980 48023

3853

DESCRIPTION OF WATER RIGHT

Name of stream North Powder River
Trib. of _____ County of Baker
Use Irr
Quantity of water _____ No. of acres 100
Name of ditch Mansfield
Date of priority 1886
In name of Lucinda Hartung
No. Powder Adjudication, Vol. 3, page 263
App. No. _____ Per. No. _____ Cert. No. 1479
Certificate cancelled _____
Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
<u>12-22-77</u>	<u>\$ 85-</u>	<u>392</u>
TOTAL . . .		
<u>2-8-78</u>	<u>\$ 2</u> Cert. Fee	<u>Trnd fr 392</u>
<u>The Recorder - Courier \$21.70 pd 2-8-78 ck 1984</u>		

FEEES REFUNDED

Date	Amount	Check No.
<u>2-8-78</u>	<u>\$ 26.30</u>	<u>1985</u>
EXHIBIT	20	
POD	15	
Cert	2	
PON	21.70	
	<u>58.70</u>	

REMARKS

ORIGINAL FINAL PROOF IN #57052

W.R.I.S.	
Assembled	<u>6-28-85</u> by <u>SM</u>
Entered	_____ by _____
Verified	_____ by _____

INDEX CARDS:	Entered	Checked
☒ Name	<u>lig</u>	_____
☒ Stream	<u>lig</u>	_____
☒ Pt. of Div.	<u>lig</u>	_____
☒ Calendar	<u>lig</u>	_____
CHECKED TO NEW		
☒ Temp. & Rec.	<u>IWE</u>	<u>lig</u>
☒ De-rec-vault	<u>IWE</u>	<u>lig</u>
☒ De-rec-safe	<u>lig</u>	_____
☒ Cert. of W/R	<u>IWE</u>	_____
☒ Per. Poster	_____	_____
☒ Chained	_____	_____
☒ Cross Ref.	_____	_____
☒ Power Claim	<u>lig</u>	_____
☒ Abstracts	_____	_____

P.O.D.: SW 1/4 SE 1/4 Section 18, T. 75, R. 38E, W.M.; 700 feet North and 1620 feet West from the SE Corner Section 18 (Bugbee Ditch)

OK
Refund \$200?

SUPERSEDED
CERTIFICATE NO. 45456

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That ~~LUCINDA HARTUNG~~ KENNETH BOYER
Rt. 1, Box 108 of Haines State of Oregon 97833 has a right to the use of
the waters of North Powder River, a tributary of Powder River

for the purpose of the irrigation of ~~fifty~~ 10.0 acres of ~~land~~

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Union 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 3, at page 252; that the priority of the right hereby confirmed dates from the year 1886 for the irrigation of forty acres, and from 1890 for ten acres,

that the amount of water to which such right is entitled and hereby confirmed for the purpose aforesaid, is limited to an amount actually beneficially used for said purpose, and shall not exceed a rate of flow of 0.25 sec. ft. from March 1st to July 1st and 0.13 sec. ft. from July 1st to October 1st of each year; the total quantity diverted during each irrigation season not to exceed 125 acre feet. if available at the original point of diversion - SE 1/4 SW 1/4 Section 19, T. 75, R. 38E, W.M., 1310 feet North and 2310 feet East from the SW corner Section 19 (MANSEFIELD Ditch)

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: 10 acres in NW 1/4 of SW 1/4; Section Fifteen (15) 40 acres in NE 1/4 of NW 1/4; Section Twenty-two (22), Township Seven (7) South, Range Thirty-eight (38) East of Willamette Meridian, in Baker County, Oregon.

10.0 acres
NW 1/4 SW 1/4
SECTION 15
T. 75, R. 38E, W.M.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered MARCH 8, 1978 and together with certificate of water right recorded on Page 45456, Volume 37, SRWRC supersedes certificate of water right recorded on Page 1479, Volume 2, SRWRC.

