

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATIONS)
OF MARY E. BAILEY, CHARLES LOWRY,)
KATHERINE GEISLER, JOHN R. PEREIRA,)
ELMER A. JOHNSON, WALLACE CAMPBELL,)
DONALD MILTON RIPA AND CHARLIE L.)
PAGE FOR THE APPROVAL OF CHANGES)
IN POINT OF DIVERSION OF WATER FROM)
JOHN DAY RIVER)

ORDER APPROVING

TRANSFER NO. E-45

On February 2, 1966 Mary E. Bailey, Charles Lowry, Katherine Geisler, John R. Pereira, Elmer A. Johnson, Wallace Campbell, Donald Milton Ripa and Charlie L. Page filed applications in the office of the State Engineer for the approval of changes in point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Grant County, Oregon, entered November 16, 1956, In the Matter of the Determination of the Relative Rights to the use of the Waters of John Day River and its Tributaries, water rights were established for the use of the waters of John Day River for the irrigation of, among other lands, 13.8 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.6 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 15.2 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 18.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 13 South, Range 29 East, W.M., with a date of priority of 1885, tabulated in the name of Harry L. Bailey, and confirmed by certificate of water right recorded at page 24854, Volume 17, State Record of Water Right Certificates; for the irrigation of 22.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 7.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 6.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 13 South, Range 29 East, W.M., with a date of priority of 1885, tabulated in the name of Dexter A. Yokom, and confirmed by certificate of water right recorded at page 26026, Volume 18, State Record of Water Right Certificates; for the irrigation of

5.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, and 5.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 13 South, Range 29 East, W.M., with a date of priority of 1906 and confirmed by certificate recorded at page 25218, Volume 18, State Record of Water Right Certificates, 10.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 3.5 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, and 4.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 13 South, Range 29 East, W.M., with a date of priority of June 28, 1949 and confirmed by certificate recorded at page 21688, Volume 16, State Record of Water Right Certificates, all tabulated in the name of Katherine Geisler; for the irrigation of 0.6 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 7.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 11.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 13 South, Range 29 East, W.M., tabulated in the name of J. R. Stout, with a date of priority of 1897 and confirmed by certificate of water right recorded at page 25880, Volume 18, State Record of Water Right Certificates; for the irrigation of, among other lands, 8.8 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 7.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 8.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 13 South, Range 29 East, W.M., with a date of priority of 1887, tabulated in the name of Victor E. Mosier and confirmed by certificate recorded at page 25593, Volume 18, State Record of Water Right Certificates; for the irrigation of, among other lands, 7.5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 13 South, Range 29 East, W.M., with a date of priority of 1887, tabulated in the name of Victor Mosier and confirmed by certificate recorded at page 25593, Volume 18, State Record of Water Right Certificates; for the irrigation of 8.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, Township 13 South, Range 29 East, W.M., with a date of priority of 1885, tabulated in the name of Nellie L. Morris and confirmed by certificate recorded at page 31724, Volume 23, State Record of Water Right Certificates; and for the irrigation of 27.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 15.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 13 South, Range 29 East, W.M., with a date of priority of 1885, tabulated in the name of Fred Woods and confirmed by certificate recorded at page 26015, Volume 18, State Record of Water Right Certificates; and for the irrigation of

1.9 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 12.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, 3.8 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 24.9 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 13 South, Range 29 East, W.M., with a date of priority of 1885, tabulated in the name of Herman and Frank Oliver and confirmed by certificate recorded at page 25649, Volume 18, State Record of Water Right Certificates.

The water is conveyed to these lands by means of the Eddington Ditch, the point of diversion being located 180 feet south and 290 feet west from the south quarter corner of Section 22, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 13 South, Range 29 East, W.M.

The applicants herein propose to change the point of diversion to a point to be located 22 feet south and 500 feet east from the north quarter corner of Section 27, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 13 South, Range 29 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with these applications for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Wayne Overcash, Watermaster of District No. 4, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights, the applications should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from John Day River, to-wit:

From a point located 180 feet south and 290 feet west from the south quarter corner of Section 22, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 13 South, Range 29 East, W.M.

To a point to be located 22 feet south and 500 feet east from the north quarter corner of Section 27, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 13 South, Range 29 East, W.M.

for the irrigation of 13.8 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.6 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 22.2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 22.2 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 24.5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 4.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 30.8 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 15.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 24.9 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, 1.9 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 12.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, and 8.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, Township 13 South, Range 29 East, W.M., with a date of priority of 1885; 8.8 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 7.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 8.5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 13 South, Range 29 East, W.M., with a date of priority of 1887; 0.6 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 7.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 11.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 13 South, Range 29 East, W.M., with a date of priority of 1897; 5.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 13 South, Range 29 East, W.M. and 5.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 13 South, Range 29 East, W.M., with a date of priority of 1906; 10.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.5 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, and 4.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 13 South, Range 29 East, W.M., with a date of priority of June 28, 1949, is approved.

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, 1967.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 certificate of water right heretofore issued to Dexter A. Yokum and recorded at page 26026, Volume 18, State Record of Water Right Certificates, is canceled, and upon completion of the authorized change in point of diversion and also completion of the change in point of diversion for the balance of the lands not involved in this proceeding and authorized by order dated April 22, 1966, a certificate of water right shall be issued to Charles Lowry confirming the changes in points of diversion.

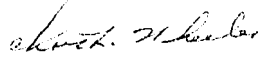
It is FURTHER ORDERED that certificate of water right heretofore issued to Victor E. Mosier and recorded at page 25593, Volume 18, State Record of Water Right Certificates, is canceled, and upon completion of the authorized change in point of diversion and changes in points of diversion authorized by order dated April 10, 1945 and amended by order dated March 20, 1963, certificates of water right shall be issued to Wallace Campbell and Elmer A. Johnson confirming the changes in points of diversion.

It is FURTHER ORDERED that certificate of water right heretofore issued to Harry L. Bailey and recorded at page 24854, Volume 17, State Record of Water Right Certificates, is canceled, and upon completion of the authorized change in point of diversion and also completion of other change in point of diversion, a certificate of water right shall be issued to Charlie L. Page confirming the changes in points of diversion.

It is FURTHER ORDERED that certificates of water right heretofore issued and recorded at page 21688, Volume 16, page 25218, Volume 17, pages 25649, 25880 and 26015, Volume 18, and page 31724, Volume 23, State Record of Water Right Certificates, are canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized changes in points of

diversion, certificates of water right shall be issued to Katherine Geisler, Charlie L. Page, John R. Pereira and Donald Milton Ripa confirming said changes in points of diversion.

Dated at Salem, Oregon this 22nd day of April 1966.



CHRIS L. WHEELER
State Engineer