

3599

STATUS OF APPLICATION

Change in point of diversion
 Date filed 3-22-77
 Date of hearing 8-2-77
 Place of hearing Enterprise
 Date of order 9-12-77 Vol. 29, page 270
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued AUG 27 1985 Vol. 48, page 53414

DESCRIPTION OF WATER RIGHT

Name of stream So Fork Wallowa R. (Lentine R.)
 Trib. of _____ County of Wallowa
 Use irrigation & stock
 Quantity of water _____ No. of acres 39.0
 Name of ditch Mill or Biggs
 Date of priority 1883
 In name of A. W. Courtney
Wallowa Riv. Adjudication, Vol. 5, page 157
 App. No. _____ Per. No. _____ Cert. No. 2990
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
3-22-77	\$80.00	59220
TOTAL . . .		
No Cert. Fee		
8/31/77 Pd. Wallowa Co. Chief Clerk (\$36.98) ch. #1456		

FEES REFUNDED

Date	Amount	Check No.
8-31-77	8 ⁰²	1455
Recd		80-
Exam 20		
POD 15		(35-)
PON		(36.98)
Refund		\$8 ⁰² ✓

See T# 3612 re remainder of right

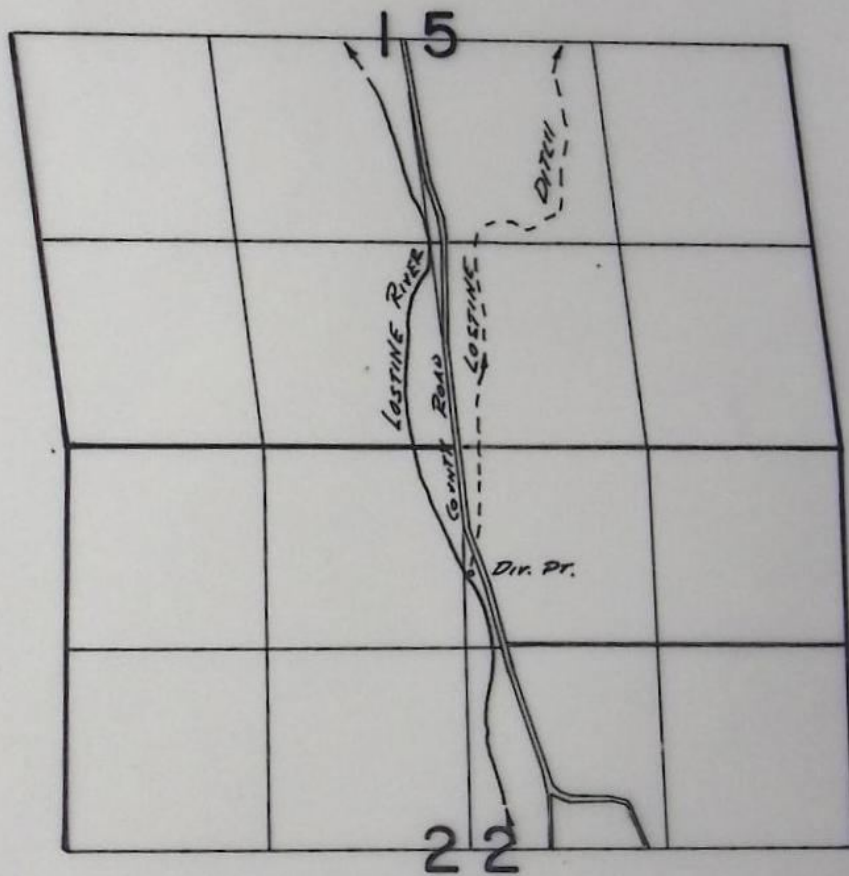
REMARKS

CARD FOR C DEC 26 1979

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

Lowell Courtney
Lostine,
Ore. 97857

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



Dir. Pr. Loc: 830' S. & 2700' E. FROM NW COR. SEC 22

FINAL PROOF SURVEY
UNDER

TRANSFER 3599

IN NAME OF

LOWELL M. COURTNEY

Surveyed 8-12..... 1922, by *V.H. Church*

BBA-2MM-110

STATE OF OREGON

COUNTY OF

WALLOWA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

LOWELL M. COURTNEY

of St. Rt., Box 56, Lostine
 a right to the use of the waters of South Fork Wallowa (Lostine) River, State of Oregon 97857, has

a tributary of Wallowa River
 irrigation of 39.0 acres and stock use for the purpose of

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 157; that the priority of the right
 thereby confirmed dates from 1883

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, if available at the original point of diversion; SW 1/4
 SW 1/4, Section 10, T1S, R43E, WM; 200 feet North and 1300 feet East*
 The point of diversion is located in the NW 1/4 NE 1/4, Section 22, T1S, R43E, WM; 830
 feet South and 2700 feet East from the NW Corner, Section 22 (Lostine Ditch)

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

*from SW Corner, Section 10 (Biggs-Mill Ditch).

22.0 acres NE 1/4 SE 1/4
 17.0 acres NW 1/4 SE 1/4
 Section 4
 Township 1 South, Range 43 East, WM

RECEIVED

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WATER RESOURCES DEPT.
SALEM, OREGON

This certificate is issued to confirm a change in point of diversion approved
 by an order of the Water Resources Director entered September 12, 1977, and
 together with certificate of water right recorded at page 53415, Volume 48,
 State Record of Water Right Certificates, supersedes Certificate 2990.

