

T- 1562

**S OF APPLICATION**

**DESCRIPTION OF WATER RIGHT**

**FEEES PAID**

of diversion  
1/64  
by 2, 1964  
in City  
1/64 Vol. 13, page 483  
ater 10/1/65

Name of stream John Day River  
Trib. of \_\_\_\_\_ County of Grant  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 36.0  
Name of ditch Enterprise Ditch  
Date of priority 1876  
In name of George + Ralph Gilbert + J.J. Moura

Date	Amount	Receipt No.
4-27-64	\$15.00	698
4-27-64	26.00 Pub. Not	698
4-30-64	.60 Pub. of Not	Trans. to App. # 38198
8-27-64	.10 Pub. of Nat	2432
<b>TOTAL</b>	<b>\$3</b>	
9/11/64	\$1 Cert. Fee	2432

John Day River Adjudication, Vol. 10, page 509 & 565  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 25229  
25596

**FEEES REFUNDED**

Date	Amount	Check No.

Certificate cancelled \_\_\_\_\_  
Notation made on record by WAC KS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
___ Name	___	___
___ Stream	___	___
___ Pt. of Div.	___	___
___ Calendar	___	___
CHECKED TO RECORDS:		
___ Twp. & Rgs.	___	___
✓ Decree-vault	<u>WAC</u>	<u>ew ew</u>
✓ Decree-safe	<u>WAC</u>	<u>ew ew</u>
✓ Cert. of W/R	<u>WAC</u>	<u>ew ew</u>
___ Per. Folder	___	___
___ Chaindex	___	___
___ Cross Ref.	___	___
___ Power Claim	___	___
___ Abstracts	___	___

Vol. 29, page ~~31731~~  
31732  
33252  
19 1966  
may 1/24/66  
17 1977 vol. 34 44823  
28 1977 Vol. 37 44939

Tracing in File No. 38198

**REMARKS**

2 & 33252 are remaining right Certs. - Cert 33252 corresponds to Cert 131731  
ing cert involving certs 25229 & 25596, list the old & new div. pt.

W.R.I.S.

Assembled 7-3-84 by SK

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

February 19, 1963

MEMORANDUM ON JOSEPH C. OLIVER PONDS LOCATED  
IN JOHN DAY RIVER VALLEY  
GRANT COUNTY, OREGON

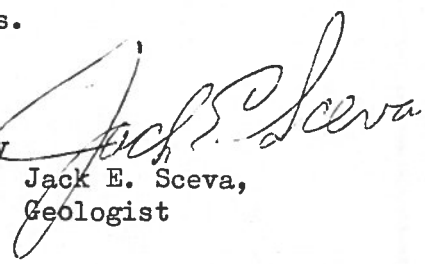
Examination of the two ponds described in Application 38198 was made on February 8, 1963.

Pond No. 1, located in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 13 South, Range 30 East, is an excavated pond that was constructed during the early gold dredging operations in area. It is located on the gravelly flood plain of the John Day River and has a water level elevation slightly higher than the adjacent level of the river. The small stream flows out the western end of the pond (approximately one c.f.s. at the time of this examination) and flows westward in a well defined channel. This stream was followed for approximately one-fourth mile west and it could be seen continuing in a westward direction. This stream was not followed to its confluence with the John Day River but it is undoubtedly tributary to the John Day River. Pumping from this dredge pond would reduce the flow in this overflow stream. If the overflow stream does not flow during the irrigation season, it is possible that Mr. Oliver's appropriation from this pond could increase the flow of the John Day River during the irrigation season. By pumping from this pond and irrigating the lands immediately adjacent to the river in the area between the pond and the river, a ground water mound could be built up that would tend to steepen the ground water gradient toward the river and increase the rate of ground water discharge into the river.

T#-0-39

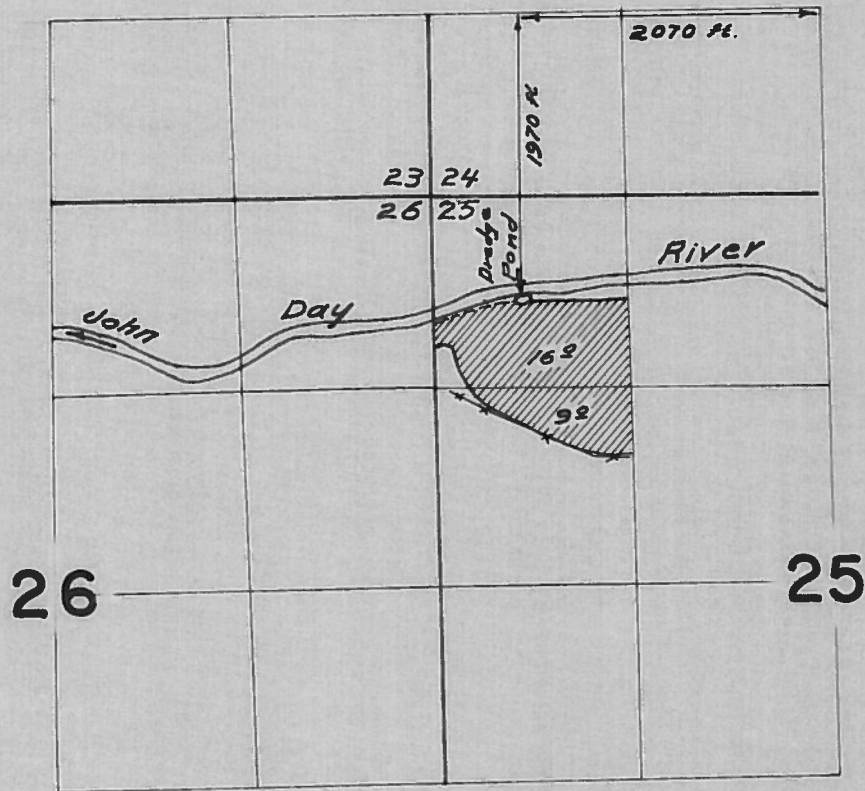
Pond No. 2 is located in the NW/4 NW/4, Section 25, Township 13 South, Range 30 East and lies immediately adjacent to the John Day River. It is also a pond that was excavated during the gold mining operations in the area and is separated from the river by a single line of tailing piles. In high water stages water flows overland from the John Day River into this pond. This pond should be considered as a direct diversion from the John Day River as the materials separating the pond from the river would not materially restrict inflow from the river.

Both ponds should be considered as surface water diversions from the John Day River or its tributaries.

By   
Jack E. Sceva,  
Geologist

JES:mgb

T.13S. R.30E.W.M.

