

Application No. 10,888

Permit No. 7420

Certificate No. 7803

FEEES PAID

Date	Amount	Receipt No.
Total		

FEEES REFUNDED

Date	Amount	Check No.

Stream Index, Page No. 8-9410

Application Record, Book No. _____

ASSIGNMENTS

Date	To whom	Address	Volume	Page

REMARKS

CONSTRUCTION

te for beginning _____
te for completion _____
Extended to _____
te for application of water _____
Extended to _____

PROSECUTION OF WORK

m "A" filed _____
m "B" filed _____
m "C" filed _____

FINAL PROOF

nk mailed _____
of received _____
te certificate issued _____
eipt for recording fee No. _____

STATE OF OREGON
COUNTY OF WALLOWA
CERTIFICATE OF WATER RIGHT

This is to Certify, That J. H. Maxwell

of **Lewis**, 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 **Chesnimms, Gooseberry & Butte Creeks** a tributary of **Joseph Creek (Grande Ronde River)** for the purpose of **Irrigation**

under Permit No. **7420** 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 **July 12, 1926;**

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 **0.54 cubic foot per second;**

The point of diversion is located in the . . . of Section **32**, Township **3N**, Range **46E**, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: **8 acres in the SW 1/4, 5 acres in the NW 1/4, Section 32, 12 acres in the SE 1/4 and 18 acres in the NE 1/4, Section 31, Township 3 North, Range 46 East of the Willamette Meridian in Wallowa County, Oregon.**

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5723, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this **28th** day

of **November**, 19 **28**

Rhea Luper

State Engineer.

STATE OF OREGON
COUNTY OF WALLOWA
CERTIFICATE OF WATER RIGHT

This is to Certify, That J. H. Maxwell

of Lewis, 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 Chesnimms, Gooseberry & Butte Creeks a tributary of Joseph Creek (Grande Ronde River) for the purpose of Irrigation under Permit No. 7420 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 July 12, 1926;

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 0.54 cubic foot per second;

The point of diversion is located in the SW 1/4 of Section 32, Township 5N, Range 46E W.M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: 8 acres in the SW 1/4, 5 acres in the NW 1/4, Section 32, 12 acres in the SE 1/4 and 18 acres in the NE 1/4, Section 51, Township 5 North, Range 46 East of the Willamette Meridian in Wallowa County, Oregon.

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 28th day

of November, 19 28

Ehea Luper

State Engineer.

10888/68049

Water Resources Department
Mill Creek Office Park
555 13th Street, NE
Salem, OR 97310

RECEIVED

JUN 27 1984

WATER RESOURCES DEPT
SALEM, OREGON

Since the water right described by the certificate recorded at page 7803, Volume 8, State Record of Water Right Certificates is not clear in defining the acreage allowed a water right from each source, this is to advise you that prior to making proof on the use of water under the terms of the permit approving the Application 68049 and issuance of a water right certificate, an affidavit will be submitted providing for the cancelation of said existing water right of record except for that part of said water right providing for the use of water for the irrigation of certain acreage determined to be covered by the use of water from Gooseberry Creek and the 0.2 acre determined to be covered by the use of water from Butte Creek.

Sincerely,





June 25, 1984
Date

3055C

A F F I D A V I T

RECEIVED

MAY 29 1984

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON)
County of WALLOWA) ss.

(X), (We), Paul Yost & James Yost, being first duly sworn, depose and say that (~~Doan~~), (we are) the owner(s) of the following described land: NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SEC. 31 and SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 32 all in T3N, R46E W.M.

and a portion of the water right appurtenant thereto, which is for the appropriation Chesnimnus Creek of 0.0125 cubic foot of water per second from Butte Creek for the irrigation of 7 acres more or less from Butte Creek excepting 0.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32 for garden. 6 acres more or less from Chesnimnus Creek.

under a priority date of July 12, 1926, as evidenced by the certificate recorded at Page 7803, Volume _____, State Record of Water Right Certificates: that (X), (we) have abandoned any and all interest in and to said right and request the same be canceled.

IN WITNESS WHEREOF, (X), (we) have hereunto set (~~xy~~), (our) hand(s) this 23rd day of May, 19 84.

Paul Yost
James O. Yost

Subscribed and sworn to before me this 23rd day of May.

19 84.

Margaret Maitland
Notary Public for Oregon
Co Clerk Wallowa County, Oregon
My commission expires Perpetual

November 14, 1962

Smith-Arnoldus, Inc.
Real Estate
3005 College Street
Baker, Oregon

Gentlemen:

The only right of record on the lands listed in your letter dated October 29, 1962, is evidenced by the certificate recorded at page 7003, State Record of Water Right Certificates. This certificate describes the appropriation of 0.54 c.f.s. of water from Cheshinamus, Gooseberry and Butte Creeks for irrigation of 8.0 acres in the NW¹/₄ S¹/₄, Section 32; 12 acres in the SE¹/₄ NE¹/₄ and 18 acres in the NW¹/₄ SE¹/₄, Section 31, T. 3 N., R. 16 E., W.M. The priority date of the right is July 12, 1926, and the certificate was issued to J. W. Maxwell on November 28, 1928.

