

ASSIGNED  
Name Marion & India Sargent

5122

DESCRIPTION OF WATER RIGHT DVA Notification

By \_\_\_\_\_  
Address Route 1, Box 541  
John Day, OR 97845

Name of stream Laycock Creek

Trib. of \_\_\_\_\_ County of Grant

Use in

Quantity of water \_\_\_\_\_ No. of acres 132

Name of ditch \_\_\_\_\_

Date of priority 1866

In name of ~~Chas. M. Timms~~  
John Day River Adjudication, Vol. 10, page 616

App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 25909

Certificate cancelled \_\_\_\_\_

Notation made on record by InDB

FEES PAID

Date	Amount	Receipt No.
9-23-82	165.00	32981
TOTAL . . .		
	Cert. Fee	

Blue Mt. Eagle #89.10 pd 10/22/82 ck # 5297

FEES REFUNDED

Date	Amount	Check No.
10/22/82	10.90	5298

EX 40  
POD 25  
POD 89.12  
51.10

Change in POD

Date filed Sept. 23, 1982

Date of hearing Tues, Nov 16, 1982

Place of hearing Grant Co. Chese Canyon City

Date of order 11-23-82 Vol. 36, page 575

Date for application of water 10-1-84

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued MAY 29 1984 Vol. 47, page 52029

JUL 2 1987 Vol. 52, page 56319

Surveyed 8-11-84

REMARKS

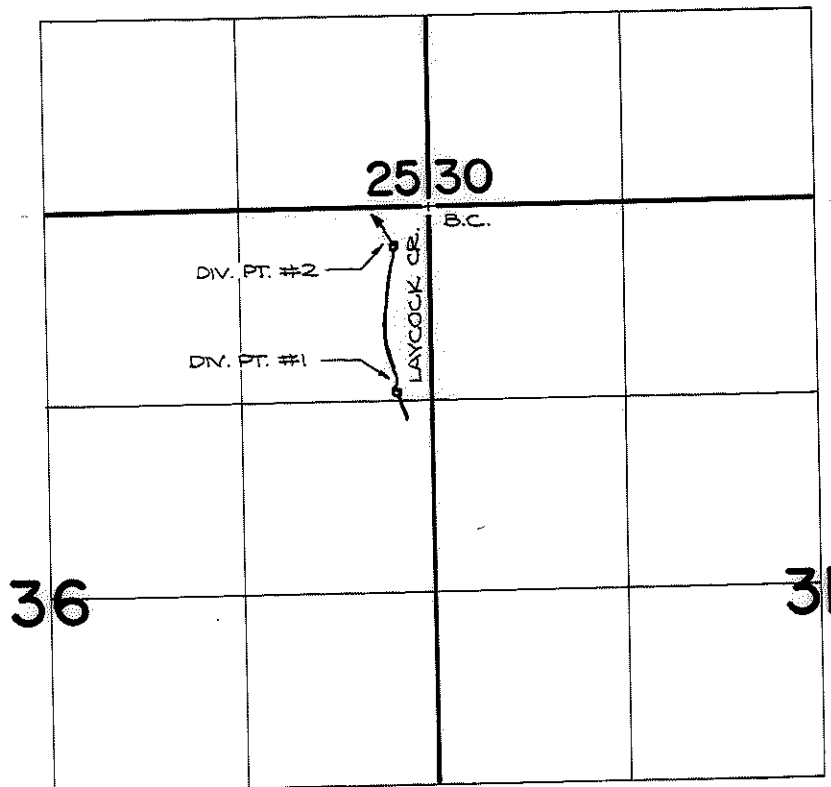
Lorraine J. & Thelma D. Frickey

WR 13.  
Recorded 8-10-87 by SBA

TO BE ENTERED WHERE CHECKED:

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	Qey	_____
<input checked="" type="checkbox"/> Stream	Qey	_____
<input checked="" type="checkbox"/> Pl. of Div.	Qey	_____
<input checked="" type="checkbox"/> Calendar	Qey	_____
CHECKED TO RECORD:		
<input checked="" type="checkbox"/> Twp. & Rge.	SBA	_____
<input checked="" type="checkbox"/> Decree date	SEA	_____
<input checked="" type="checkbox"/> Decree date	SBA	_____
<input checked="" type="checkbox"/> Cert. of W/R	SEA	_____
<input type="checkbox"/> Fee Folder	_____	_____
<input type="checkbox"/> Calendar	_____	_____
<input type="checkbox"/> Cross Refl	_____	_____
<input checked="" type="checkbox"/> Power Claim	Qey	_____
<input type="checkbox"/> Abstracts	_____	_____

T.13S. R.30 & 31E. W.M.



DIV. PT. #1 IS LOCATED 1280 FT. S. AND 240 FT. W. FROM  
THE N.E. COR. OF SEC. 36  
DIV. PT. #2 IS LOCATED 280 FT. S. AND 250 FT. W. FROM  
THE N.E. COR. OF SEC. 36



SCALE: 4" = 1 MILE

**FINAL PROOF SURVEY**  
UNDER

TRANSFER NO. 5122

IN NAME OF

.....LORAIN E. J. AND THELMA D. FRICKEY.....

Surveyed AUG. 11., 1984., by P. Patten.....

