

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION)
 OF B. L. ALLISON AND A. L. WRIGHT)
 FOR THE APPROVAL OF A CHANGE IN)
 POINT OF DIVERSION OF WATER FROM)
 JOHN DAY RIVER)

ORDER
AMENDING ORDER
OF APRIL 10, 1945

I

The State Engineer entered an order on April 10, 1945 approving an application of B. L. Allison and A. L. Wright for a change in point of diversion of water from John Day River, wherein the point of diversion of the Boyce Ditch was changed upstream approximately 710 feet to a point to be located 27° 30' East 1817 feet from the W $\frac{1}{4}$ corner of Section 21, Township 13 South, Range 29 East, W.M. for the irrigation of the following described lands:

<u>Name of Owner</u> <u>Appearing in Findings</u>	<u>Date of</u> <u>Priority</u>	<u>Place of</u> <u>Use</u>
Mosier, Victor E., & Adel E.	1881	13.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 12.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20,
	1887	8.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 7.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, T. 13 S., R. 29 E., W.M.
Boyce, Ira G., & Clara A.	1865	40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T. 13 S., R. 29 E., W.M.
Yokom, Dexter A.	1885	13.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T. 13 S., R. 29 E., W.M.

The Boyce Ditch is located on the south side of the John Day River and irrigates lands lying south of the river.

II

On October 2, 1962 Gary A. Gasaway, Watermaster of Grant County, submitted a statement to the effect that a part of the land above described

lying north of the John Day River is not and was not owned by either of the applicants, and is irrigated from the Eddington Ditch, said land and water right being described as follows:

<u>Name of Owner</u>	<u>Priority</u>	<u>Use</u>	<u>Name of Ditch</u>	<u>Place of Use</u>
Dexter A. Yokom	1885	Irrigation	Eddington Ditch	13.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21,
Victor and Adel Mosier	1887	Irrigation	Eddington and Fields Ditch	8.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 7.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, T. 13 S., R. 29 E., W.M.

Mr. Gasaway further stated that in his judgment, from the physical features of the works involved and information from reliable sources, these lands could not have been irrigated through the Boyce Ditch, but have always been irrigated through the Eddington Ditch.

III

A copy of the original Statement and Proof of Claim of Victor E. and Adel E. Mosier clearly shows that the lands above described in paragraph II hereof lie north of the river and are irrigated from the Eddington Ditch.

IV

It appears that the point of diversion was erroneously changed for the irrigation of 13 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, with a date of priority of 1885 and 8.8 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, with a date of priority of 1887, all in Township 13 South, Range 29 East, W.M., and the order of the State Engineer entered April 10, 1945 should be amended by deleting the description of the said lands therefrom.

NOW, THEREFORE, it hereby is ORDERED that the order of April 10, 1945, be, and the same hereby is amended by deleting therefrom the following described lands:

<u>Name of Owner</u>	<u>Priority</u>	<u>Use</u>	<u>Name of Ditch</u>	<u>Place of Use</u>
Dexter A. Yokom	1885	Irrigation	Eddington Ditch	13.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21,
Victor and Adel Mosier	1887	Irrigation	Eddington and Fields Ditch	8.8 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ 7.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, T. 13 S., R. 29 E., W.M.

Dated at Salem, Oregon, this 26th day of March, 1963.

quoted on Decree

Vol. 10 p. 564, 633

Cert. # 25593

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Sp. Or. Vol. 5 p. 50

Chris L. Wheeler

CHRIS L. WHEELER
State Engineer

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