

3612

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in POD
Date filed 4-4-77
Date of hearing 8-9-77
Place of hearing Enterprise
Date of order 9-12-77 Vol. 29, page 276
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued NOV 28 1977 Vol. 37, page _____

Name of stream Hostine River
Trib. of _____ County of Wallowa
Use irrigation and Stock
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority 1883
In name of 2990 A.W. Courtney ; 3191 Mrs S.M. Wilson
Wallowa Riv Adjudication, Vol. 5, page 157 & 205
App. No. _____ Per. No. _____ Cert. No. 2990 & 3191

Date	Amount	Receipt No.
<u>4/4/77</u>	<u>80⁰⁰</u>	<u>59484</u>
TOTAL . . .		
<u>8-31-77</u>	<u>2</u> (PRC#3191) Cert. Fee	<u>59484</u>
<u>Pl. Wallowa County Chieftain (43.43) ch. #1452</u>		

FEES REFUNDED

Date	Amount	Check No.
	<u>None</u>	<u>-</u>
Recd 80-		
Exam 20-		
POD 15-		
(35-)		
Cert (2-)		
PON (4343)		

NOV 28 1977
AUG 27 1985
AUG 27 1985
Vol. 37
48
48
page 45011
53415
53416

Certificate cancelled _____
Notation made on record by _____

to survey 11/79

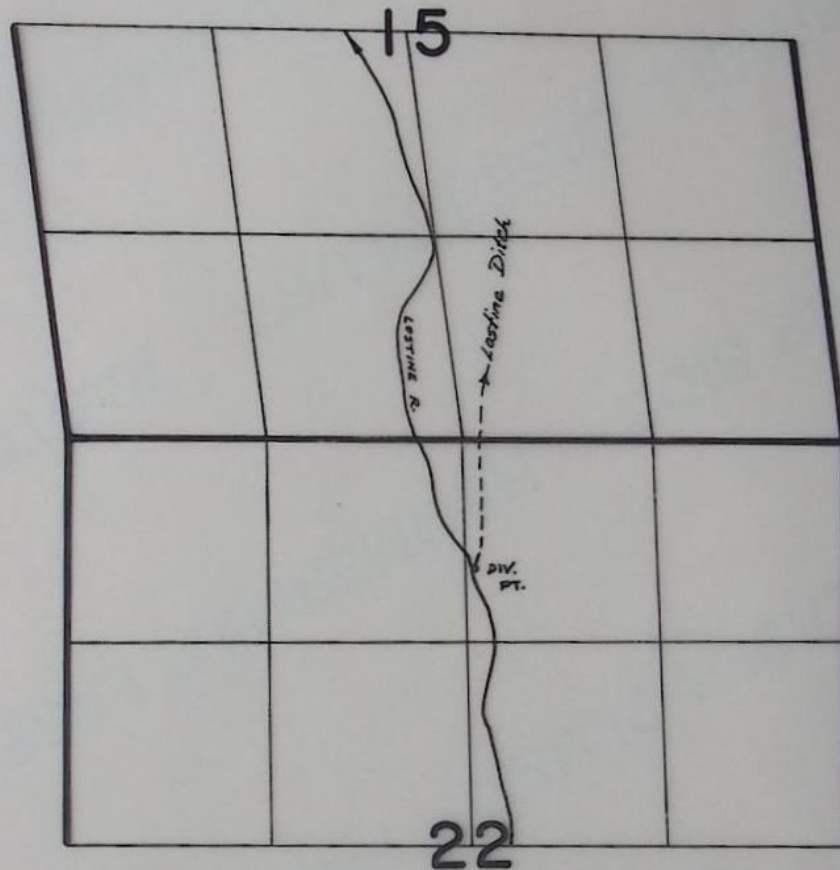
See T#3599 re remainder of right under C#2990

REMARKS

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

Mazden 2

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



DIVERSION POINT LOCATED 830'S & 2700' E. FROM NW COR SEC 22

FINAL PROOF SURVEY
UNDER

TRANSFER 3612

Application No. Permit No.
IN NAME OF

..... **JOHN L. MAGDEN**

Surveyed 8-22..... 1978.. by R. BARWIN.....

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

MRS. S. M. WILSON, BY HERBERT WILSON

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

a tributary of Wallowa River for the purpose of
irrigation of 16.0 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 205 ; that the priority of the
right thereby confirmed dates from 1896 for Tract No. 2 and April 8, 1886 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 $1\frac{1}{2}$ acre feet per
acre during any period of 30 days prior to July 31st of each year, and there-
after 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. 2
12.0 acres $SE\frac{1}{4}$ $NE\frac{1}{4}$

Tract No. 3
4.0 acres $SE\frac{1}{4}$ $NE\frac{1}{4}$
Section 9
T. 1 S., R. 43 E., W. M.


This certificate describes that portion of the water right confirmed by prior
certificate 3191, NOT modified by the provisions of an order entered on September
12, 1977, approving transfer application No. 3612.

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 November 28, , 1977 .