PTS REP 12/11/84

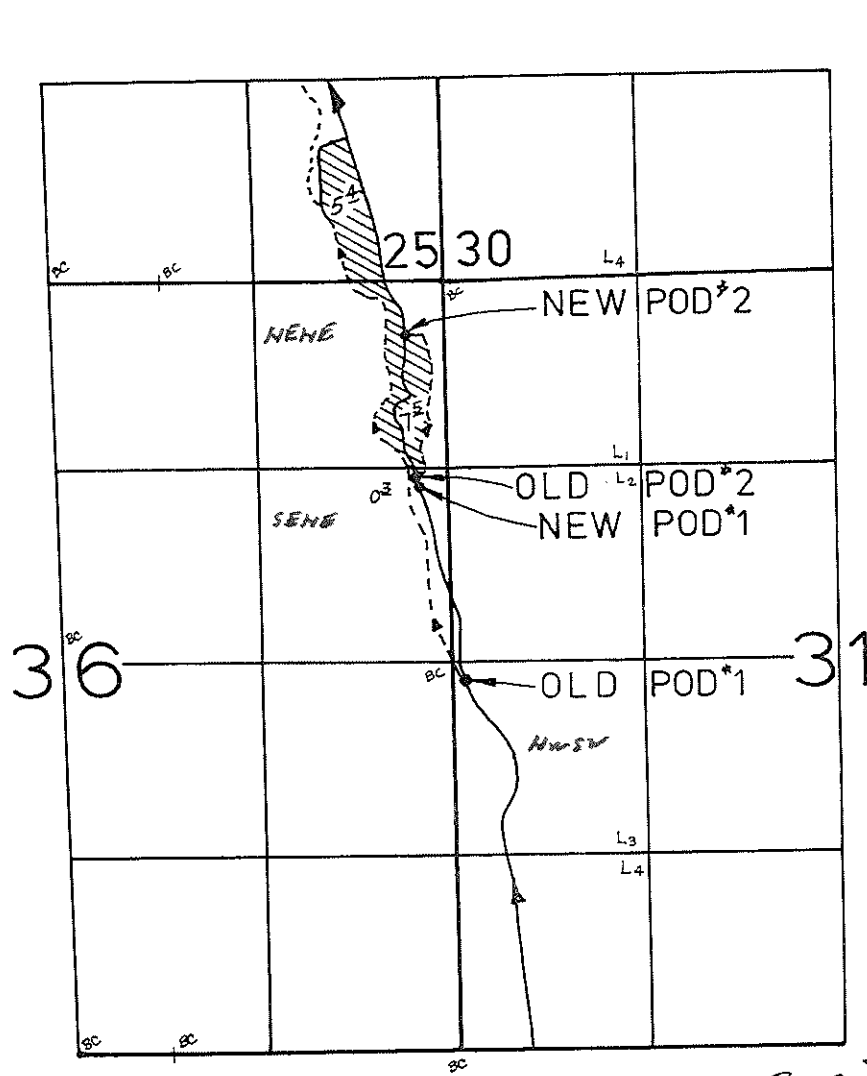
# T.13S.,R.30 & 31E.W.M.

APPLICATION MAP FOR  
MARION & INDIA SARGENT

**RECEIVED**

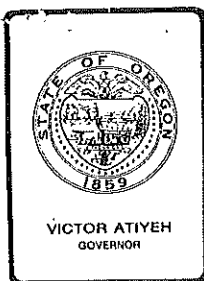
SEP 23 1982  
WATER RESOURCES DEPT.  
SALEM, OREGON

- OLD POD's *E*
- \*1: 90'S & 89' *W* FROM E 1/4 COR SEC 36
  - \*2: 1370 S & 220'W FROM NE COR SEC 36
- NEW POD's
- \*1: 1420' S & 200'W FROM NE COR SEC 36
  - \*2: 370' S & 270'W FROM NE COR SEC 36



**APPROVED**

*Marion E. Sargent*  
*India M. Sargent*



*Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

This certificated water right is appurtenant to the specific plan of use where it was established and belongs to the legal owner of the land.

The right exists only for the amount of water needed for the specific use and place of use described in the water right documents.

To change the place of use, point of diversion, or type of use of the water, an application must be filed with the Water Resources Director for approval of the proposed change.

Any portion of this water right is forfeited if allowed to go unused for five or more consecutive years. Also, the right may be lost at any time by an intentional act by the owner that would make the right unusable.

## STATE OF OREGON

COUNTY OF

GRANT

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That**CHAS. M. TIMMS, SUCCESSOR IN INTEREST  
TO ARCHIE H. TIMMSof John Day, State of Oregon, has  
a right to the use of the waters of Laycock Creeka tributary of John Day River for the purpose of  
irrigation of 22.1 acresand 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 WATER RESOURCES DIRECTOR, in Volume 15, at page 461; that the priority of the right  
thereby confirmed dates from 1866that 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 of one 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 September 30,  
measured at point of diversion*The point of diversion is located in the**A description of the place of use under the right, and to which such right is appurtenant, is as follows:*15.0 acres NE 1/4 SE 1/4  
6.1 acres SE 1/4 SE 1/4  
Section 251.0 acre NE 1/4 NE 1/4  
Section 36  
Township 13 South, Range 30 East, WMThis certificate describes that portion of the water right confirmed by the  
prior certificate recorded at page 25909, Volume 17, State Record of Water  
Right Certificates, NOT modified by the provisions of an order of the Water  
Resources Director entered on November 23, 1982, approving Transfer  
Application 5122.The issuance of this superseding certificate does not confirm the status of  
the water right in regard to the provisions of ORS 540.610 pertaining to  
forfeiture or abandonment.*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 Water Resources Director, affixed

this date May 29, 1984

*William H. Young*  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 47, page 52029

May 20, 1987

Lorraine J. Frickey and  
Thelma D. Frickey  
HCR 56, Box 341  
John Day, OR 97845

REFERENCE: File 64171

The assignment of Permit 47117 from Marion and India Sargent to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly, and the original is enclosed. Your names have also been recorded on T-5122.

Our Receipt S2087 covering the \$10 recording fee along with a copy of this letter is being sent to Intermountain Title Company.

Sincerely,

THOMAS E. SHOOK  
Senior Water Rights Examiner

TES:cle  
enclosure  
0434A

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION )  
OF MARION AND INDIA SARGENT )  
FOR APPROVAL OF CHANGES IN )  
POINT OF DIVERSION OF WATER )  
-----

ORDER APPROVING  
TRANSFER 5122

On September 23, 1982, an application was filed in the office of the Water Resources Director by Marion and India Sargent for approval of changes in point of diversion of water from Laycock Creek, 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 Chas. M. Timms, tabulated in Volume 10, page 616, Order Record of the Water Resources Director, for use of the waters of Laycock Creek for irrigation of, among other lands, a certain 5.4 acres in SE 1/4 SE 1/4, Section 25; 7.5 acres in NE 1/4 NE 1/4 and 0.3 acre in SE 1/4 NE 1/4, Section 36, Township 13 South, Range 30 East, WM, with a date of priority of 1866, as evidenced by the certificate recorded at page 25909, Volume 17, State Record of Water Right Certificates.