Very truly yours,

CHRIS L. NEWELL
State Engineer

By

Trevor Jones, Assistant

TJ:jp



Smith - Arnoldus, Inc.

REAL ESTATE

3005 COLLEGE STREET

(Cor. College & E)

BAKER, OREGON

October 29, 1962

EXFORD W. SMITH
THEODORE (TED) C. ARNOLDUS

RECEIVED
OCT 30 1962
STATE ENGINEERS OFFICE
SALEM, OREGON

State of Oregon
State Engineers Office
Salem, Oregon

Sir:

We are in need of information regarding any water rights pertaining to the ranch described as:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Sec. 1
N $\frac{1}{2}$ NE $\frac{1}{4}$ " 12 Twp. 2N, R45 EWM

Tract #37 " 2N, R45 $\frac{1}{2}$ EWM
Tract #48 " 2N, R46 EWM

(Originally described as Lot 3, 5, 6, 7 and
SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 6, TWP. 2N, R 46, EWM)

W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29
All " Sec. 30
N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 31
N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32 Twp. 3 N, R 46 EWM

Lots 9, 12, 13, 14, 17, 18, 19, 20,
21, and 22 of Sec. 6

Lots 7 and 8 Sec. 7 Twp. 2 N, R 46 EWM.

The property is changing hands and the new owner wishes confirmation as to any existing water rights pertaining to the above land.

Yours very truly,

Exford W. Smith

STANLEY
Master

RHEA LUPER
State Engineer
Salem

WATER DISTRICT NO. 4

STATE OF OREGON

Enterprise, Oregon

July 9, 1926.

STATE ENGINEER
RECEIVED
JUL 12 1926
SALEM, OREGON

Mr. Rhea Luper,
Salem, Oregon.

Dear Sir:

I am enclosing herewith an application for a permit to appropriate water in the name of J. H. Maxwell, of Lewis, Oregon. This application is accompanied by tracing and blue print, and fees in the amount of \$9.45.

Very respectfully,

Lewis A. Stanley

WATER MASTER DIST. NO. 4.

LAS/S
Enc.

10888

June 29, 1928

Mr. J. H. Maxwell,
Lewis,
Oregon.

Dear Sir:

I note that the ditches in connection with your Permit No. 7420 have been completed and the water completely applied to its proposed use.

The proof blank will soon be prepared and mailed to you for execution.

Yours very truly,

Rhea Luper,
State Engineer.

July 6, 1928.

Mr. J. H. Maxwell,
Lewis,
Oregon.

Dear Sir:

Blanks for making final proof of appropriation of water under Permit No. 7420 have been forwarded to Mr. Karl Farnsworth, water master of your district, who will make an inspection and assist in completing the proof.

After the proof has been completed and signed before a notary public, it should be returned to this office, accompanied by \$1.00 for recording the water right certificate in the county records.

Yours very truly,

Rhea Luper,
State Engineer.

H.

10888

July 21, 1926.

Mr. J. H. Maxwell,
Lewis, Wallawa Co.,
Oregon.

Dear Sir:- Herewith you will find Application No. 10888,
being Permit No. 7420, together with blue print.

The application has been approved and record-
ed in this office.

July 12, 1926.

Mr. Lewis A. Stanley,
Water Master,
Enterprise, Oregon.

Dear Sir:

This will acknowledge receipt of your letter of July 9th, transmitting application for permit to appropriate water by J. H. Maxwell, together with check for \$9.45, and maps to accompany the filing.

Official receipt number 4085 is enclosed covering the above amount.

The application has been numbered 10888 and will be taken up for approval as soon as the same can be reached.

Yours very truly,

H.
Enc.

Rhea Luper,
State Engineer.

October 25, 1928

Mr. J. H. Maxwell,
Lewis,
Oregon.

Dear Sir:

I have received the proof of appropriation of water which you submitted in connection with your Permit No. 7420, together with \$1.00 for recording the water right certificate. Official receipt No. 8951 covering this remittance is enclosed.

COUNTYWALLOHA.....

1. Name J. H. Maxwell 2. Address Lewis, Ore.
3. Source of supply ~~Chesimimus~~ Gooseberry & Butte Creeks
Tributary of Joseph Creek (Grande Ronde R.)
4. Amount of water 0.54 5. Priority date July 12, 1926
6. Use Irrigation
7. The description of land given below corresponds to that found in your permit covering land to be irrigated, or, if for other purposes, the place of use. In the blank column on the right, headed "No. acres actually irrigated," fill in the number of acres you have irrigated in each of the tracts described:

[illegible]

DESCRIPTION OF WORKS

8. (a) Location of point of diversion, _____ Sec. 32, Twp. 3 N, Range 46 E. W. M.
(Legal Subdivision)
- (b) If a dam has been constructed, give description: Height, 100 ft.; length on top, _____ ft.;
length on bottom, _____ ft.; material used and character of construction, _____

- (c) Give description of headgate: Width, 2.5 ft.; depth, 2.5 ft.; material used and character
of construction, timber

- (d) Size of canal: Width on top (at waterline) _____ ft.; width on bottom, _____ ft.; grade,
_____ ft. fall per 1,000 ft. Actual capacity, _____ sec.-ft. Give general description,
small canals

8. (Cont'd.)

