

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION )  
OF EUGENE RICCO AND ART MORGAN )  
FOR THE APPROVAL OF CHANGES IN )  
POINTS OF DIVERSION OF WATER FROM)  
JOHN DAY RIVER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. R-73

On June 24, 1963, Eugene Ricco and Art Morgan of Prairie City, Oregon, filed an application in the office of the State Engineer for the approval of changes in points 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 allowed in the name of the Estate of Wm. J. Galbraith for the irrigation of, among other lands, 4.4 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 22.5 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 39.2 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 9 and 20.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 10, through Ditches Nos. 1, 2, 3 and 4, with a date of priority of 1867, and, among other lands, 18.8 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 21.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 1.0 acre in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 10, through Ditches Nos. 2, 3 and 4, with a date of priority of 1874, as confirmed by certificates recorded at pages 25208 and 25211, Volume 17, State Record of Water Right Certificates. In the same proceedings, a water right was allowed in the names of George H. Hall and William Hall, Jr. for the irrigation of 10.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 16 and 5.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 17, through Ditch No. 4, with a date of priority of 1874, as confirmed by certificate recorded at page 25269, Volume 17, State Record of Water Right Certificates. In the same proceedings, a water right was allowed in the name of William Hall for the irrigation of 18.2 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 2.4 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 20.1 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 26.6 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 16, through Ditch No. 4, with a date of priority of 1874, as confirmed by certificate recorded at page 25278, Volume 17, State Record of Water Right Certificates. In the same proceedings, a water right

was allowed in the name of Sarah J. Olp for the supplemental irrigation of, among other lands, 33.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 36.4 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 12.8 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 1.0 acre in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 16, through Ditch No. 4, with a date of priority of April 8, 1874, as confirmed by certificate recorded at page 25653, Volume 18, State Record of Water Right Certificates. Certificate of water right issued to Wm. J. Galbraith and recorded at page 3288, Volume 4, State Record of Water Right Certificates, confirms a right to the use of the waters of John Day River, through Ditch No. 4, for the irrigation of, among other lands, 3.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 10, with a date of priority of April 18, 1916. The points of diversion of the ditches are as follows: Ditch No. 1 - 890 feet south and 150 feet east from the W $\frac{1}{4}$  corner of Section 10, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 10; Ditch No. 2 - 540 feet south and 1340 feet east from the W $\frac{1}{4}$  corner of Section 10, and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 10; Ditch No. 3 - 395 feet south and 1810 feet east from the W $\frac{1}{4}$  corner of Section 10, and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 10; Ditch No. 4 (Galbraith, Olp and Hall Ditch) - 2700 feet south and 1300 feet west from the northeast corner of Section 10, and being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 10. All of these lands and points of diversion are located in Township 13 South, Range 33 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate said lands by means of the Ricco-Morgan Ditch, the point of diversion of said ditch to be located 2700 feet south and 2200 feet west from the northeast corner of Section 10, and being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 10, Township 13 South, Range 33 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed changes in points of diversion of water, if any there were, namely: at the county courthouse in Canyon City, Oregon, on September 15, 1964, at 9:30 a.m. The notice was published in the Blue Mountain Eagle, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three

weeks in the issues of July 23, 30 and August 6, 1964. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. George M. Ward, Watermaster of District No. 4, has filed a report to the effect that the proposed changes in points of diversion of water may be made without injury to existing rights.

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

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

From a point located 890 feet south and 150 feet east from the  $W\frac{1}{2}$  corner of Section 10, and being within the  $NW\frac{1}{2}$   $SW\frac{1}{2}$ , said Section 10, Township 13 South, Range 33 East, W.M.,

From a point located 540 feet south and 1340 feet east from the  $W\frac{1}{2}$  corner of Section 10, and being within the  $NE\frac{1}{2}$   $SW\frac{1}{2}$ , said Section 10,

From a point located 395 feet south and 1810 feet east from the  $W\frac{1}{2}$  corner of Section 10, and being within the  $NE\frac{1}{2}$   $SW\frac{1}{2}$ , said Section 10, and

From a point located 2700 feet south and 1300 feet west from the northeast corner of Section 10, and being within the  $NE\frac{1}{2}$   $SE\frac{1}{2}$ , said Section 10,

To a point to be located 2700 feet south and 2200 feet west from the northeast corner of Section 10, and being within the  $NW\frac{1}{2}$   $SE\frac{1}{2}$ , said Section 10, Township 13 South, Range 33 East, W.M.

for the irrigation of 4.4 acres in the  $NE\frac{1}{2}$   $SE\frac{1}{2}$ , 22.5 acres in the  $SW\frac{1}{2}$   $SE\frac{1}{2}$  and 39.2 acres in the  $SE\frac{1}{2}$   $SE\frac{1}{2}$ , Section 9 and 20.0 acres in the  $NW\frac{1}{2}$   $SW\frac{1}{2}$ , Section 10, with a date of priority of 1867, and 18.8 acres in the  $NE\frac{1}{2}$   $SW\frac{1}{2}$ , 21.0 acres in the  $SW\frac{1}{2}$   $SW\frac{1}{2}$  and 1.0 acre in the  $SE\frac{1}{2}$   $SW\frac{1}{2}$ , Section 10, with a date of priority of 1874, and 3.0 acres in the  $NW\frac{1}{2}$   $SE\frac{1}{2}$ , Section 10, with a date of priority of April 18, 1916, owned by Eugene Ricco, and 18.2 acres in the  $NE\frac{1}{2}$   $NW\frac{1}{2}$ , 2.4 acres in the  $NW\frac{1}{2}$   $NW\frac{1}{2}$ , 30.1 acres in the  $SW\frac{1}{2}$   $NW\frac{1}{2}$  and 26.6 acres in the  $SE\frac{1}{2}$   $NW\frac{1}{2}$ , Section 16 and 5.0 acres in the  $SE\frac{1}{2}$   $NE\frac{1}{2}$ , Section 17, with a date of priority of 1874, and the supplemental irrigation of 33.5 acres in the  $NE\frac{1}{2}$   $NE\frac{1}{2}$ , 36.4 acres

in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 12.8 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 1.0 acre in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 16, with a date of priority of April 8, 1874, owned by Art Morgan, all being in Township 13 South, Range 33 East, W.M., are approved.

It is FURTHER ORDERED that the construction work shall be completed and the changes in points of diversion of water made on or before October 1, 1965, or within such extension of time as may be granted by the State Engineer for good cause shown.

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 points of diversion.

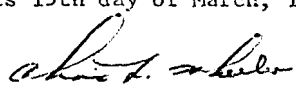
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

That the pumping plant and related 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 certificates of water rights heretofore issued to the Estate of Wm. J. Galbraith and recorded at pages 25208 and 25211; George H. Hall and William Hall, Jr., recorded at page 25269; William Hall, recorded at page 25278, all in Volume 17, State Record of Water Right Certificates, and to Wm. J. Galbraith, recorded at page 3288, Volume 4, State Record of Water Right Certificates, and Sarah J. Olp, recorded at page 25653, Volume 18, State Record of Water Right Certificates, are canceled, and in lieu of certificates 25208, 25211, 3288 and 25653, new certificates be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, certificates of water right shall be issued to Eugene Ricco and Art Morgan confirming said change in point of diversion.

Dated at Salem, Oregon, this 15th day of March, 1965.

  
CHRIS L. WHEELER  
State Engineer