

me J H Maxwell
By Lewis Oregon
Address Nov 8, 1930
Date filed May 21
Expiration suspended until

turned to applicant
Date completed
Date of approval 12-31-30

CONSTRUCTION
Date for beginning 12-31-31
Date for completion 10-1-32
Extended to
Date for application of water 10-1-33
Extended to

PROSECUTION OF WORK
Form "A" filed
Form "B" filed
Form "C" filed

FINAL PROOF
Check mailed 1-2-31
Date of receipt April 20, 1932
Date certificate issued July 20, 1932
Receipt for recording fee No. 15114

Application No. 13822
Permit No. 9954
Certificate No. 9739
Stream Index, Page No. 8723 10
Application Record, Book No.

FEES PAID		
Date	Amount	Receipt No.
<u>11-8-30</u>	<u>9.20</u>	
<u>11-11-30</u>	<u>.50</u>	<u>13957</u>
Total	<u>9.70</u>	

FEES REFUNDED		
Date	Amount	Check No.

ASSIGNMENTS				
Date	To whom	Address	Volume	Page

REMARKS
0.25 sq. ft. from unnamed springs (trib. Butte Creek) for domestic
stock and garden irrigation. 1 acre.
12-1-31-32

SECTION

32

5

TOWNSHIP 3N, RANGE 46E, W. M.

North

31

32

House

Garden

1/4 acre

Pipe Line
2760'

Spring

3N-46E

2N-46E

6

5

South

APPLICATION No. 13822

PERMIT No. 9954

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 Unnamed Springs, a tributary of Butte Creek, for the purpose of Domestic, stock and garden irrigation under Permit No. 9954 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 November 8, 1930;

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 0.03 cubic foot per second.

The point of diversion is located in the NE $\frac{1}{4}$ of Section 5, Township 2 N, Range 46 E, 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: NW $\frac{1}{4}$ SR $\frac{1}{2}$, Section 32, Township 3 North, Range 46 East, 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 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer,

affixed this 20th day
of July, 1932

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 9, page 9739

STATE OF OREGON

COUNTY OF WALLOWA

ABSTRACT OF CERTIFICATE OF WATER RIGHT NO. 9739

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 unnamed springs

a tributary of Butte Creek for the purpose of domestic, stock and garden irrigation under Permit No. 9954 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 November 8, 1930; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount beneficially used for said purposes, and shall not exceed 0.03 cubic foot per second.

The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 3 North, Range 46 East, 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: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 3 North, Range 46 East, 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.

REMARKS:

I believe this abstract to be true and I hereby recommend the issuance of the water right Certificate.
Glenn Jacob
Watermaster.

COUNTY Walla Walla

$$x_j = \sum_{i=1}^n \lambda_i A_{ij}$$

8. 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:

This column must be filled in if water is used for irrigation

(Attach separate sheet if necessary)

DESCRIPTION OF WORKS

9. (a) If a dam has been constructed, give description: Height,ft.; length on top,ft.
length on bottomft.; material used and character of construction,
- (b) Give description of headgate: Width,ft.; depth,ft.; material used and character
of construction,
- (c) Size of canal: Width on top (at waterline)ft.; width on bottom,ft.; depth of
water,ft.; grade,ft. fall per 1,000 ft. Actual capacity,
sec.-ft. Give general description,
- (d) Pipe line: Description of intake, Concrete reservoir 4'x4'x6'
.....
Length of pipe, 18ft.; size at intake, 2 in.; size at 72ft. from intake, 1½ in.; size
at place of use, ½ in. Difference in elevation between intake and place of use, 35 ft.
Is grade uniform? Yes Actual capacity of pipe line,sec.-ft.
Give general description: Galvanized pipe
(Material: Steel, wrought, cast iron, wood stave, etc.)
.....
- (e) 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.
10. During what months is water beneficially used Entire year
11. State character of soil
Kind of crops raised Garden
12. Does the accompanying map, filed with your application, show correctly the point of diversion, area
of land irrigated, or place of use? No
13. If not, wherein is such map in error? Acreage shown too great.
14. Domestic use: Give number of families actually using water at this time One
15. If for power, mining, municipal, manufacturing, storage or any other purpose than irrigation, give
extent and method of such use

AFFIDAVIT OF APPROPRIATOR

STATE OF OREGON,

County of Wallowa

} ss.