Water for the said right is diverted, through unnamed ditches, from points located (1) 90 feet South and 89 feet East from the East Quarter Corner of Section 36, being within the NW 1/4 SW 1/4 of Section 31, Township 13 South, Range 31 East, WM, and (2) 1,370 feet South and 220 feet West from the Northeast Corner of Section 36, being within the SE 1/4 NE 1/4 of Section 36, Township 13 South, Range 30 East, WM.

The applicants herein, owners of the lands above described, propose to change the points of diversion therefrom, without loss of priority, to two points located (1) 1,420 feet South and 200 feet West from the Northeast Corner of Section 36, being within the SE 1/4 NE 1/4 of Section 36, and (2) 370 feet South and 270 feet West from the Northeast Corner of Section 36, being within the NE 1/4 NE 1/4 of Section 36, all in Township 13 South, Range 30 East, WM.

Notice of the application, pursuant to ORS 540.520(2), 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 September 30, October 7 and 14, 1982.

Jerry S. Rodgers, Watermaster, has filed a statement to the effect that the proposed changes in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes 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 requested changes in point of diversion, as described herein, without loss of priority, are approved.







# T.13S.,R.30 & 31E.W.M.

## APPLICATION MAP FOR MARION & INDIA SARGENT

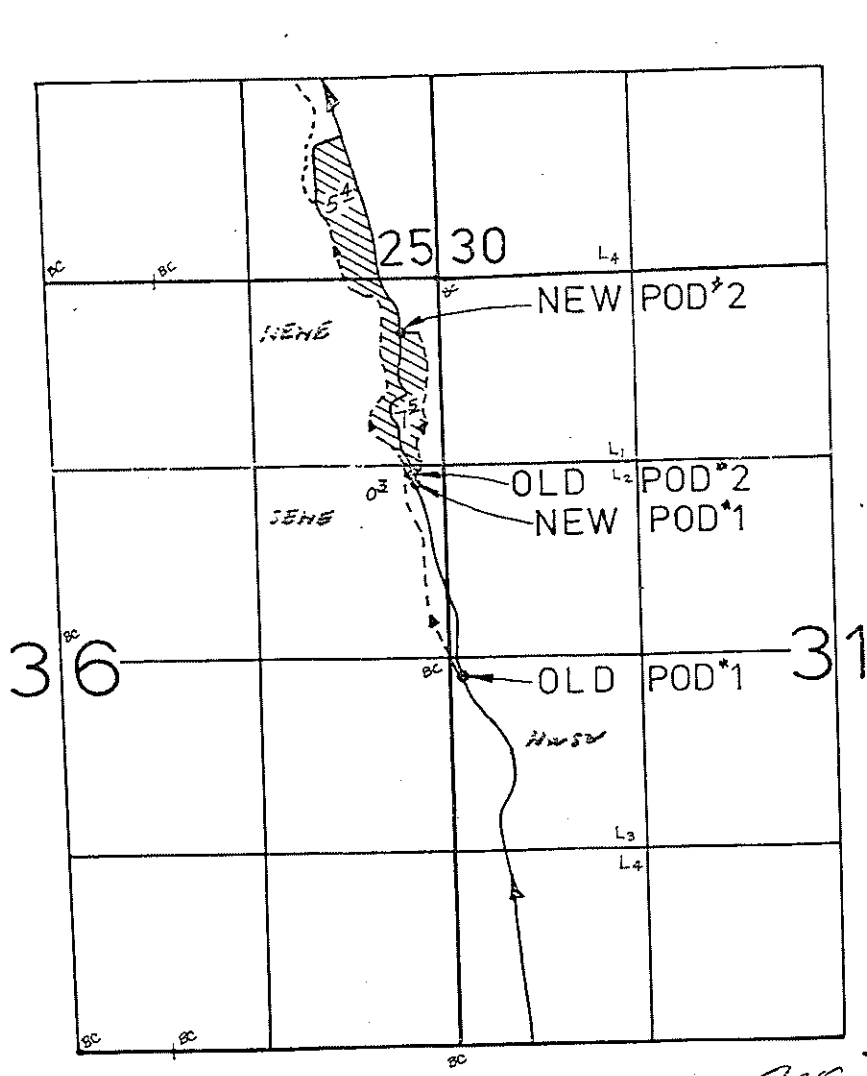
**RECEIVED**

SEP 23 1982

WATER RESOURCES DEPT.  
SALEM, OREGON

*16-0 3' AL CAT*  
*24*

- OLD POD's E
- \*1: 90'S & 89'W FROM E 1/4 COR SEC 36
  - \*2: 1370 S & 220'W FROM NE COR SEC 36
- NEW POD's
- \*1: 1420' S & 200'W FROM NE COR SEC 36
  - \*2: 370' S & 270'W FROM NE COR SEC 36



SCALE  
4" = 1 mi

**APPROVED**

*Marion & India Sargent*

INFO: MARION SARCENT -- THE NEW PODS ARE IN AND USED.

SOURCE: LAYCOCK CR.

DIV. PT.: WATER IS PUMPED DIRECTLY FROM CREEK AT 2 LOCATIONS.