(e) Pipe line: Description of intake,
.....
Length of pipe,ft.; size at intake,in.; size atft. from intake,in.; size at place
of use,in. Difference in elevation between intake and place of use,ft.
Is grade uniform? Actual capacity of pipe line,sec.-ft.
Give general description:
(Material: Steel, wrought, cast iron, wood stave, etc.)

(f) Pumping plant: Give size and type of pump,
Suction lift,ft.; discharge lift,ft. Type of motor used
Horse power rating,H. P. Actual capacity of pump,sec.-ft.

GENERAL

9. During what months is water beneficially used May to October.....
10. State character of soil clay loam.....
Kind of crops raised Hay grain and pasture.....
11. Does the accompanying map, filed with your application, show correctly the point of diversion, area
of land irrigated, or place of use? yes.....
12. If not, wherein is such map in error?
.....
13. Domestic use: Give number of families actually using water at this time
14. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give
extent and method of such use
.....
.....
.....

STATE OF OREGON,

County of Malheur } ss.

I, J. M. Maxwell, being first duly sworn,
depose and say that I have read the above and foregoing proof of appropriation of water; that I
know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 20 day
of October, 1928.

Subscribed and sworn to before me this 20th day of October, 1928.

D. B. REAVIS, COUNTY CLERK

BY Ann Spurgeon Notary Public for Oregon

My commission expires

[NOTARIAL SEAL]

AFFIDAVIT OF WITNESSES

We, _____, and _____
of _____, being first duly sworn, depose and say that
we are well acquainted with the facts and conditions set forth in the foregoing statement relative to
proof of appropriation of water under Permit No. _____; that we and each of us have been over and
upon each tract described in said proof, and from such personal inspection have knowledge that all neces-
sary ditches, dams and other diversion and distributing works have been constructed, and water used as
stated therein; that we have carefully read such proof of appropriation, and that each and every state-
ment contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this _____ day of _____, 192_____

Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires _____

REPORT OF PERSON MAKING INSPECTION

I, K. W. Farnsworth, do hereby certify that I have made
an inspection of the works described herein and in Permit No. 7420, on the 18 day
of September, 1928, and found the foregoing statements and descriptions of works to
be accurate. In my opinion the appropriation has been completed to the extent of 0.54
and I recommend the issuance of a water right certificate for this amount.
(Quantity of water in
second-feet or acre-feet)

K. W. Farnsworth
(Name)

Notary Public
(Title)

NOTE TO INSPECTORS—If conditions do not justify the above report by you, please return the proof without your
signature, with a full report by letter.

CE OF BEGINNING OF CONSTRUCTION

axwell, the holder of Application No. 10,888, being
 it No. 7420, issued by the State Engineer of the State of Oregon
 ... second-feet of the waters of Chesnimnus Creek and others
 ch permit and the limitations endorsed thereon by the State Engineer,
 works described therein on the 21 day of March, 1927
 fixed in said permit for the beginning of construction work.

to 200 yards of right away through brush
 ginning construction work, number of men and teams employed, the amount of work completed up to the date of this
completed. Two men and one team.
 o show the beginning of work in good faith.

have hereunto set my hand this 21 day of July, 1927.

on

J. M. Maxwell
 (Signature of Applicant)

Salem, Oregon.

E OF COMPLETION OF CONSTRUCTION

axwell, the holder of Application No. 10,888, being
 it No. 7420, issued by the State Engineer of the State of Oregon
 ... second-feet of the waters of Chesnimnus Creek and others
 ch permit and the limitations endorsed thereon by the State Engineer,
 he works described therein the 23 day of June, 1928,
 s fixed in said permit or as extended by the State Engineer for the

completed and in use. Ready to
 ulty that as described in the permit, or you have definitely abandoned your plan of irrigating any of the lands described
to
 s may not be unnecessarily encumbered.

have hereunto set my hand this 23 day of June, 1928.

on

J. M. Maxwell
 (Signature of Applicant)

Salem, Oregon.

work if more than one year has been allowed for completion.

STATE ENGINEER
RECEIVED

JUL 25 1927

SALEM,

OREGON

Lewis Oregon
July 2, 1927

Rhea Lyser
State Engineer.
Salem Oregon

Dear Sir:

Received your card
asking me to send in
my report of starting
construction on ditch.

Have looked making
out report.

The Gooseberry creek
and Butte Creek ditches
have been completed and
water in

Yours Truly
J. H. Maxwell