I, J.H. 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 15th day of February, 1932.

Subscribed and sworn to before me this 15th day of February, 1932.

[NOTARIAL SEAL]

My commission expires

W. J. [Signature]
Notary Public for Oregon

3-11-14

AFFIDAVIT OF WITNESSES

STATE OF OREGON,

County of _____

} ss.

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 necessary 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 statement contained therein is true to the best of our knowledge and belief.

Subscribed and sworn to before me this _____ day of _____, 1932.

[NOTARIAL SEAL]

My commission expires _____

Notary Public for Oregon

REPORT OF PERSON MAKING INSPECTION

(For use by representative of State Engineer)

I, Glenn Jacob, do hereby certify that I have made
an inspection of the works described herein and in Permit No. 9954, on the 14th, day
of October, 1930, and found the foregoing statements and descriptions of works to
be accurate. In my opinion the appropriation has been completed to the extent of 0.05 sec-ft.
(Quantity of water in
second-feet or acre-feet)
and I recommend the issuance of a water right certificate for this amount.

NOTE TO INSPECTORS

If conditions do not justify the above re-
port by you, please return the proof without
your signature, with a full report by letter.

Glenn Jacob
(Name)

Watermaster District No. 4
(Title)

PROOF OF APPROPRIATION

Permit No. _____

Recording fee paid

Receipt No. _____

STATE ENGINEER
RECEIVED
APR 20 1932
SALEM, OREGON

J.H. Mo. Well

SECTION

32

5

TOWNSHIP 3N, RANGE 46E, W. M.

North

31

32

House

Garden

1 Acre

Pipe Line

Spring

6

5

South

APPLICATION No. 13822

PERMIT No. 7954

April 21, 1932.

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

Dear Sir:

We have received your final proof of appropriation of water under your Permit No. 9954. This proof appears to be in proper form, but before we can issue a final certificate under this permit it is necessary that you remit the necessary certificate recording fee of \$1.00. Upon receipt of your remittance in this amount, the matter of issuing the certificate will be given consideration.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

By V. S. Bovelie, Ass't.

EL

WATER RESOURCES DEPARTMENT

K. W. FARNSWORTH, WATERMASTER

STATE OF OREGON
OFFICE OF
WATER DISTRICT NO. 4
ENTERPRISE, OREGON

WATER DISTRIBUTION
HYDROGRAPHIC SURVEYS
SNOW SURVEYS

July 25, 1931

13822
Mr. Chas. E. Stricklin,
State Engineer,
Salem, Oregon.

STATE ENGINEER
RECEIVED

JUL 27 1931

SALEM, OREGON

12777
Dear Mr. Stricklin:

I have made an inspection of the lands and works described in Permit No. 9954 and 9085 and am now ready to submit my report but have not been successful in getting the owners to come in and execute the final proofs before a notary public.

Most of the proofs now in this office will be finished this fall after harvest when the permittees will have a chance to come to town.

Yours very truly,

Glenn Jacob

Glenn Jacob, Acting Watermaster,
District No. 4.

January 5, 1931

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

Dear Sir:

Herewith you will find Application No. 13622, Permit No. 9954, together with blue print.

This application has been approved and recorded in this office.

Please read carefully the following instructions.

Your permit has been recorded in this office, but you should hold the original permit as evidence of your water right unless the land to which the water is appurtenant is disposed of. In that event you should file an assignment to the new owner for record in this office. Assignment blanks will be furnished upon request.

As it appears from the statements made in your application that all construction work has been done and the appropriation completed, I am sending a blank for making final proof to the watermaster of your district.

Very truly yours

CHAS. E. STRICKLIN
State Engineer

EL

January 5, 1931

Mr. Karl W. Farnsworth
Watermaster Dist. #4
Enterprise, Oregon

Dear Sir:

I am inclosing blank for making final proof
under permit No. 9954 in the name of J. H. Maxwell.

You are requested to make your usual inspection
at your convenience.

Very truly yours

CHAS. E. STICKLIN
State Engineer.

EL

STATE OF OREGON

OFFICE OF THE
STATE ENGINEER
WATER RESOURCES DEPARTMENT
SALEM

November 12, 1930

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

Dear Sir:

We have received your application for permit to appropriate water from Unnamed Springs for domestic, stock and irrigation purposes and have filed it as No. 12822. Please find enclosed my receipt No. 12922 covering your remittance of \$9.50 as fees for this application.