PUMPS: (2) CENTURY 10 HP @ 3500 IELEG. MOTOR  
BERKELEY PUMP 3" x 2"

PIPE: 2500 FT OF 3" AL MAINLINE (SCALED)  
4000 FT OF 3" AL LATERAL

SPEINKLERS: 50 RB 30'S 3/16" x 3/32" (40 MAX)

LIFT: +5 FT TO +10 FT

USE: IRRIGATION OF PASTURE & ALFALFA

IIE: PTS (ATTACHED)

PD 3C SEC COR 25/30 T. 135. R. 30 & 31 E.  
36/31

PLANT PLOT W/ NRE 8/1/84



**CERTIFICATE OF WATER RIGHT**  
MARION & INDIA SARGENT

This Is to Certify, That GRAS, N. TISS, SUCCESSION IN INTEREST TO  
ARTHUR N. TISS

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

for the purpose of Irrigation of 13.2 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Clatsop 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 1866

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 1/10 cubic foot per  
second per acre irrigated to June 1 and 1/100 cubic foot per second per acre there-  
after; 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.  
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:

- 5.4 15.0 acres in Section 25,
- 11.5 acres in Section 25,
- 0.9 acre in Section 25,
- 7.5 6.9 acres in Section 26,
- T. 13 S., R. 30 E., N. 16

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 shall be subject to the provisions of the

This certificate is issued to confirm a change in point of diversion approved  
by an order of the Water Resources Director entered Nov-23-82, and  
together with certificate of water right recorded at page 52029,  
Volume 47, State Record of Water Right Certificates, supersedes  
certificate 25909.  
The issuance ... (glossary I)

POD on Sec 36 T13S R30E W1, 280'S E 250'W, 1280'S E 240'W both  
from NE cor sec 36

T-5122

if applicable of the original point of diversion, volume 1172 R30E W1, 1370'S E 270'W  
from E1/4 cor Sec 36, da. Sec 36 T13S R30E W1, 1370'S E 270'W  
from NE cor sec 36

03/3E

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CHAS. M. TIMMS, SUCCESSOR IN INTEREST TO ARCHIE H. TIMMS

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

for the purpose of Irrigation of 22.1 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 1866

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 1/10 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.

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:

6.1 15.0 acres in NE 1/4 SE 1/4 Section 25, - SAME
1.0 0.3 acres in SE 1/4 NE 1/4 Section 36, - 0.3 ac
1.0 0.5 acres in NE 1/4 NE 1/4 Section 36, - 7.5 ac
T. 13 S., R. 30 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 25909, Volume 17, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Nov 23, 1982, approving transfer application No. 5122.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 19 59.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 56319

1822C

T-5122



NOTICE OF INTEREST IN WATER RIGHT

Department of Veterans' Affairs

<b>To:</b> Director of Water Resources 3850 Portland Road N.E. Salem, Oregon 97310	DATE SENT TO WATER RESOURCES <b>FEB 21 1986</b>	DATE REC'D BY WATER RESOURCES  <b>RECEIVED</b> FEB 21 1986 WATER RESOURCES DEPT. SALEM, OREGON
	DATE RETURNED TO DVA	

This is to notify you of an interest in the following described water right:

LOAN NUMBER <b>P32347</b>	FIELD OFFICE <b>BO</b>	COUNTY <b>Grant</b>	ACREAGE IRRIGATED: ORIGINAL APPRAISAL _____ ACTUAL _____
NAME OF BORROWER (LAST, FIRST, M.I.) <b>Sargent, Marion D.</b>			

MAILING ADDRESS

COMMENTS

PROPERTY AND WATER RIGHT INFORMATION

TOWNSHIP	<b>13 S</b>		
RANGE	<b>30 E</b>		
SECTION	<b>25, 36</b>		

APPLICATION	NUMBER:	<b>64171</b>	<b>John Day River Dec</b>	<b>T 5122</b>
PERMIT	NUMBER: ACRES: STATUS:	<b>47117 33 Ac Survey NC</b>	<b>Final Vol 10 P 616</b>	<b>13.2 Survey NC</b>
CERTIFICATE	NUMBER: ACRES:		<b>52029 22.1 Ac</b>	
IRRIGATION DISTRICT	NUMBER:			
DOMESTIC WATER	NUMBER:			

COMMENTS

**DM**  
**2-25-86**

The State of Oregon, by and through the Director of Veterans' Affairs, has a security interest in the above-described property and hereby requests that no action be taken to diminish the water right without notifying the Department of Veterans' Affairs, 700 Summer Street, N.E., Salem, Oregon 97310 Attention: Butch Gehley, Operations Compliance Manager.

Attachments:

Legal Descriptions     Plat Maps     Please return copy to ODVA



NOTICE OF COMPLETION OF CHANGE IN  
place of use of water  
point of diversion of water  
use heretofore made of water

**RECEIVED**

JAN 5 1984

WATER RESOURCES DEPT.  
SALEM, OREGON

Under the Terms of TRANSFER APPLICATION 5122

I, MARION D. SARGENT, hereby certify that completion of works  
and use of water to the extent intended within the provisions of the order of the Water  
Resources Director approving said water right transfer application was accomplished  
by AUG, 17, 1983

AUG. 17, 1983  
(date)

Marion D. Sargent  
(signature)

(Mail to the Water Resources Department, Salem, Oregon 97310)



January 23, 1984

Marion and India Sargent  
Route 1, Box 541  
John Day, OR 97845

Dear Mr. and Mrs. Sargent:

REFERENCE: File T-5122

We have received the Notice of Completion of Works and Use of Water for a change in point of diversion of water from Laycock Creek, as allowed by Water Right Transfer 5122. A survey will be made at a later date to confirm extent of use.

A new certificate based on the survey will be issued at a later date. In case of irrigation, any lands described in the order that have not been irrigated will be automatically eliminated from the water right.

In the meantime, the order will be evidence of the water right in question as long as the authorized beneficial use of water is continued.

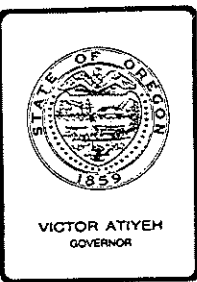
Sincerely,

LUCILLE C. JENSEN  
Secretary  
Transfer Section

LCJ:wpc

cc: Jerry S. Rodgers, Watermaster, District 4

0056/4  
0245C



## *Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066 or  
1+800+452-7813  
(message)

November 24, 1982

Marion and India Sargent  
Route 1, Box 541  
John Day, Oregon 97845

Dear Mr. and Mrs. Sargent:

REFERENCE: File T- 5122

Enclosed is a certified copy of the order of the Water Resources Director approving your water right transfer application.