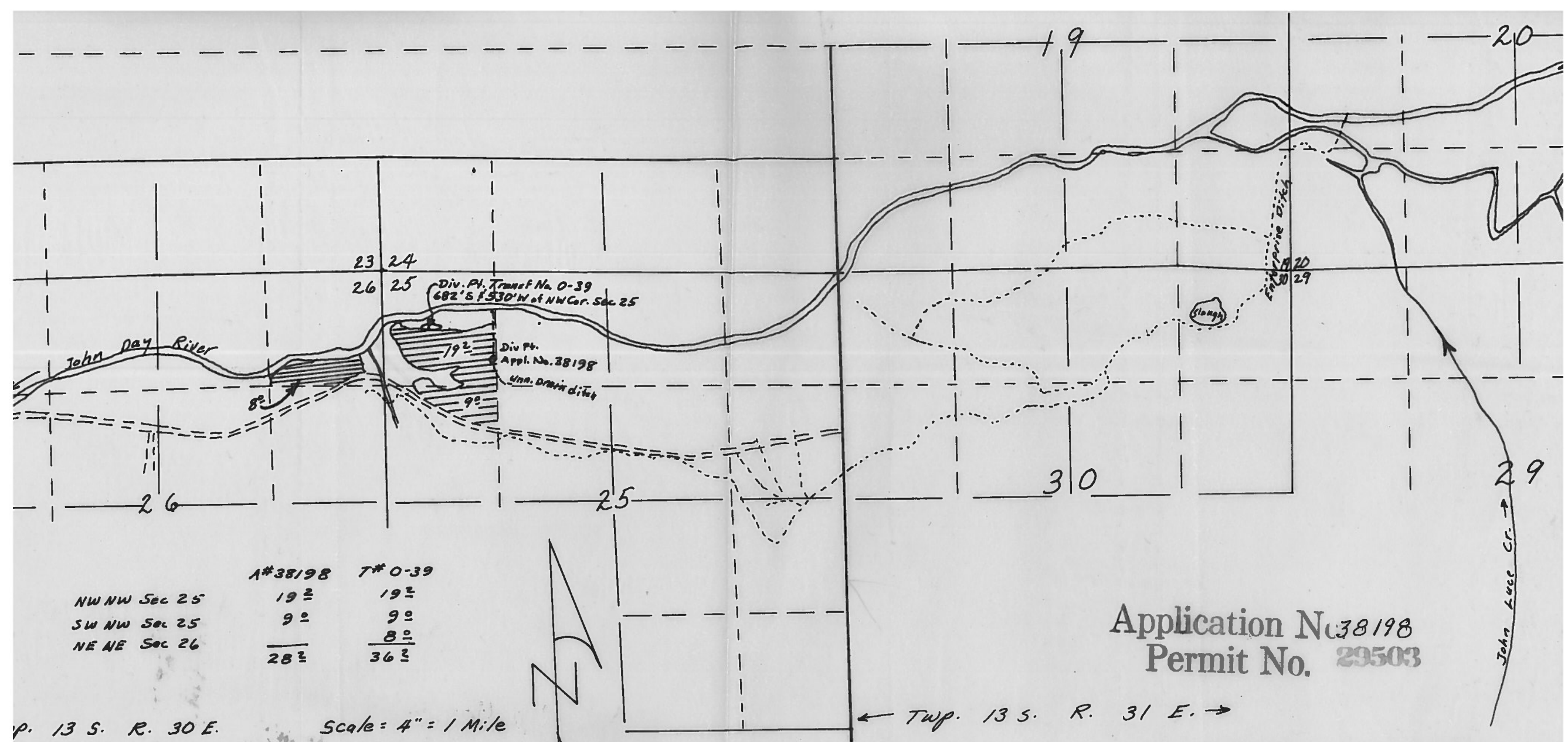


FINAL PROOF SURVEY  
UNDER

Application No. Transfer 0-39 Permit No. \_\_\_\_\_  
IN NAME OF

Joseph C. Oliver

Surveyed June 25 1965, by G. Ward



	A#38198	T#0-39
NW NW Sec 25	19 1/2	19 1/2
SW NW Sec 25	9 1/2	9 1/2
NE NE Sec 26	8 1/2	8 1/2
	<u>28 1/2</u>	<u>36 1/2</u>

Application No. 38198  
 Permit No. 29503

Twp. 13 S. R. 31 E.

Scale = 4" = 1 Mile

← Twp. 13 S. R. 31 E. →

Appl. No. 38198  
 Per. No. 29503

Map 2 of 2

RECEIVED  
 APR 27 1954  
 STATE ENGINEER  
 SALEM, OREGON

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That GEORGE AND RALPH GILBERT, TENANTS IN COMMON

of John Day, State of Oregon, has a right to the use of

the waters of John Day River and Laycock Creek

for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1876

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

See Below

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

The point of diversion is located in the NW 1/4 SW 1/4 Section 20, T. 13 S., R. 31 E., W. M. Ch. Pt. of Div. Sp. Or. Vol. 13, p. 483. 8.0 acres in NE 1/4 NE 1/4 5.0 acres in SE 1/4 NE 1/4 Section 26, T. 13 S., R. 30 E., W. M.

John Day River:

1/40 cubic foot per second per acre irrigated from April 1 to Sept. 30; further limited to one acre-foot per acre per calendar month to July 1 and 3/4 acre-foot per acre thereafter; total five acre-feet per acre for season, measured at point of diversion.

Laycock Creek:

1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30, measured at point of diversion.

Certificate of water right issued to George and Ralph Gilbert and recorded at page 25229, Volume 17, State Record of Water Right Certificates, confirms a right to the use of water for irrigation of 13.0 acres. Subsequently, the right to the use of water appurtenant to 8.0 acres was transferred by order of the State Engineer entered Sept. 24, 1964. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to George and Ralph Gilbert.

WITNESS the signature of the State Engineer, affixed

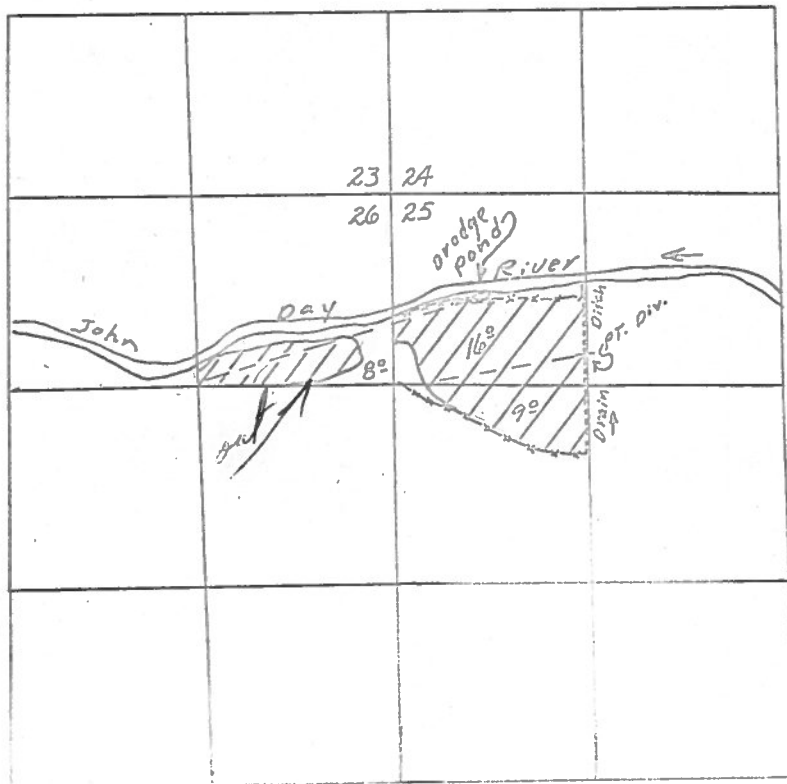
this 1st day of May, 1959.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25229

T.13S.R.30E.W.M.