I have noticed that the source of supply as described under Paragraph 1 of the application is Unnamed Springs, tributary of Chesniminus Creek, but on the form giving a description of the spring it is stated under Paragraph 8 that the water from the spring flows into Butte Creek. If the spring is tributary to Butte Creek, the application should be amended.

A saving in fees may be possible if the land to be irrigated is a domestic garden only. In that case the use under Paragraph 3 should be amended to read "Stock and domestic purposes, including garden irrigation." The recording fees would then be \$5.00 whereas the fee for domestic, stock and irrigation purposes totals \$9.50. The examination fee is \$5.00 making a total of \$14.50 if the use for irrigation is included and \$10.00 if this use is eliminated. In the former case you should submit a balance of \$5.00 and in the latter, a balance of \$.50.

I am returning the application to you for amendment and balance of fees and have endorsed it so that it will retain its priority if resubmitted on or before December 12th.

Yours very truly,

CHAS. E. STRICKLIN,
State Engineer.

L. A. Stanley
By *L. A. Stanley*
Assistant.

Lewis
11/16/30

L. A. Stanley

Dear Sir:

Received your letter and
have fix it as near as I can
figure it out. Hoping it is ok.
Hello Stanley, didn't know where
you had gone to. How are you
getting along
Yours Truly
Enclosure find .50 cent *JH Maxwell*

IAS:HB
1021

NOV 19 1930
RECEIVED
STATE ENGINEER

November 21, 1930.

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

Dear Mr. Maxwell:

I am enclosing receipt No. 12957 covering your remittance of 50 cents as balance of fees on Application No. 13822. This application as submitted seems to be in proper form and we are placing it in line for approval.

Yes, I have been down here ever since they chased me out of Wallowa County about four years ago. I manage to get up into that country once in a while, but never happen to see you. Everything is going well with me or at least as well as can be expected.

Very sincerely,

LAS:L

November 12, 1930

Mr. J. B. Maxwell,
Lewis,
Oregon.

Dear Sir:

We have received your application for permit to appropriate water from Unnamed Springs for domestic, stock and irrigation purposes and have filed it as No. 12822. Please find enclosed my receipt No. 12822 covering your remittance of \$9.50 as fees for this application.

I have noticed that the source of supply as described under Paragraph 1 of the application is "Unnamed Springs, tributary of Cheesbainus Creek, but on the form giving a description of the spring it is stated under Paragraph 5 that the water from the spring flows into Little Creek. If the spring is tributary to Little Creek, the application should be amended.

A saving in fees may be possible if the land to be irrigated is a domestic garden only. In that case the use under Paragraph 5 should be amended to read "Stock and domestic purposes, including garden irrigation." The recording fees would then be \$5.00 whereas the fee for domestic, stock and irrigation purposes totals \$9.50. The examination fee is \$5.00 making a total of \$14.50 if the use for irrigation is included and \$10.00 if this use is eliminated. In the former case you should submit a balance of \$5.00 and in the latter, a balance of \$5.50.

I am returning the application to you for amendment and balance of fees and have endorsed it so that it will retain its priority if resubmitted on or before December 12th.

Yours very truly,

CHAS. E. STECKLIN,
State Engineer.

By
Assistant.

LAS:HB
Enc.

Application No. _____

DESCRIPTION OF SPRING

1. Is spring located on property of Applicant? No
2. If not, give name and address of legal owner W. P. Warnock Enterprise Oregon
3. Have you secured consent of owner to appropriate water from this spring and for construction of pipe line or other works Yes.
4. If you have not such consent, do you expect to secure right of way through condemnation? _____
5. What is the maximum flow from spring? 5 gal per minute
(Gallons per minute or cubic feet per second)
- Minimum flow? 5 gal. per min.
- Is flow measured or estimated? _____
6. Does the stream flowing from spring form a well defined natural channel? yes
7. Does the water flow off the lands on which it first rises? yes
8. Give name of stream or other body of water into which water from spring flows Butte Creek
9. If the water from the spring sinks or evaporates before reaching other water, give distance water flows from spring before vanishing

10. Remarks _____

W. R. Maxwell

C. H. Foster
Names and Addresses of Witnesses

J. V. Harnacee
Signature of Applicant