A time limit to complete the transfer is given in the order. A form for reporting completion is enclosed for your convenience.

YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed, or within an extension thereof, will be lost. An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

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

Sincerely,

*Samuel R. Allison*

SAMUEL R. ALLISON  
Supervisor  
Transfer Section

SRA:lcj  
cc: Watermaster

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the old points of diversion under the subject right, and shall not exceed 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 September 30, measured at the point of diversion.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

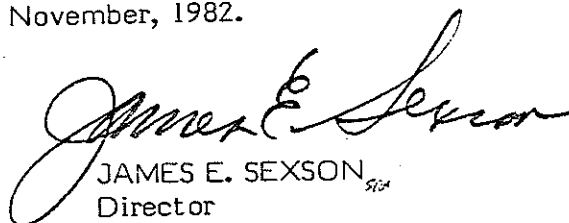
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring 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 the construction work shall be completed and the changes in point of diversion of water made on or before October 1, 1984.

It is FURTHER ORDERED that the certificate recorded at page 25909, Volume 17, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 23rd day of November, 1982.

  
JAMES E. SEXSON  
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

3700B



RECEIVED

STATE OF OREGON

NOV 12 1982

INTEROFFICE MEMO

WATER RESOURCES DEPT.  
SALEM, OREGON

TO: TRANSFER SECTION, WATER RIGHTS DIVISION

DATE: 11-9-82

FROM: WATERMASTER, DISTRICT NO. H

(signature) [Signature]

SUBJECT: Water Right Transfer Application 5122 for change in POU POD Use of water

In the name(s) of Sargent

In my opinion (assuming the water right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY\* to an existing water right.

\*The approval of this transfer application would result in injury to other water rights because \_\_\_\_\_

The existing right may not be valid because \_\_\_\_\_

Headgate notices HAVE HAVE NOT been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) of diversion between the authorized and proposed points of diversion? No (yes or no)

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- (1) PRIOR to the diverting of water at the new point of diversion ...
- (2) WHEN IN the judgment of the watermaster it becomes necessary ...

The enclosed copy of the transfer application and map(s) is for your records.



Contains Recycled Materials  
125-1387

SP-75683-125

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 5122

On Sept 23, 1982, an application was filed in the office of the Water Resources Director by Marion and India Sargent for approval of changes in point of diversion of water from Laycock Cr, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Grant County, Oregon, entered Nov 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 Chas. M. Timms, tabulated in Volume 10, page 616, Order Record of the Water Resources Director, for use of the waters of Laycock Cr, for irrigation of, among other lands, a certain 5.4 ac in SE 1/4 SE 1/4, Sec 25; 7.5 ac in NE 1/4 NE 1/4 and 0.3 ac in SE 1/4 NE 1/4, Sec 36, T13S, R30E, WM, with a date of priority of 1866, as evidenced by the certificate recorded at page 25909, Volume 17, State Record of Water Right Certificates.

Water for the said right is diverted, through unnamed ditches, from points located (1) 90 ft S and 89 ft E from the E1/4 Corner of Sec 36, being within the NW 1/4 SW 1/4 of Sec 31, T13S, R31E, WM, and (2) 1370 ft S and 220 ft W from the NE Corner of Sec 36, being within the SE 1/4 NE 1/4 of Sec 36, T13S, R30E, WM.

The applicants herein, owners of the lands above described, propose to change the points of diversion therefrom, without loss of priority, to two points located (1) 1420 ft S and 200 ft W from the NE Corner of Sec 36, being within the SE 1/4 NE 1/4 of Sec 36, and (2) 370 ft S and 270 ft W from the NE Corner of Sec 36, being within the NE 1/4 NE 1/4 of Sec 36, all in T13S, R30E, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Tuesday, November 16, 1982, at the Grant County Courthouse, Canyon City, Oregon. Any objection to the proposed changes must be prepared in writing, one copy to be served on the applicant at Route 1, Box 541, John Day, OR 97845 and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon, this 24th day of September, 1982.

JAMES E. SEXSON, Director  
9/24

AFFIDAVIT OF PUBLICATION

STATE OF OREGON }  
County of Grant }

ss.

I, Ted Becher, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, principal clerk of THE 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 water right transfer application 5122

\_\_\_\_\_ 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: \_\_\_\_\_

September 30, October 7 and 14, 1982  
*Ted Becher*

Subscribed and sworn to before me this 14th day of Oct., 1982

*Karla J. Patton*  
Notary Public for Oregon

My commission expires Feb. 1, 1983

Cost of this publication was \$ 89.10

(Seal)

Public Notices

a.m. on Tuesday, November 16, 1982, at the Grant County Courthouse, Canyon City, Oregon. Any objection to the proposed changes must be prepared in writing, one copy to be served on the applicant at Route 1, Box 541, John Day, OR 97845 and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request.

IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon, this 24th day of September, 1982.

JAMES E. SEXSON,  
Director

39-41

*OK*  
*SRT*

Public Notices

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 5122

On Sept. 23, 1982, an application was filed in the office of the Water Resource Director by Marion and India Sargent for approval of changes in point of diversion of water from Laycock Cr, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Grant County, Oregon, entered Nov. 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 Chas. M. Timms, tabulated in Volume 10, page 616, Order Record of the Water Resources Director for use of the waters of Laycock Cr, for irrigation of, among other lands, a certain 5.4 ac in SE 1/4 SE 1/4, Sec. 25; 7.5 ac in NE 1/4 NE 1/4 and 0.3 ac in SE 1/4 NE 1/4, Sec. 36, T13S., R30E., WM, with a date of priority of 1866, as evidenced by the certificate recorded at page 25909, Volume 17, State Record of Water Right Certificates.