FINAL PROOF SURVEY  
UNDER

Transfer No. 0-39

Application No. 38198... Permit No. 29503...  
IN NAME OF

JOSEPH C. OLIVER

Surveyed 6-25 1965, by G. Ward

~~CANCELLED~~  
 Superseded by  
 Cert. No. 31732  
 & Sp. U 13 p 4 P 3

## STATE OF OREGON

COUNTY OF GRAFT

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That Joseph C. Oliver

of John Day, State of Oregon <sup>97845</sup>, has a right to the use of  
 the waters of John Day River and Laycock Creek  
 for the purpose of ~~the~~ Irrigation of 8.0 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
 Grant County, and the said decree entered of record at Salem, in the Order Record of  
 the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby  
 confirmed dates from 1876

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
 amount actually beneficially used for said purposes, and shall not exceed

See Below

A description of the lands irrigated under such right, and to which the water is appurtenant  
 (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

8.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ 

Section 26,  
 T. 13 S., R. 30 E., W. M.

## John Day River:

1/40 cubic foot per second per acre irrigated from April 1 to Sept. 30; further  
 limited to one acre-foot per acre per calendar month to July 1 and 3/4 acre-foot  
 per acre thereafter; total five acre-feet per acre for season, measured at  
 point of diversion.

## Laycock Creek:

1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per  
 second per acre thereafter; further limited to one acre-foot per calendar month  
 to June 1 and four acre-feet per acre during season April 1 to Sept. 30, measured  
 at point of diversion.

~~The point of diversion is located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20,  
 T 13 S, R 31 E, W.M.; being 1700 feet North and 650 feet East from  
 the Southwest Corner of said Section 20. (~~Enterprise Ditch~~)~~

This certificate describes that portion of the water right confirmed by the prior  
 certificate recorded at page 25229, Volume 17, State Record of Water Right  
 Certificates, modified by the provisions of an order of the Water Resources  
 Director entered on Sept 24, 1964, approving transfer application No. 0-39.

The issuance of this superseding certificate does not confirm the status of the  
 water right in reference to ORS 540.610.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25229



204

~~CANCELLED~~  
Superseded by  
Cert. No. 31731

STATE OF OREGON  
COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That Joseph C. Oliver

of John Day, State of Oregon, has a right to the use of  
the waters of John Day River  
for the purpose of the Irrigation of 28.2 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1876

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated from April 1 to Sept. 30; further limited to one acre-foot per acre per calendar month to July 1 and 3/4 acre-foot per acre thereafter; total five acre-feet per acre for season, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

19.2 acres in NW 1/4 NW 1/4  
9.0 acres in SW 1/4 NW 1/4  
Section 25  
T. 13 S., R. 30 E., W.M.

~~The point of diversion is located:~~

- (A) ~~in the NW 1/4 SW 1/4 of Section 20, T 13 S, R 31 E, W.M.; being 1700 feet N and 650 feet E from the SW Corner of said Section 20. (Enterprise Ditch)~~ *Enterprise Ditch -*
- (B) ~~in the NW 1/4 NW 1/4 of Section 25, T 13 S, R 30 E, W.M.; being 682 feet S and 530 feet E from the NW Corner of said Section 25. (Pump)~~ *Pump -*

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 25596, Volume 17, State Record of Water Right Certificates, modified by the provisions of an order of the Water Resources Director entered on Sept 24, 1964, approving transfer application No. 0-39.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 1959.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25596

*[Signature]*

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

*Do This Completely* *w/ A 38198 - no report* *w/ A 38198 - no report*

Transfer No. 0-39 County Grant

1. Name Joseph C. Oliver 2. Address John Day, Oregon

3. Source of Supply John Day River Tributary of \_\_\_\_\_

4. Amount of Water \_\_\_\_\_ 5. Priority date 1876

6. Use irrigation

7. Location of Point of Diversion 682 feet south and 530 feet east from the

NW corner of Sec. 25, w/in the NW 1/4 NW 1/4 Sec. 25, T. 13 S., R. 30 E., W.M.

*Div pt located 1970ft S & 2070ft W from NE Cor SE 1/4 SW 1/4 Sec 24*

8. The description of the land given below corresponds to that found in your transfer 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.

Township	Range	Section	Forty-acre Tract	No. Acres Described in Transfer	No. Acres Actually Irrigated
13S	30E	25	NW 1/4 NW 1/4	19 <sup>0</sup>	16 <sup>0</sup>
		25	SW 1/4 NW 1/4	9 <sup>0</sup>	9 <sup>0</sup>
		26	NE 1/4 NE 1/4	8 <sup>0</sup>	35 <sup>0</sup>

9. Does the accompanying map, filed with your application, show correctly the point of diversion, area of land irrigated, or place of use? \_\_\_\_\_

10. If not, wherein is such map in error? \_\_\_\_\_

11. If for power, mining, municipal, manufacturing or any other purpose than irrigation, give extent and method of such use. \_\_\_\_\_

DESCRIPTION OF WORKS

12. 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 \_\_\_\_\_

13. Specific data required on pump and pipe or sprinkler systems:

PUMP: Make Fairbanks Morse Type Centr. No. A-46034  
Intake size 4" Discharge size 4"  
Suction head 10' Discharge head 10'  
Rating: G.P.M. \_\_\_\_\_ R.P.M. \_\_\_\_\_ Pressure \_\_\_\_\_

POWER PLANT: Type Allis Chalmers Make \_\_\_\_\_  
H.P. Rating 20 hp R.P.M. 1050

POWER CONNECTION: Direct connected unit \_\_\_\_\_

If belt driven: Size of Drive Pulley 8" Driven Pulley 6"

DISTRIBUTION SYSTEM: Main line: Size 4" Length 2000 Kind of Pipe AI

Lateral lines: Size same Length \_\_\_\_\_ Kind of Pipe \_\_\_\_\_

SPRINKLER HEADS: Make Rain Bird Size of Nozzles 1/8" x 13/64

Number of heads used 50 Discharge capacity of each \_\_\_\_\_ G.P.M.

Operating pressure 45 lbs.

REMARKS Land surveyed by George Ward. Mr. Oliver

Describes this as an emergency ditch. This the  
land is normally irrigated from the Enterprise  
ditch. When the ditch becomes too mossy or  
water is not delivered down the ditch, Mr. Oliver  
pumps out of the un-drain ditch under Per# 29503  
or the dredge pond # 2. The water in Dredge  
pond # 2 is apparently John Day River water. Mr.  
Oliver argued this <sup>point</sup> with the watermaster but <sup>lost.</sup>  
old div. pt still used. 80 Ac ~~water~~ in NE & NE 4  
sec 26 is irrigated only by Enterprise Ditch &  
should not be included in this Trans.