Water Resources Director

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 114, on the 3rd day
of January, 1978
at 9:31 a. m.

Mayanne Martin

County Clerk.

STATE OF OREGON

COUNTY OF

WALLOWA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That MRS. S. M. WILSON, By Herbert Wilson
of Lostine, 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 ^{16.2}~~39.7~~ 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 205;
that the priority of the right hereby confirmed dates from ~~1883 for Tract No. 1~~; 1896 for
Tract No. 2 and April 8, 1886 for Tract No. 3

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: 22.7 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 1 acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
of Section 9, Township 1 South, Range 43 East of Willamette Meridian, in Wallowa
County, Oregon.~~

Tract No. 2: 12 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 1 South,
~~Range 43 East of Willamette Meridian, in Wallowa County, Oregon.~~

Tract No. 3: 4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 1 South,
~~Range 43 East of Willamette Meridian, in Wallowa County, Oregon.~~

This certificate describes that portion of the water right confirmed by ~~the~~ prior
certificate recorded at page 3191, Volume 4, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on Sept 12, 1977, approving transfer application No. 3612.

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

Water Board, affixed this 2nd day
of April, 1921

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 3191

STATE OF OREGON

COUNTY OF WALLOWA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That A. W. 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 88 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
 $1\frac{1}{2}$ 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: 1 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9: 22 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$; 17 acres
in the NW $\frac{1}{4}$ SE $\frac{1}{4}$; 8 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4,
Township 1 South, Range 43 East of Willamette Meridian, in Wallowa County, Oregon.

T-3599

T-3612

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, 1921
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 2990

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WALLOWA COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOHN L. MAGDEN FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM LOSTINE RIVER)

ORDER APPROVING
TRANSFER NO. 3612

On April 4, 1977, an application was filed in the office of the Water Resources Director by John L. Magden 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 8.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4; and 1.0 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 1 South, Range 43 East, W.M., with a date of priority of 1883.

The certificate recorded at page 3191, Volume 4, State Record of Water Right Certificates, in the name of Mrs. S. M. Wilson, describes a right which includes the use of water from South Fork Wallowa (Lostine) River for stock water and irrigation of 22.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.0 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 1 South, Range 43 East, W.M., with a date of priority of 1883.

Water for the said right is diverted, through the Biggs-Mill 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

U29
P276-278

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 23, 30 and July 7, 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, together with that diverted at the old 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.

Cancellation of the certificate heretofore issued to A. W. Courtney and recorded at page 2990, Volume 4, State Record of Water Right Certificates was provided for in the order of the Water Resources Director also entered this date in the matter of water right transfer application No. 3599.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Mrs. S. M. Wilson and recorded at page 3191, Volume 4, 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 new 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. 3612**

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 23, 1977

June 30, 1977

July 7, 1977

Thelma Morgan

Subscribed and sworn to before me this
7th day of *July*, 1977

Donald L. Stewart

Notary Public for Oregon

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



NOTICE OF WATER RIGHT TRANSFER AP- PLICATION NO. 3612

Notice is given hereby
that an application has
been filed in the office of
the Water Resources Dir-
ector by John L. Magden
for approval of a change in
point of diversion from
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 S. Fork
of Wallowa (Lostine) River
for irrigation of 8.0 acres in
SW¹/₄ SE¹/₄ and 40.0 acres
in SE¹/₄ SE¹/₄ of Sec. 4; and
1.0 acre in NE¹/₄ NE¹/₄ of
Sec. 9, T. 1 S., R. 43 E.,
W.M., with a date of
priority of 1883.

The certificate record-
ed at Page 3191, Vol 4,
State Record of Water
Right Certificates, in the
name of Mrs. S. M. Wilson,
describes a right which
includes the use of water
from S. Fork of Wallowa
(Lostine) River for irriga-
tion of 22.7 acres in NE¹/₄
NE¹/₄ and 1.0 acre in SE¹/₄
NE¹/₄ of Sec. 9, T. 1 S., R.
43 E., W.M., with a date of
priority of 1883.

Water for the said right
is diverted through the
Biggs-Mill 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 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
corner of Sec. 22, being
within the NW¹/₄ NE¹/₄ 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 Ent-
erprise, Oregon, on August
9, 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 prepar-
ed in writing, one copy to
be served on John L.
Magden, P.O. Box 161,
Lostine, Oregon 97857, and
one copy filed with the
Water Resources Depart-
ment, Salem, Oregon
97310, together with a \$10
filing fee, at least 10 days
prior to the date set for
hearing. IF NO OBJEC-
TION IS FILED, THE
APPLICATION MAY BE
APPROVED BY THE
WATER RESOURCES
DIRECTOR WITHOUT A
HEARING. Administra-
tive rules pertaining to the
filing of a protest will be
furnished by the Water
Resources Department up-
on request.

Dated at Salem, Oregon,
this 6th day of June, 1977.

James E. Sexson
Director

c14t3

RECEIVED

JUL - 8 1977

WATER RESOURCES DEPT
SALEM, OREGON