Water for the said right is diverted, through unnamed ditches, from points located (1) 90 ft S and 89 ft E from the E 1/4 Corner of Sec 36, being within the NW 1/4 SW 1/4 of Sec 31, T13S., R31E., WM, and (2) 1370 ft S and 220 ft W from the NE

Corner of Sec 36, being within the SE 1/4 NE 1/4 of Sec 36, T13S., R30E., WM.

The applicants herein, owners of the lands above described, propose to change the points of diversion therefrom, without loss of priority, to two points located (1) 1420 ft S and 200 Ft W from the NE Corner of Sec 36 being within the SE 1/4 NE 1/4 of Sec 36 and (2) 370 ft S and 270 ft W from the NE Corner of Sec 36, being within the NE 1/4 NE 1/4 of Sec 36, all in T13S, R30E, WM. Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30

RECEIVED

OCT 18 1982

WATER RESOURCES DEPT.  
SALEM, OREGON

INVOICE

*The Blue Mountain Eagle*

OREGON'S OLDEST WEEKLY NEWSPAPER

**Eagle/print**

Blue Mountain Eagle  
Commercial Printing  
Department

P.O. Box 69  
John Day, Oregon 97845  
Phone: (503) 575-0710

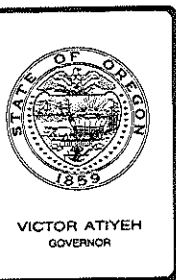
Date 10-14-82

Water Resources Dept.  
Mill Creek Office Park  
555 - 13th St., NE  
Salem, OR 97310

acct. 2760

DATE	ITEMS	CHARGES	CREDITS	BALANCE
10-7&14	T-5122	89.10		\$89.10
	<i>OK to Pay</i> <i>SAB</i>			
	<b>RECEIVED</b>			
	OCT 18 1982			
	WATER RESOURCES DEPT.			
	SALEM, OREGON			
			<b>RECEIVED</b>	
			NOV 3 1982	
			WATER RESOURCES DEPT.	
			SALEM, OREGON	

*4-1-82*  
*\$89.10*  
*Kela*  
*Dillon*



*Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

October 29, 1982

The Blue Mountain Eagle  
PO Box 69  
John Day, Oregon 97845

RECEIVED  
NOV 3 1982  
WATER RESOURCES DEPT.  
SALEM, OREGON

REFERENCE: File T-5122

Enclosed is our Check 5297 in the amount of \$89.10  
in payment of your statement.

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

Sincerely,

LUCILLE C. JENSEN  
Secretary  
Transfer Section

lcj





STATE OF OREGON

INTEROFFICE MEMO

TO: Water Resources Bookkeeper

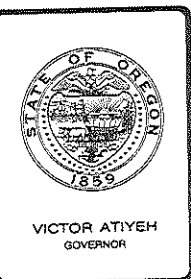
DATE:

FROM: S.R. Allison  
Authorizing Examiner

SUBJECT: Request for Refund Check

Please refund \$ 10.90 to Marion & India Sargent  
file no. T-5122, receipt no. 32981. These funds are refunded  
due to:

- Application rejected
- Application withdrawn
- Excess fees collected for application
- File closed
- Other: \_\_\_\_\_



*Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

October 29, 1982

The Blue Mountain Eagle  
PO Box 69  
John Day, Oregon 97345

REFERENCE: File T-5122

Enclosed is our Check 5297 in the amount of \$89.10  
in payment of your statement.

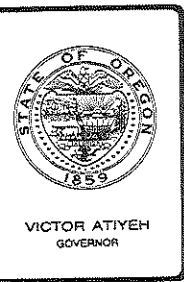
Please receipt the enclosed statement and return it  
to this office. Thank you.

Sincerely,

LUCILLE C. JENSEN  
Secretary  
Transfer Section

lcj

COPY



*Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

October 29, 1982

Marion and India Sargent  
Route 1, Box 541  
John Day, Oregon 97845

Dear Mr. and Mrs. Sargent:

REFERENCE: File T-5122

The statutory fees and the cost of publication of notice, necessary to your Water Right Transfer Application 5122, amount to a total of \$154.10. The total of payments received in connection with the application exceeded this amount by \$10.90.

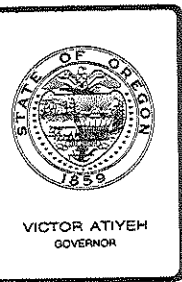
Our Refund Check 5298 is enclosed.

Sincerely,

LUCILLE C. JENSEN  
Secretary  
Transfer Section

lcj

COPY



## *Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066  
or  
1-800-452-7813  
(message line)

September 24, 1982

The Blue Mountain Eagle  
PO Box 48  
John Day, OR 97845

REFERENCE: File T-5122

Enclosed is a Notice for Publication in the September 30, and October 7 and 14, 1982, issues of your newspaper.

If, for any reason, the notice cannot be published on the three dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication and statement for this service to this office.

Sincerely,

SAMUEL R. ALLISON  
Supervisor  
Transfer Section

SR4zwp  
cc: Marion and India Sargent  
Jerry Rodgers, Watermaster

enclosure

0435A  
2737B

COPY

RECEIVED

SEP 23 1982

WATER RESOURCES DEPT.  
SALEM, OREGON

F-5122

### Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Marion & India Sargent (Name of applicant)  
of Rt.1 Box 541 (Mailing address), John Day (City),  
State of Oregon (Zip Code) 97845, 932-4851 (Phone number), do hereby make application for change  
in point of diversion  
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No, Timms, Chas. M., successor in  
interest to Archie H. Timms (If not, give name)

2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings  
(Yes or No)

John Day River Adjudication number of certificate 25909

3. Was your water right acquired by Water Right Permit? No If so, give number  
(Yes or No)

of permit na Number of certificate na

NOTE: If the entire right of record is not directly involved in the requested change, only that part  
of the right that is directly involved should be considered in answering the balance of the  
questions on this form.