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, 1985

William H. Young
 Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48, page 53414

STATE OF OREGON

Water Division No. _____ County of _____ WALLOWA _____

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That— A. W. COURTNEY AND LUCY COURTNEY _____
of _____ Evans _____ State of _____ Oregon _____ has a right to the use of
the waters of South Fork of Wallowa River, a tributary of the Wallowa River _____
for the purpose of the irrigation of 97½ 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 Oregon, in Volume-1, at page— 157—; that
the priority of the right hereby confirmed dates from— 1883 _____

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 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.

A description of the lands irrigated under such rights, 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: 21 acres in the NW¼NE¼; 24½ acres in the SW¼NE¼; 25 acres in the
NE¼NW¼; 3 acres in the SE¼NW¼; 17 acres in the NW¼SE¼ and 7 acres in the SW¼SE¼ +
of Section 4, Township 1 South, Range 43 East of Willamette Meridian, in Wallowa
County, Oregon.

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WATER RESOURCES DEPT.
SALEM, 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 —, 19 21. —

STATE WATER BOARD

By _____
State Engineer, President

Secretary

Recorded in State Record of Water Right Certificates, Volume 1, page— 2991 —

STATE OF OREGON

COUNTY OF

WALLOWA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, Lowell M.
That A. W. COURTNEY
of St. Rt. Box 56, Lostine, State of Oregon 97857 has a right to the use of
the waters of South Fork of Wallowa River, a tributary of the Wallowa River

for the purpose of the 39.0 irrigation of 68 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 1883

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:
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: 1 acre in the NE 1/4 NE 1/4 of Section 9; 22 acres in the NE 1/4 SE 1/4; 17 acres
in the NW 1/4 SE 1/4; 8 acres in the SW 1/4 SE 1/4 and 40 acres in the SE 1/4 SE 1/4 of Section 4,
Township 1 South, Range 43 East of Willamette Meridian, in Wallowa County, Oregon.

22.0 ac NE 1/4 SE 1/4
17.0 ac NW 1/4 SE 1/4
Sec 4
T. 15., R. 43E., WM

* POD: NW 1/4 NE 1/4 Sec 22, T. 15., R. 43E., WM. 830'S. & 2700'E. from
NW Cor Sec 22 (Lostine Ditch).

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 9-12-77 and together with certificate of water right
recorded at page (A) 53415, Volume 2990, State Record of Water
Right Certificates, supersedes certificate 2990.

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.

(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 2990

53414

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WALLOWA COUNTY

IN THE MATTER OF THE APPLICATION)
OF LOWELL M. COURTNEY FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM LOSTINE RIVER)

ORDER APPROVING
TRANSFER NO. 3599

On March 22, 1977, an application was filed in the office of the Water Resources Director by Lowell M. Courtney 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 2990, Volume 4, State Record of Water Right Certificates, in the name of A. W. Courtney, describes a right which includes the use of water from South Fork Wallowa (Lostine) River for stock water and irrigation of 22.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 17.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 1 South, Range 43 East, W.M., with a date of priority of 1883.

Water for the said right is diverted, through the Mill or Biggs Ditch, from a point located 200 feet North and 1300 feet East from the Southwest corner of Section 10, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 1 South, Range 43 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom and, 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 June 2, 9 and 16, 1977.

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2270-272

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 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.

The remaining portion of the water right described by the certificate recorded at page 2990, Volume 4, State Record of Water Right Certificates, in the name of A. W. Courtney, NOT modified by the provisions of this order is the subject

of an order also entered this date in the matter of water right transfer application No. 3612.

It is FURTHER ORDERED that the certificate of water right heretofore issued to A. W. Courtney and recorded at page 2990, Volume 4, State Record of Water Right Certificates, is canceled, 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 12th day of September, 1977.

/s/ James E. Sexson
Director

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. 3599

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for **3 weeks** in the issues of

June 2, 1977

June 9, 1977

June 16, 1977

Thelma Morgan

Subscribed and sworn to before me this **23rd** day of **June, 1977**

Ronald T. Swart

Notary Public for Oregon

(My Commission expires **15 Jan. 1981**.)



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JUL - 8 1977

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF WATER RIGHT TRANSFER

Application No. 3599

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Lowell M. Courtney for approval of a change in point of diversion from South Fork Wallowa (Lostine) River.

The certificate recorded at Page 2990, Vol. 4, State Record of Water Right Certificates, in the name of A.W. Courtney, describes a right which includes the use of water from South Fork Wallowa (Lostine) River for irrigation of 22.0 acres in NE¹/₄ SE¹/₄ and 17.0 acres in NW¹/₄ SE¹/₄ of Sec. 4, T. 1 S., R. 43 E., W.M., with a date of priority of 1883.

Water for the said right is diverted through the Mill or Biggs Ditch, from a point located 200 ft. N. and 1300 ft. E. from the SW corner of Sec. 10, being within the SW¹/₄ SW¹/₄ of Sec. 10, T. 1 S., R. 43 E., W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, and without 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 corner of Sec. 22, being within the NW¹/₄ NE¹/₄ of Sec. 22, T. 1 S., R. 43 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Enterprise, Oregon, on August 2, 1977, 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 Lowell M. Courtney, Lostine Star Route, Box 56, Lostine, Oregon 97857, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 23rd day of May, 1977.

James E. Sexson
Director

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