I, William J. Bennett

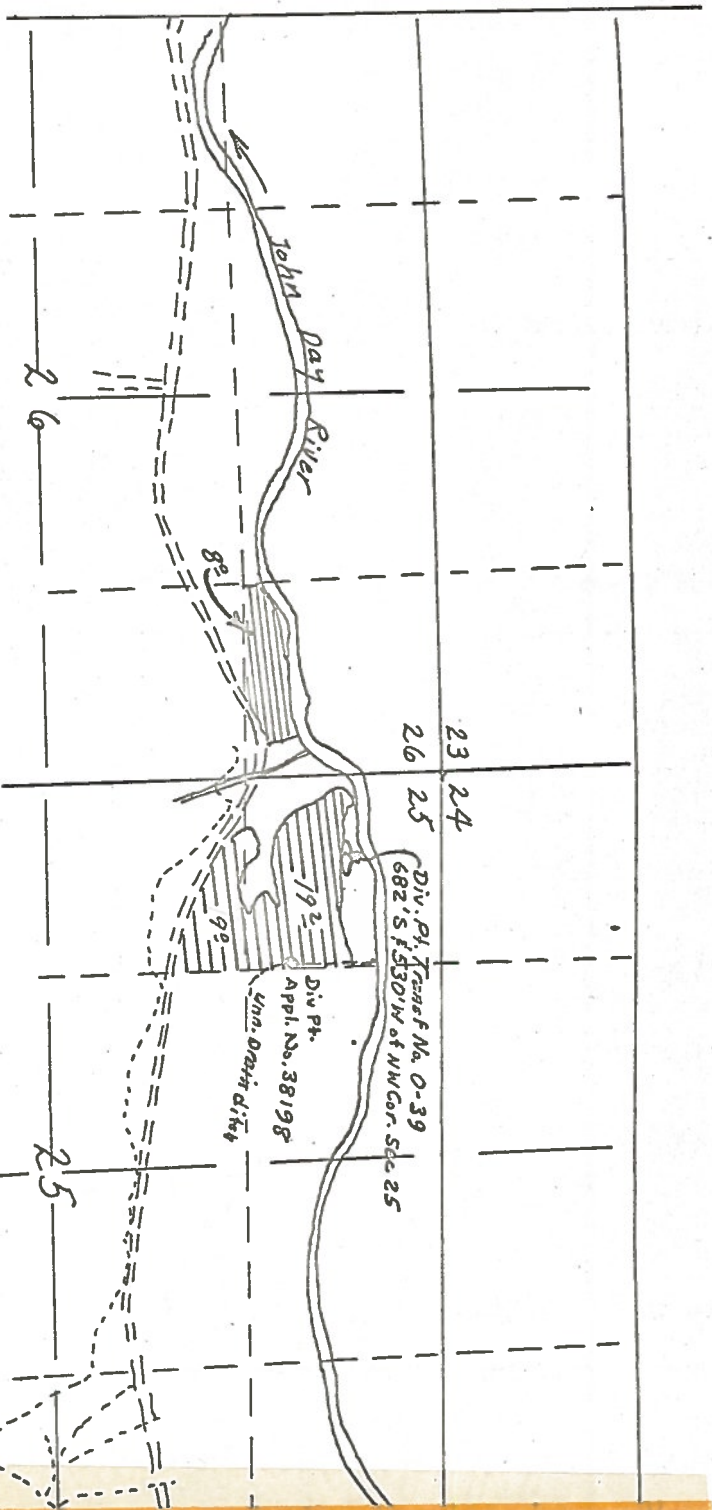
say that I have read the foregoing proof of application of water to beneficial use;  
that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 12 day of

July, 19 66.

William J. Bennett

Equip same as  
Appl. # 38198  
Per# 29503  
Source  
John Day R.



NW NW Sec 25	192	192
SW NW Sec 25	90	90
NE NE Sec 26	282	362
A#38198		T#O-39

Twp. 13 S. R. 30 E.

Scale = 4" = 1 Mile

Appl. No. 38198  
Per. No. 39503

Map 2 of 2

STATE OF OREGON

INTEROFFICE MEMO

TO: Larry Jebousek

DATE: Sept. 16, 1977

FROM: Charles D. Aufforth- Assistant

RECEIVED

SEP 19 1977

WATER RESOURCES DEPT  
SALEM, OREGON

SUBJECT: Transfer ) 0-39

According to Vol 13 Page 483 of the special orders, C-25229 and C-25596 are canceled. A new certificate was issued for the remaining 5 acres of C-25229 which we have; the five acres are now listed on C-31732.

We have no new certificate here in our office for the 8 acres that was to be transferred from C-25229, we need a copy of the new certificate that lists this 8 acres, it will be pertinent to Transfer 0-39.

Any help you can give us will be appreciated. Thank you.

Yours truly

Charles D. Aufforth  
Assistant to Bob Main

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION)  
OF JOSEPH C. OLIVER FOR THE AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM JOHN DAY )  
RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. 0-39

On April 27, 1964, Joseph C. Oliver of John Day, Oregon, filed an application in the office of the State Engineer for the approval of a change 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, a water right was established in the name of George and Ralph Gilbert for the use of the waters of John Day River for the irrigation of, among other lands, 8.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26. This right is evidenced by certificate recorded at page 25229, Volume 17, State Record of Water Right Certificates. In the same proceedings, a water right was established in the name of J. J. Moura for the use of the waters of John Day River for the irrigation of, among other lands, 19.2 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 9.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25. The right is evidenced by certificate recorded at page 25596, Volume 18, State Record of Water Right Certificates. All of these lands are in Township 13 South, Range 30 East, W.M., and have a date of priority of 1876. These lands are irrigated through the Enterprise Ditch, the point of diversion of said ditch being located 1700 feet north and 650 feet east from the southwest corner of Section 20, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 20, Township 13 South, Range 31 East, W.M.

The applicant herein, owner of the lands above described, proposes to maintain the present point of diversion and also irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant to be located 682 feet south and 530 feet east from the northwest corner of Section 25, and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 25, Township 13 South, Range 30 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 change in point of diversion of water, if any there were, namely: at the county courthouse in Canyon City, Oregon, on July 9, 1964, at 9:30 o'clock 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 May 14, 21 and 28, 1964. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. George Ward, 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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the applicant may maintain a pumping plant, in addition to the point of diversion of the Enterprise Ditch, the point of diversion of said pumping plant to be located as follows:

682 feet south and 530 feet east from the northwest corner of Section 25, and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 25, Township 13 South, Range 30 East, W.M.

for the irrigation of 19.2 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 9.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25 and 8.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 13 South, Range 30 East, W.M., with a date of priority of 1876.

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, 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 point of diversion.

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setting forth a time and place certain for hearing objections to the proposed

change in point of diversion of water, if any there were, namely: at the

county courthouse in Canyon City, Oregon, on July 9, 1964, at 9:30 o'clock a.m.

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said notice was not less than thirty days after the last publication of the

notice.

Mr. George Ward, 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 may be made without injury to existing rights,

the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the applicant may main-

tain a pumping plant, in addition to the point of diversion of the Interprise

Ditch, the point of diversion of said pumping plant to be located as follows:

682 feet south and 530 feet east from the northwest corner  
of Section 25, and being within the NW 1/4, said Section  
25, Township 13 South, Range 30 East, W.M.

for the irrigation of 19.2 acres in the NW 1/4 and 9.0 acres in the SW 1/4,

Section 25 and 8.0 acres in the NE 1/4, Section 26, Township 13 South, Range

30 East, W.M., with a date of priority of 1876.

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,

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 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 certificates issued to George and Ralph Gilbert, recorded at page 25229, Volume 17, and J. J. Moura, recorded at page 25596, Volume 18, State Record of Water Right Certificates, are canceled and in lieu thereof, 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 point of diversion, a certificate of water right shall be issued to Joseph C. Oliver confirming said change in point of diversion.

Dated at Salem, Oregon, this 24th day of September, 1964.

/s/ CHRIS L. WHEELER  
State Engineer

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 confined:

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 certificates issued to George and Ralph Oliver, recorded at page 25220, Volume 17, and J. J. Moran, recorded at page 25296, Volume 18, State Record of Water Right Certificates, are canceled and in lieu thereof, 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 point of diversion, a certificate of water right shall be issued to Joseph C. Oliver confirming said change in point of diversion.