4. The source of water is Laycock Creek

5. What is the date of priority of your water right? 1866

POD#1  
POD#2

6. The authorized point of diversion is located 1370 ft. S and 220 ft. W from the NE  
corner of Sec. 36 being within the SE 1/4 NE 1/4 of Section 36 Tp. 13 S R. 30 E W. M.,  
(N. or S.) (No. N. or S.) (No. E. or W.)

in the county of Grant The name of the ditch used is unnamed ditches

NOTE: Answer question if the application is for change in point of diversion.

POD#1 1420 S 200 W NE  
POD#2 370 S 270 W NE  
7. The proposed point of diversion is located 370 ft. S and 270 ft. W from the NE  
corner of Sec. 36 being within the SE 1/4 NE 1/4 of Section 36 Tp. 13 S R. 30 E W. M.,  
(N. or S.) (No. N. or S.) (No. E. or W.)  
in the county of Grant The name of the ditch to be used is \*pumps\*

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

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
13 S	30 E	25	SE¼ SE¼	5.4
		36	NE¼ NE¼	7.5
		36	SE¼ NE¼	0.3
				13.2

(If more space required, attach separate sheet)

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

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No  
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is .....  
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are for more efficient use of water through  
sprinkler irrigation

15. Construction work will be completed on or before Completed

16. The water will be completely applied to the proposed use on or before Completed

Remarks S.O. Vol. 9, Page 461, for a change in POD, excluded 2.0 ac  
in the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Sec. 36, T13S, R30E, WM; that 2.0 ac is  
included in the acreage covered by this transfer application.

at the present time we have 2-10 HP elect. motors, 1800ft of 3"  
main lines and 1200ft of 4" mainline and 66 sprinklers.

**NOTE:** THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

#### AFFIDAVIT OF APPLICANT

I, Marion Sargent Lida, 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 21<sup>st</sup> day of September, 1982.

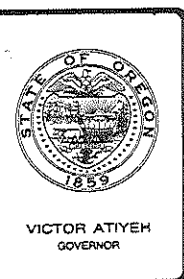
Marion + Lida Sargent  
(Name of applicant)

Subscribed and sworn to before me this 21<sup>st</sup> day of September, 1982

[Notarial Seal]

Larvonne Shenkard  
NOTARY PUBLIC FOR OREGON

My commission expires 5-10-85



## *Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE

578-3066

OR

1-800-452-7813

(message line)

September 24, 1982

Marion and India Sargent  
Route 1, Box 341  
John Day, OR 97245

REFERENCE: File T-5122

Your Water Right Transfer Application, together with supporting data and fees in the amount of \$165, was received on September 23, 1982. Our Receipt 32981 is enclosed.

Oregon Water Law, ORS 540.520(2), requires that notice of your proposed water right transfer be published once each week for three consecutive weeks in a newspaper that is printed and has general circulation in the county where the water right is located.

The newspaper publication dates and date for hearing on your proposed transfer are given on the attached sheets.

If no protests are filed, a hearing will not be held, and the transfer will be considered for approval within 30 days from the date set for hearing.

If protests are filed and a hearing is held, a determination by the Water Resources Director will be made and the transfer approved or denied within 60 days from the date the hearing is held.

Sincerely,

SAMUEL R. ALLISON  
Supervisor  
Transfer Section

SRA:wp  
cc: Jerry S. Rodgers, watermaster  
09498  
27375

COPY



# T. 13 S., R. 30 & 31 E. W.M.

## APPLICATION MAP FOR MARION & INDIA SARGENT

**RECEIVED**

SEP 23 1982

WATER RESOURCES DEPT.  
SALEM, OREGON

### OLD POD's

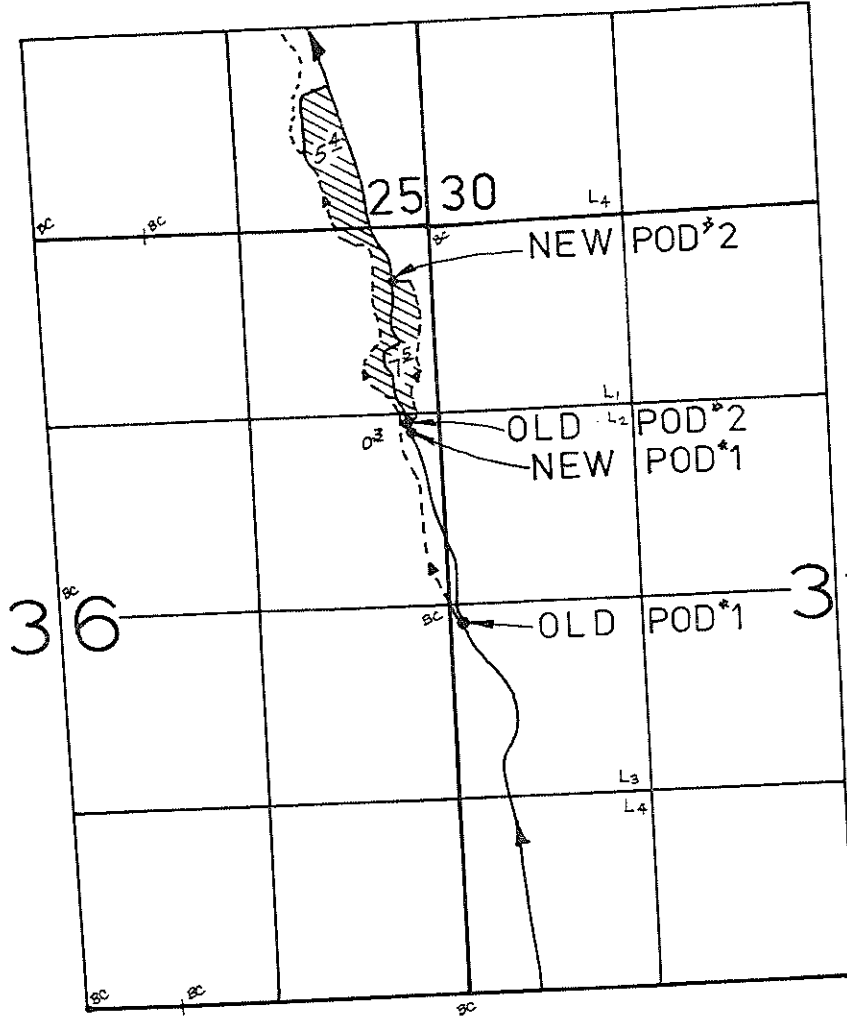
\*1: 90'S & 89'W FROM  
E 1/4 COR SEC 36