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

Attest: M. F. MERS
State Engineer, President
Secretary

Recorded in State Record of Water Right Certificates, Volume 2, page 1479. C 48923

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That A. J. HARTUNG

of Haines State of Oregon has a right to the use of the waters of North Powder River, a tributary of Powder River

for the purpose of the irrigation of $66\frac{1}{2}$ acres of land,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Union 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 3, at page 252; that the priority of the right hereby confirmed dates from the year 1878;

that the amount of water to which such right is entitled and hereby confirmed for the purpose aforesaid, is limited to an amount actually beneficially used for said purpose, and shall not exceed a rate of flow of 1.66 sec. ft. from March 1st to July 1st and 0.83 sec. ft. from July 1st to October 1st of each year; the total quantity diverted during each irrigation season not to exceed 166 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: $26\frac{1}{2}$ acres in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section Fifteen (15); 40 acres in NW $\frac{1}{4}$ of NW $\frac{1}{4}$; Section Twenty-two (22), Township Seven (7) South Range Thirty-eight (38) East of Willamette Meridian, in Baker 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~~, affixed this 9th day
of May, 19 17.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By JOHN H. LEWIS
State Engineer, President

Attest:

M. F. MERS

Secretary

Recorded in State Record of Water Right Certificates, Volume 2, page 1478

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF KENNETH BOYER FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM NORTH POWDER RIVER)

ORDER APPROVING
TRANSFER NO. 3853

On December 22, 1977, an application was filed in the office of the Water Resources Director by Kenneth Boyer for approval of a change in point of diversion from North Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 1479, Volume 3, State Record of Water Right Certificates, in the name of Lucinda Hartung, describes a right which includes the use of not to exceed 0.25 cubic foot per second from North Powder River for irrigation of a certain 10.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 7 South, Range 38 East, W.M., with a date of priority of 1886.

Water for the said right is diverted, through the Mansfield Ditch, from a point located 1310 feet North and 2310 feet East from the Southwest Corner of Section 19, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Township 7 South, Range 38 East, W.M.

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 495 feet North and 1730 feet West from the Southeast Corner of Section 18, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 7 South, Range 38 East, W.M. (Bulger Ditch).

Notice of the application, pursuant to ORS 540.510, was published in The Record-Courier, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of January 12, 19 and 26, 1978.

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 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.

V30, P456

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, and shall not exceed 0.25 cubic foot per second.

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:

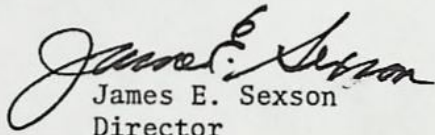
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that the certificate of water right heretofore issued to Lucinda Hartung and recorded at page 1479, Volume 3, 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 8th day of March, 1978.


James E. Sexson
Director

AFFIDAVIT OF PUBLICATION

**NOTICE OF WATER
RIGHT TRANSFER
APPLICATION
NO. 3853**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Kenneth Boyer for approval of a change in point of diversion from North Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 1479, Volume 3, State Record of Water Right Certificates, in the name of Lucinda Hartung, describes a right which includes the use of not to exceed 0.25 cubic foot per second from North Powder River for irrigation of 10.0 acres in NW¼ SW¼ of Sec 15, T 7 S, R 38 E, WM, with a date of priority of 1886.

Water for the said right is diverted, through the Mansfield Ditch, from a point located 1310 ft N and 2310 ft E from the SW Corner of Sec 19, being within the SE¼ SW¼ of Sec 19, T 7 S, R 38 E, WM.

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 495 ft N and 1730 ft W from the SE Corner of Sec 18, being within the SW¼ SE¼ of Sec 18, T 7 S, R 38 E, WM (Bulger Ditch).

All persons interested are notified hereby that a hearing will be held at the county courthouse at Baker, Oregon, on March 8, 1978, 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 Kenneth Boyer, P.O. Box 108, Haines, OR 97833 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 RESOURCE 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 4th day of January, 1978.

JAMES E. SEXSON
Director

(2-4)

State of Oregon, County of Baker, ss.

I, Byron C. Brinton, being first duly sworn, depose and say that I am the owner - printer of The Record-Courier, which is a weekly newspaper of general circulation published in Baker, in said county and state; that such newspaper is made up of at least four pages of five columns each and of at least 17¾ inches in depth of type matter; that such newspaper was regularly and uninterruptedly published once each week for at least twelve consecutive months immediately preceding the first publication of the attached Notice of Water Right Transfer

Application #3853

and has more than 200 bona fide subscribers within said county; that the Notice of Water Right Transfer

Application No. 3853

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 12th day of January, 1978, and ending with the issue dated the 26th day of January, 1978.

That the amount of charge actually made and to be collected by such newspaper for such publication is \$21.70.

Byron C. Brinton

Subscribed and sworn to before me this 27th day of January, 1978.

Barbara Lee Sherrin

Notary Public for Oregon.

My commission expires June 6, 1981.

JAN 30 1978
WATER RESOURCES DEPT
SALEM, OREGON

62 mm
p. 990