Dated at Salem, Oregon, this 24th day of September, 1924.

By CHRIS L. WHELAN  
State Engineer



Application No. 38198  
 Permit No. 29503

R. 31 E. →

RECEIVED  
 APR 21 1931  
 STATE ENGINEER  
 ILLINOIS

#4100

OK for notice 4-30-64  
Blue Mountain Eagle

RECEIVED  
APR 27 1964

STATE ENGINEER

# Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Joseph C. Oliver (Name of applicant)

of John Day (Postoffice), County of Grant

State of Oregon, do hereby make application for ~~change~~ an additional point

of diversion (In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is John Day River (Name of stream)

2. The use to which the water is applied is Irrigation (Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Enterprise

4. The point of diversion is located 1700 ft. N and 650 ft. E from the S. W. (N. or S.) (E. or W.)

corner of Section 20 being within the NW 1/4 SW 1/4 (Section or subdivision)

of Section 20 Tp. 13 S R. 31 E W. M., in the County of Grant (No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
13 S.	30 E.	25							9.0				Cert. NO.		25596			
		26			8.0				19.2				Cert. No.		25229			

Just the land to be irrigated from the new point of diversion

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

among other lands (Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? Yes (If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? Yes

8. What is the date of priority of your water right? 1876 for all

9. Was your water right acquired by State Engineer's Permit? No (Yes or No) If so, give number

of permit

10. Do you hold a water right certificate? **Yes** If so, give number of certificate  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

**Yes** If so, give title of proceedings **John Day Adjudication, Decree Vol. 15, Page 466**  
(Yes or No) *Page 461 - Gilbert - Moura*  
*George & Ralph Gilbert - Cert 25229*

12. Is the water right recorded in your name? **No. - J. J. Moura - Cert 25596**  
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located **682** ft. **S** and **530** ft. **E** from the **N. W.** corner of **Sec. 25** being within the **NW $\frac{1}{4}$  NW $\frac{1}{4}$**  of Section **25** Tp. **13 S** R. **30 E** W. M., in the county of **Grant** The name of the ditch to be used is **pumping plant**

15. Are you the owner of the land on which the proposed point of diversion is to be located? **Yes**

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? **Yes**

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? **yes**  
(Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are **When water gets low in the fall the proposed change will cut down ditch losses.**

Application for Transfer of Water Right

**AFFIDAVIT OF APPLICANT**

Application for Transfer of Water Right

STATE OF OREGON,

County of Grant

ss.

I, Joseph C. Oliver, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

x Joseph C. Oliver  
(Name of applicant)  
**Joseph C. Oliver**

Subscribed and sworn to before me this 23 day of April, 1964

[Notarial Seal]

John Loeura  
NOTARY PUBLIC FOR OREGON  
County Clerk  
My commission expires \_\_\_\_\_

Remarks

filed in conjunction with 38198

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

NOTICE OF FILING APPLICATION FOR A CHANGE  
IN POINT OF DIVERSION OF WATER

Notice is given hereby that Joseph C. Oliver has filed an application for the approval of a change in point of diversion of water from John Day River.

In the John Day River adjudication proceedings, a water right was established in the name of George and Ralph Gilbert for the irrigation of, among other lands, 8.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 26. In the same proceedings, a water right was established in the name of J. J. Moura for the irrigation of, among other lands, 19.2 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 9.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 25. All of these lands are in T. 13 S., R. 30 E., W.M., and have a date of priority of 1876. These lands are irrigated thru the Enterprise Ditch, the point of diversion of said ditch being located 1700 ft. N. and 650 ft. E. from the SW corner of Sec. 20, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Sec. 20, T. 13 S., R. 31 E., W.M.

The applicant herein, owner of the lands above described, proposes to maintain the present point of diversion and also irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant to be located 682 ft. S. and 530 ft. E. from the NW corner of Sec. 25, and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Sec. 25, T. 13 S., R. 30 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon, on July 9, 1964, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any objections shall be prepared in writing, one copy to be served on Joseph C. Oliver, John Day, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$2 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 4th day of May, 1964.

CHRIS L. WHEELER, State Engineer

*amended -*

NOTICE OF FILING APPLICATION FOR A CHANGE  
IN POINT OF DIVERSION OF WATER

Notice is given hereby that Joseph C. Oliver has filed an application for the approval of a change in point of diversion of water from John Day River.

In the John Day River adjudication proceedings, a water right was established in the name of George and Ralph Gilbert for the irrigation of, among other lands, 8.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 26. In the same proceedings, a water right was established in the name of J. J. Moura for the irrigation of, among other lands, 19.2 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 9.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 25. All of these lands are in T. 13 S., R. 30 E., W. M., and have a date of priority of 1876. These lands are irrigated thru the Enterprise Ditch, the point of diversion of said ditch being located 1700 ft. N. and 650 ft. E. from the SW corner of Sec. 20, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Sec. 20, T. 13 S., R. 31 E., W.M.

The applicant herein, owner of the lands above described, proposes to maintain the present point of diversion and also irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant to be located 682 ft. S. and 530 ft. E. from the NW corner of Sec. 25, and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Sec. 25, T. 13 S., R. 30 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon, on July ~~2~~<sup>9</sup>, 1964, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any objections shall be prepared in writing, one copy to be served on Joseph C. Oliver, John Day, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$2 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 4th day of May, 1964.

CHRIS L. WHEELER, State Engineer



## STATE OF OREGON

COUNTY OF

GRANT

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. J. MOURA

of John Day, State of Oregon, has a right to the use of the waters of John Day River

a tributary of Columbia River for the purpose of irrigation of 41.6 ac.

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1873 - Tract #1

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated from April 1 to Sept. 30; further limited to one acre-foot per acre per calendar month to July 1 and 3/4 acre-foot per acre thereafter; total five acre-feet per acre for season, measured at point of diversion.

The point of diversion is located in the ~~NE 1/4 SE 25~~ NW 1/4 SW 1/4, Section 20, T. 13 S., R. 31 E., W.M. ~~13 SR 306~~

NE 1/4 NW 1/4 25

30

Panama Dt.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

## Tract #1

12.3 acres in SW 1/4 SE 1/4  
 10.3 acres in SE 1/4 SE 1/4  
 Section 23,  
 7.0 acres in NW 1/4 NW 1/4  
 Section 25,  
 12.0 acres in NW 1/4 NE 1/4  
 Section 26,  
 T. 13 S., R. 30 E., W. M.

~~Certificate of water right issued to J. J. Moura and recorded at page 25596, Volume 17, State Record of Water Right Certificates, confirms a right to the use of water for irrigation of 69.8 acres. Subsequently, the point of diversion for the use of water appurtenant to 26.2 acres was transferred by order of the State Engineer entered Sept. 24, 1964. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to J. J. Moura.~~

This Cert. is issued so as to correctly show the location of point of div. and supersedes the Cert. of W R recorded heretofore issued to J.J. Moura & recorded at p. 31731, V 23 SR & WRC

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date December 15, 1964

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 23, page 31731

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. J. MOURA

of John Day, State of Oregon, has a right to the use of

the waters of John Day River

for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1873 - Tract #1 1876 - Tract #2

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated from April 1 to Sept. 30; further limited to one acre-foot per acre per calendar month to July 1 and 3/4 acre-foot per acre thereafter; total five acre-feet per acre for season, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

The point of diversion is located in the NW 1/4 SW 1/4 Section 20 T. 13 S. R. 31 E. W. M.