\*2: 1370 S & 220'W  
FROM NE COR  
SEC 36

### NEW POD's

\*1: 1420' S & 200'W  
FROM NE COR  
SEC 36

\*2: 370' S & 270'W  
FROM NE COR  
SEC 36



**APPROVED**

*Marion Sargent  
India M. Sargent*

Priority	Year	Acres	Use	Ditch	Creek	Description
1876	①	27.3	Irrigation	Enterprise ditch	John Day River	27.5 acres in SW 1/4 NW 1/4 Section 26, T. 13 S. R. 30 E. W.M.
1866	②	35.3	Irrigation	Unnamed ditches	Laycock Creek	15 acres in NE 1/4 SE 1/4 Section 25, .3 acre in SE 1/4 NE 1/4 8.5 acres in NE 1/4 NE 1/4 Section 36, T. 13 S. R. 30 E. W.M.
<p>Ch. in pt. of div. for 35.2 ac. Sp. Or. Vol. 9, p. 461</p> <p>T-5122 A POD 54 ac SE 1/4 SE 1/4, Sec. 25; 7 1/2 ac NE 1/4 SE 1/4, Sec. 36</p>						
1877	③	3.5	Irrigation	Horace Parker ditch	Butte Creek	3.5 acres in SE 1/4 SE 1/4 Section 50, T. 6 S. R. 21 E. W. M.
1895	③	15	Irrigation	Toney ditches	Girds Creek and Springs	6.2 acres in SW 1/4 SW 1/4 Section 3, 3.8 acres in SE 1/4 SW 1/4 Section 3, 5 acres in NW 1/4 NW 1/4 Section 10, T. 11 S. R. 22 E. W. M.
(See Findings paragraph 53, page 55.)						
1887	②	3.5	Irrigation	Unnamed ditch	Tracy Gulch, Fork of Tracy Creek	.7 acre in SW 1/4 NE 1/4 Section 9, 2.6 acres in NW 1/4 SE 1/4 Section 9, T. 14 S. R. 31 E. W.M.
1887	③	15.4	Irrigation and domestic	Unnamed ditch and pipe-line	Tracy Creek and Spring	3.2 acres in NE 1/4 SE 1/4 Section 9, 12.2 acres in SE 1/4 SE 1/4 Section 9, T. 14 S. R. 31 E. W.M.
1865	8		Mining	Mann and Travillion ditch	W. Fork Clear Creek	Located in Section 7, T. 10 S. R. 36 E. W. M.
	4				E. Fork Clear Creek	Sections 11, 12, 13, and 14, T. 10 S. R. 35 1/2 E. W.M.
	4				Dry Gulch	
	4				Spring Creek	
	4				Salmon Creek	
	2				Lightning Creek	
	1				Olive Creek	
(NOTE: Water for mining used entire year. See Findings paragraph 47, page 49.)						
1882	②	.3	Irrigation	Unnamed ditches	Canyon Creek	.3 acre in NE 1/4 NE 1/4 Section 26, T. 13 S. R. 31 E. W. M. Being within Block "J" City of John Day, Oregon.

JOHN DAY RIVER - 251 -

616

INDEX Section TP & R96 Decree - Jan. 13, 1939 DEGREE on Findings Nov. 10, 1939 Amending Jan. 30, 1939 Recorded Vol. 14-A-213 Recorded Vol. 15-23-456 Recorded Vol. 10-577

TOWNSHIP 13 S RANGE 30 E W. M. Card #1 SECTION 25

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
20	13	20	27									4.5				Findings, Vol. 10 Page 545		25455
20	23	2	0.46									2	1.2			Decree, Vol. 15 Page 466		25584
				11.5			18.5									Findings, Vol. 10 Page 545		25584
				14												Decree, Vol. 15 Page 466		25584
																Findings, Vol. 10 Page 545		25584
																Decree, Vol. 15 Page 466		25584
1																Findings, Vol. 10 Page 545		25584
2			3													Decree, Vol. 15 Page 466		25584
												15				Findings, Vol. 10 Page 545		25909
																Decree, Vol. 15 Page 466		25909
																31414	24837	27642
												20				32200	25400	27792
																Suppl		27922
												11E				6E	32199	25520
																Findings, Vol. 10 Page 545		25456
												2	1.2			Decree, Vol. 15		25457
20	23	25	37									4	5			Findings, Vol. 10 Page 545		25457
8	4															Decree, Vol. 15 T-4879		25457
																38199	28465	33914
																Suppl		
																38198	29503	34470
																T-4225		
																0-39	V13P493	33252

TOWNSHIP 13 S RANGE 30 E W. M. Card #2 SECTION 25

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
				0.5												T-4224		
				19	9											0-39	V13P483	44823
																52123		39262
												20	1E			54379		40754
												20	1E			T-3424	V27P418	
																57333		43318
																T-4224	(C-4923)	
																T-4224	C-44823	49670
																T-4879	(C-25957)	

TOWNSHIP 13 S RANGE 30 E W. M. SECTION 36

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
8.5																Findings, Vol. 10 Page 616		25909
																Decree, Vol. 15 Page 466		25909
																62961		
																R-63002		

Su1

Transfer No. 5122

**ASSIGNED** County GRANT

Name Marion & India Sargent Lorraine J. + Thelma D. Frickey

Date for Completion 10-1-84

Extended to \_\_\_\_\_

Completion Report Received 1-5-84

To Survey 2/84

Comments: