

Name Ernest A. Wagner

By _____

Address 39 Sylvan PlaceSonoma, CA 95370Change in POUDate filed Aug 14, 1978

Date of hearing _____

Place of hearing _____

✓ Date of order 9-5-78 Vol. 31, page 199Date for application of water 10-1-79

Proof mailed _____

Proof received _____

Certificate issued AUG 29 1988 Vol. _____, page 57586

4023

DESCRIPTION OF WATER RIGHT

Name of stream Woods CreekTrib. of Days Creek County of Douglas

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority Oct. 11, 1934In name of Ladd & Bush

_____ Adjudication, Vol. _____, page _____

App. No. 15576 Per. No. 11465 Cert. No. 13455 (See T-3287)

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>8-14-78</u>	<u>47-</u>	<u>5451</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
<u>exam 20⁰⁰</u>	<u>refund 97⁰⁰</u>	
<u>POU 10⁰⁰</u>		
<u>30⁰⁰</u>		

REMARKS

to survey 6/79

W.R.I.S.

Assembled 6-17-85 by SM

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:

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

STATE OF OREGON

COUNTY OF DOUGLAS TO WYUOD

CERTIFICATE OF WATER RIGHT

This Is to Certify, That LADD and BUSH

of ~~Porter~~ Salem, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Porter Creek a tributary of Days Creek for the purpose of Irrigation

under Permit No. 11465 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 11, 1934;

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 0.37 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 9 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 3, Township 30 South, Range 4 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

T-4023

5.3 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 2
2.6 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 3
4.9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 10
14 $\frac{1}{2}$ - 16.7 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 2.2 0.03 cfs
Section 11
Township 30 South, Range 4 West, W. M.,
being within Franklin O. Worky D. L. C. 49.

16

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 State Engineer, affixed

this 1st day of May, 1934

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 11, page 13455

T#4023 T#3287

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF ERNEST A. WAGNER FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM WOODS CREEK)

ORDER APPROVING
TRANSFER NO. 4023

On August 14, 1978, an application was filed in the office of the Water Resources Director by Ernest A. Wagner for approval of a change in place of use from Woods (Porter) Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 13455, Volume 11, State Record of Water Right Certificates, in the name of Ladd and Bush, describes a right which includes the use of not to exceed 0.03 cubic foot per second from Porter Creek for irrigation of 2.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 30 South, Range 4 West, W.M., with a date of priority of October 11, 1934.

The authorized point of diversion of record for said right is located 100 feet North and 140 feet West from the Southeast Corner of Section 3, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 30 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom, without loss of priority, and to irrigate in lieu thereof a certain 1.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.8 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 30 South, Range 4 West, W.M.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use as described herein, without loss of priority, is approved.

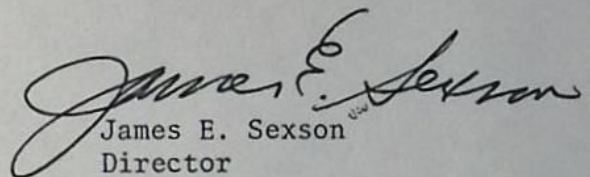
It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

The order of the Water Resources Director entered January 20, 1977, approving transfer application No. 3287 for a change in point of diversion of water provided for the cancellation of the certificate recorded at page 13455, and for the issuance of a new confirming certificate upon receipt of proof of completion of the works so

authorized.

THEREFORE, it is FURTHER ORDERED that 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 and the order approving transfer application No. 3287, a confirming certificate of water right shall be issued.

Dated at Salem, Oregon this 5th day of September, 1978.


James E. Sexson
Director

U 3/200

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF ERNEST A. AND LILLIE L. WAGNER)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
PORTER (WOODS) CREEK)

ORDER APPROVING
TRANSFER NO. 3287

On July 29, 1975, Ernest A. and Lillie L. Wagner filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Porter (Woods) Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 13455, Volume 11, State Record of Water Right Certificates, in the name of Ladd and Bush, describes an existing right of record for the use of not to exceed 0.37 cubic foot per second from Porter (Woods) Creek for irrigation of 5.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, 2.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, 4.9 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 and 16.7 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 30 South, Range 4 West, W.M., with a date of priority of October 11, 1934.

Water for the said right is diverted from a point located 690 feet South and 575 feet West from the East quarter-corner of Section 3, being within Lot 9 (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 3, Township 30 South, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion for the said lands to a point located 100 feet North and 140 feet West from the Southeast corner of Section 3, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 30 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Roseburg News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of November 26, December 3 and 10, 1976.

Mr. M. John Youngquist, Watermaster of District No. 15, 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 from Porter (Woods) Creek 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, and shall not exceed 0.37 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Ladd and Bush and recorded at Page 13455, Volume 11, 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 Ernest A. and Lillie L. Wagner.

Dated at Salem, Oregon, this 20th day of January, 1977.

/s/ JAMES E. SEXSON
Director