Tract #1

Tract #2

12.3 acres in SW 1/4 SE 1/4
10.3 acres in SE 1/4 SE 1/4
Section 23,
7.0 acres in NW 1/4 NW 1/4
Section 25,
12.0 acres in NW 1/4 NE 1/4
Section 26,
T. 13 S., R. 30 E., W. M.

19.2 acres in NW 1/4 NW 1/4
9.0 acres in SW 1/4 NW 1/4
Section 25,
T. 13 S., R. 30 E., W. M.

Enterprise Dt. NW 1/4 SW 1/4 Sec 20

Ch. Pt. of Div. Sp. Or. Vol. 13, p. 483

D.P. NE 1/4 NW 1/4 Sec 25 Panama Dt.

Certificate of water right issued to J.J. Moura and recorded at page 25596, Volume 17, State Record of Water Right Certificates, confirms a right to the use of water for irrigation of 28.2 acres. Subsequently, the right to the use of water appurtenant to 28.2 acres was transferred by order of the State Engineer entered Sept 24, 1964. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to J.J. Moura

The right to the use of water for the purposes aforesaid is subject to all conditions and restrictions herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 1957.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25596

WATERMASTER DISTRICT NO. 4  
COUNTY COURTHOUSE  
CANYON CITY 97820  
TEL. 210



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT

WATER DISTRIBUTION  
HYDROGRAPHIC SURVEYS  
SNOW SURVEYS

REFER TO  
FILE NO. \_\_\_\_\_

February 24, 1966

**RECEIVED**  
FEB 28 1966  
**STATE ENGINEER**  
**SALEM OREGON**

Mr. Chris L. Wheeler  
State Engineer  
516 Public Service Building  
Salem, Oregon

Atten: Mr. Myron V. Bish, Assistant

Gentlemen:

In reference to your letter dated February 17, 1966 concerning permit number 29503 in the name of Joseph C. Oliver, also transfer number 0-39. Enclosed is the abstract of permit number 29503, the application map, and the description of works form which you sent to me. In referring to the application map you will notice that I drew in the dredge pond on the North side of the John Day River in an approximate location. Also, to help clarify matters I numbered the dredge ponds and placed a few notations on the map.

The following information was brought out by conversation and a field investigation with Mr. Oliver.

The acreage in Section 26 under permit number 29503 will, when the need arises, be irrigated from the diversion point at dredge pond number 1 by a portable pumping unit using sprinklers or flooding depending on which is more convenient at the time. In other words, when Mr. Oliver wishes to use his supplement irrigation under permit number 29503 he will haul all necessary equipment over to Section 26, such as pump, pipe, ect. and commence irrigating. The acreage in Section 25 under permit number 29503 will be irrigated in the same manner, however from from the diversion point at the drainage ditch in Section 25.

Dredge pond number 2 is a diversion point under transfer number 0-39. In reference to special order volumn 13 page 483, this transfer allows Mr. Oliver to take water out of the Enterprise Ditch, which is his original point of diversion, or the dredge pond number 2, which is his new point of diversion. The land described in special order volumn 13 page 483 when irrigated from dredge pond number 2 will be irrigated in the same manner as described in the forgoing paragraph. Mr. Oliver may consider

Cont.

Mr. Myron V. Bish, Assistant

(2)

constructing a ditch from dredge pond number 2 to the 8 acres in Section 26. I would like to have your opinion as to how this will effect his water right.

Enclosed in your letter of February 17, 1966 was a Proof of Application of Beneficial Use form. Mr. Oliver hesitated in filling this form out due to his contemplated diversified means of irrigating. Should I just tell him to explain all this diversification in the remarks?

I am not prepared at the present time to make an efficient survey.

Very truly yours,



Wayne J. Overcash  
Watermaster Dist.4

Enclosure: 3

February 17, 1966

Mr. Wayne Overcash  
Watermaster District 4  
P. O. Box 261  
Canyon City, Oregon 97220

Dear Wayne:

Enclosed is a field form for permit number 29503 in the name of Joseph C. Oliver, also the field form for transfer number 0-39.

George Ward had made the final proof survey for this permit and transfer, but it is not clear from his report whether or not he found any acreage being irrigated in Section 26 under permit number 29503 from the dredge pond. Also he made no mention that the dredge pond in Section 25 is being used as a diversion point under the transfer number 0-39. We have no application map showing the area in Section 26 to be irrigated from the dredge pond.

Would you please check these areas in question to see if the land is being irrigated.

The dredge pond that is supposed to be used as a diversion point for the transfer is a different one than is proposed to be used under permit 29053. If this land is being irrigated and you have no rodman to survey it, then please send in the information on this and we will try to have a field crew in that area this summer.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Myron V. Bish, Assistant

MVB:sfr

Enclosures



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
516 PUBLIC SERVICE BUILDING  
SALEM 97310

REFER TO  
FILE NO. 0-39

February 8, 1966

**RECEIVED**  
FEB 11 1966  
**STATE ENGINEER**  
SALEM OREGON

Mr. George Ward  
Watermaster, District No. 8  
County Courthouse  
Baker, Oregon

Dear Mr. Ward:

On September 24, 1964 the State Engineer entered an order approving the application of Joseph C. Oliver of John Day, Oregon for the approval of a change in point of diversion of water from John Day River, the new point of diversion to be located 682 feet south and 530 feet east from the NW corner of Section 25, and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 25, T. 13 S., R. 30 E., W.M. for theirrigation of 19.2 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 9.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, and 8.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, T. 13 S., R. 30 E., W.M.

You had previously made a final proof survey under Mr. Oliver's Transfer No. 0-38 and Mr. Oliver has written that he thought you made the survey of the new point of diversion for Transfer No. 0-39.

Would you please let us know if you made a final proof survey for the above; if not, we will set it up in our office.

Yours very truly,

CHRIS L. WHEELER  
State Engineer

By *Trevor Jones*  
Trevor Jones, Assistant

*yes I am sure I made this final  
proof, but maybe it got misplaced.  
I sent them all in at once just before  
Jan 1, 1966*

*George W. Ward*

February 8, 1966

Mr. George Ward  
Watermaster, District No. 8  
County Courthouse  
Baker, Oregon

Dear Mr. Ward:

On September 24, 1964 the State Engineer entered an order approving the application of Joseph C. Oliver of John Day, Oregon for the approval of a change in point of diversion of water from John Day River, the new point of diversion to be located 682 feet south and 530 feet east from the NW corner of Section 25, and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 25, T. 13 S., R. 30 E., W.M. for theirrigation of 19.2 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 9.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, and 8.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, T. 13 S., R. 30 E., W.M.

You had previously made a final proof survey under Mr. Oliver's Transfer No. 0-38 and Mr. Oliver has written that he thought you made the survey of the new point of diversion for Transfer No. 0-39.

Would you please let us know if you made a final proof survey for the above; if not, we will set it up in our office.

Yours very truly,

CHRIS L. WHEELER  
State Engineer

By  
Trevor Jones, Assistant

fn

February 7, 1966

Mr. Joseph C. Oliver  
John Day  
Oregon

Dear Mr. Oliver:

George Ward has now furnished us with a map he made in connection with your permit No. 28465 and transfer O-38, but nothing in connection with transfer O-39.

O-39 involves the change in point of diversion for the irrigation of 8 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 26 and 19.2 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 9 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, Township 13 South, Range 30 East, W.M.

Perhaps George has not completed his drafting on O-39 and we will check with him on this. If he did not get the survey completed we shall do it at the first opportunity.

Yours very truly,

CHRIS L. WHEELER  
State Engineer

By  
Trevor Jones, Assistant

fm





STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
516 PUBLIC SERVICE BUILDING  
SALEM 97310

REFER TO  
FILE NO. 0-39

January 24, 1966

**RECEIVED**  
FEB 1 1966  
**STATE ENGINEER**  
**SALEM OREGON**

Mr. Joseph C. Oliver  
John Day  
Oregon

Dear Mr. Oliver:

I have your letter advising that construction work has been completed as required in our order approving your application for a change in point of diversion of water from John Day River.

In line with the general practice of this office a survey will be made at a later date.

Yours very truly,


CHRIS L. WHEELER  
State Engineer

By   
Trevor Jones, Assistant

MR. JONES:

Please note by my last correspondence with you about 0-39 that George Ward of this district has made the survey and prepared the necessary papers for completion of the application. It is all in order.

Thank you.

  
JOE OLIVER

January 24, 1966

Mr. Joseph C. Oliver  
John Day  
Oregon

Dear Mr. Oliver:

I have your letter advising that construction work has been completed as required in our order approving your application for a change in point of diversion of water from John Day River.

In line with the general practice of this office a survey will be made at a later date.

Yours very truly,

CHRIS L. WHEELER  
State Engineer

By  
Trevor Jones, Assistant

fm

# JOSEPH C. OLIVER

JOHN DAY, OREGON

**RECEIVED**  
JAN 24 1966  
**STATE ENGINEER**  
SALEM OREGON

January 19, 1966

State Engineer  
516 Public Service Building  
Salem, Oregon

0-39 Point of Diversion

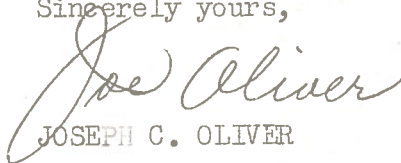
Dear Sir:

I visited with George Ward the other day before he left for Baker. He told me that he had sent in his report on 0-39 and it is all complete.

I had also indicated to you prior that I have a portable pump I move from one place to another!

From all of the reports that have been sent in to your office this should be complete.

Sincerely yours,

  
JOSEPH C. OLIVER

January 8, 1965

Mr. John P. Liveira  
Grant County Clerk  
County Courthouse  
Canyon City, Oregon

Dear Sir:

Enclosed are four certificates of water right for recording in your office and our check No. 149 in the amount of \$4 which represents payment for such service as provided by ORS 537.250 and 539.140.

After recording, please mail the certificates to Nellie L. Morris, Mt. Vernon, Oregon, Ray H. Brisbois, Isee, Oregon, George and Ralph Gilbert, John Day, Oregon, and J. J. Moura, John Day, Oregon, respectively.

Certificate 31724 supersedes certificate of water right issued to Nellie L. Morris and recorded at page 25585, Volume 18, State Record of Water Right Certificates. Certificate 31730 supersedes certificate of water right issued to Ray H. Brisbois and recorded at page 24938, Volume 17, State Record of Water Right Certificates. Certificate 31732 supersedes certificate of water right issued to George and Ralph Gilbert and recorded at page 25229, Volume 17, State Record of Water Right Certificates. Certificate 31731 supersedes certificate of water right issued to J. J. Moura and recorded at page 25596, Volume 18, State Record of Water Right Certificates. These certificates 25585, 24938, 25229, 25596 were recorded in your office on or about May 1, 1959. It would be appreciated if you would mark in the margin of certificates 25585, 24938, 25229 and 25596 to show that they have been superseded and indicate the page and volume number where the new certificates are recorded. There is no statutory provision for this procedure, but it would certainly be of benefit to those people using these records.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
Max F. Rogers, Deputy

MFR:PJ  
Enclosure

CERTIFIED - Return Receipt Requested

Good copy

November 12, 1964

Mr. Joseph C. Oliver  
John Day,  
Oregon

Dear Mr. Oliver:

Re: Transfer No. 0-39

Our watermaster, Mr. George Ward, has told me you are concerned with the last paragraph of the State Engineer's Order approving water right transfer application numbered 0-39.

The cancelation of the old certificates and issuance of new certificates is a bookkeeping procedure only and will have no effect upon the status or priority dates of the water right involved.

Since the water right transfer application has been approved the old certificates no longer correctly describe the physical features of the water rights. Therefore, we are issuing new certificates to correctly describe the rights.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
James W. Carver, Jr.  
Assistant

JWC/gcc

WATERMASTER DISTRICT NO. 4  
COUNTY COURTHOUSE  
CANYON CITY 97820  
TEL. ###  
125



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT

WATER DISTRIBUTION  
HYDROGRAPHIC SURVEYS  
SNOW SURVEYS

REFER TO  
FILE NO. \_\_\_\_\_

Transfer No. 0-39

RECEIVED  
NOV 4 1964  
STATE ENGINEER  
SALEM, OREGON

State Engineer  
Salem , Oregon

Dear Mr. Wheeler:

In regards to Transfer No. 0-39 ; would you explain to Mr. Oliver what the last paragraph means.

These two rights will be cancelled in owners name only & Mr. Oliver won't lose any rights or priority.

Rights under transfer will be cancelled & retain 1876 priority under new certificate with Mr. Oliver's name. That part not under transfer will be cancelled & a new Cert. will be written with original names & 1876 priority.

Yours truly;

George M. Ward

Watermaster Dist. 4

C.C.- Mr. Joseph Oliver

October 6, 1964

Mr. Joseph C. Oliver  
John Day  
Oregon

Dear Mr. Oliver:

Re: Transfer No. O-39

Enclosed is a certified copy of the order of the State Engineer, entered September 24, 1964, approving your application for a change in point of diversion of water from John Day River.

Also enclosed is a notice of completion of construction which should be dated, signed and returned to this office when the change in point of diversion has been completed. According to the terms of the order, this should be done on or before October 1, 1965.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
James W. Carver, Jr.  
Assistant

ks

Enclosures: Order  
Notice  
Receipt

cc: Mr. George Ward



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT  
516 PUBLIC SERVICE BUILDING  
SALEM 97310

REFER TO  
FILE NO. \_\_\_\_\_

September 3, 1964

Mr. Joseph C. Oliver  
John Day  
Oregon

Dear Mr. Oliver:

Re: Transfer No. 0-39

An examination of your file preparatory to entering an order approving your application for a change in point of diversion reveals that we will need \$3.00 to cover the cost of having new certificates recorded in the Grant County records.

Since there were two water rights involved in your proposed transfer, we will have to issue two certificates covering the lands not involved in this transfer and upon receipt of proof of completion of the new point of diversion, a new certificate will be issued to you.

As soon as we receive the \$3.00 fee, the order will be entered.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By   
James W. Carver, Jr.

ks



September 3, 1964

Mr. Joseph C. Oliver  
John Day  
Oregon

Dear Mr. Oliver:

Re: Transfer No. O-39

An examination of your file preparatory to entering an order approving your application for a change in point of diversion reveals that we will need \$3.00 to cover the cost of having new certificates recorded in the Grant County records.

Since there were two water rights involved in your proposed transfer, we will have to issue two certificates covering the lands not involved in this transfer and upon receipt of proof of completion of the new point of diversion, a new certificate will be issued to you.

As soon as we receive the \$3.00 fee, the order will be entered.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
James W. Carver, Jr.

ks

September 2, 1964

Blue Mountain Eagle  
120 N. W. First Avenue  
John Day, Oregon

Gentlemen:

Enclosed is our check number 10596 in the amount of \$25.50  
in payment of your statement received in this office on August 17,  
1964.

Please receipt the enclosed statement and return it to this  
office.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
James W. Carver, Jr.  
Assistant

JWC:jb

Enclosures

GRANT COUNTY

# Blue Mountain Eagle

OREGON'S OLDEST WEEKLY NEWSPAPER

120 N.W. FIRST AVENUE  
JOHN DAY, OREGON

RECEIVED  
AUG 17 1964

STATE ENGINEER  
SALEM, OREGON

TO Chris L. Wheeler, State Engineer  
Water Resources Dept. - 516 Public Sew. Bldg  
Salem, 10, Oregon

DATE	CHARGES							CREDITS			BALANCE
	O	A	B	C	D	CODE	MISC.	ON ACCT.	CASH	ADJ.	
	BALANCE FORWARDED										
5/14							25.50				25.50

RECEIVED  
AUG 27 1964  
STATE ENGINEER  
SALEM, OREGON

August 18, 1964

Mr. Joseph C. Oliver  
John Day  
Oregon

Dear Mr. Oliver:

Re: Transfer No. O-39

You will note from the enclosed statement that publication of notice in connection with your above transfer amounted to \$25.50, or \$0.10 more than the deposit made for that purpose. It will, therefore, be appreciated if you will remit the additional \$0.10 in order that we may make payment to the newspaper for publishing the notice.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
James W. Carver, Jr.  
Assistant

ks

Enclosure: Statement

AFFIDAVIT OF PUBLICATION

RECEIVED  
AUG 17 1964

STATE ENGINEER  
SALEM, OREGON

I, Justa A. Thomas, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, principal clerk of the GRANT COUNTY BLUE MOUNTAIN EAGLE, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at John Day, in the

aforesaid county and state; that the

Notice of filing  
application for change in priority

a printed copy of which is hereto attached, was published in the entire issue of said newspaper for three

successive and consecutive weeks in the following issues:

May 14, 21 and 28

Justa A. Thomas

Subscribed and sworn to before me this 15th day of August, 1964

1964

Notary Public for Oregon

[Signature]

My commission expires Dec 7, 1965

Cost of this publication was \$ 25.50

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Joseph C. Oliver has filed an application for the approval of a change in point of diversion of water from John Day River.

In the John Day River adjudication proceedings, a water right was established in the name of George and Ralph Gilbert for the irrigation of 8.0 acres in the same proceedings, a water right was established in the name of J. J. Moura for the irrigation of among other lands, 19.2 acres in the NW 1/4 NW 1/4 and 9.0 acres in the SW 1/4 NW 1/4, Sec. 25. All of these lands are in T. 13 S., R. 30 E., W.M., and have a date of priority of 1878. These lands are irrigated through the Enterprise Ditch, the point of diversion of said ditch being located 1700 ft. N. and 6500 ft. E. from the SW corner of Sec. 20, and being within the NW 1/4 SW 1/4, said Sec. 20, and being within S. R. 31 E., W.M.

The applicant herein, owner of the lands above described, proposes to maintain in the present point of diversion and also irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant to be located 682 ft. E. and 550 ft. E. from the NW corner of Sec. 25, and being within the NW 1/4 NW 1/4, said Sec. 25, T. 13 S., R. 30 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon, on July 8, 1964, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any objections shall be prepared in writing, one copy to be served on Joseph C. Oliver, John Day, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$2 filing fee, at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing. Dated at Salem, Oregon, this 4th day of May, 1964.

CHRIS L. WHEELER, State Engineer  
19-21

WATERMASTER DISTRICT NO. 4  
COUNTY COURTHOUSE  
CANYON CITY 97820

#####  
Tel. 125



STATE OF OREGON  
STATE ENGINEER  
WATER RESOURCES DEPARTMENT

MAY 18 1964

WATER DISTRIBUTION  
HYDROGRAPHIC SURVEYS  
SNOW SURVEYS

REFER TO  
FILE NO. \_\_\_\_\_

May 12, 1964

State Engineer

Salem , Oregon

Dear Mr. Wheeler:

I feel that Transfer No. 0-39 can be made without injury to existing rights. I further feel that Pumping Provision No 1 should be incorporated in order.

Yours truly;

George M. Ward

Watermaster Dist. 4

A handwritten signature in blue ink that reads "George M. Ward". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

May 7, 1964

Ms. Ruth Harris  
Blue Mountain Eagle  
120 N.W. First Avenue  
John Day, Oregon

Dear Ms. Harris:

Re: Transfer No. O-39

Thank you for returning the copy of notice for publication in connection with the above transfer which arrived in your office too late for publication in the May 7 issue.

We have changed the date set for hearing and ask that you publish the enclosed notice in the May 14, 21 and 28, 1964, issues.

After completion, please furnish this office with an affidavit of publication, together with your statement covering the cost of this service.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
James W. Carver, Jr.  
Assistant

ks

Enclosure: Notice

cc: Mr. Joseph C. Oliver  
Mr. George Ward

GRANT COUNTY  
**Blue Mountain Eagle**

INCORPORATED

FOUNDED - 1868

CONNIE F. JOHNSON, PUBLISHER

OREGON'S OLDEST  
WEEKLY NEWSPAPER

TELEPHONE 92 - 120 NW FIRST AVENUE - JOHN DAY, OREGON

RECEIVED  
MAY 7 1964

STATE ENGINEER  
SALEM, OREGON

Gentlemen:

The enclosed legal arrived in our office too late for processing and publication in this issue; therefore we are returning it to you as directed.

Thank you.

Yours truly,

*Ruth Harris*

Ruth Harris  
Blue Mountain Eagle



May 4, 1964

Mr. George Ward  
Watermaster, District No. 4  
P. O. Box 1185  
Canyon City, Oregon

Dear Mr. Ward:

Re: Transfer No. O-39

Enclosed is a copy of notice being forwarded today for publication in the May 7, 14 and 21, 1964, issues of the Blue Mountain Eagle.

We shall appreciate having you advise if, in your opinion, the proposed change in point of diversion of water may be made without injury to existing rights, and if your report is in the affirmative, which provision relative to pumping plants should be incorporated in the order?

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
James W. Carver, Jr.  
Assistant

ks

Enclosure: Notice

May 4, 1964

Blue Mountain Eagle  
John Day  
Oregon

Gentlemen:

Re: Transfer No. O-39

Enclosed is notice for publication in the May 7, 14 and 21, 1964, issues of your newspaper.

If for any reason you are unable to publish the notice on the dates specified above, please return it to this office.

After completion, please furnish this office with an affidavit of publication, together with your statement covering the cost of this service.

Very truly yours,

CHRIS L. WHEELER  
State Engineer

By  
James W. Carver, Jr.  
Assistant

ks

Enclosure: Notice

cc: Mr. Joseph C. Oliver