

2468

STATUS OF APPLICATION

Change in Point of Diversion + Place of Use
 Date filed December 23, 1970
 Date of hearing March 24, 1971
 Place of hearing Condon, Ore
 Date of order 3-29-71 Vol. 20, page 494
 Date for application of water 10-1-71
 Proof mailed _____
 Proof received _____
 Certificate issued AUG 30 1976 Vol. 35, page 43564
To Summary 4/ AUG 30 1976 Vol. 35 page 43565

DESCRIPTION OF WATER RIGHT

Name of stream Rock Creek
 Trib. of — County of Gilliam
 Use Irrigation
 Quantity of water see order No. of acres 22 1/2
 Name of ditch Ward
 Date of priority 1869 + 1903
 In name of M.F. Duncan
John Day Riv. Adjudication, Vol. 10, page 494
 App. No. _____ Per. No. _____ Cert. No. 25116
 Certificate cancelled _____
 Notation made on record by slu

FEES PAID

Date	Amount	Receipt No.
12-23-70	30.00	22066
12-23-70	55.00 PON	22067
2-25-71	4.24 PON	22757
TOTAL		
2-26-71	\$1.00 Cert. Fee	From Pub. 7 Not
7-29-74	2.00	55195

FEES REFUNDED

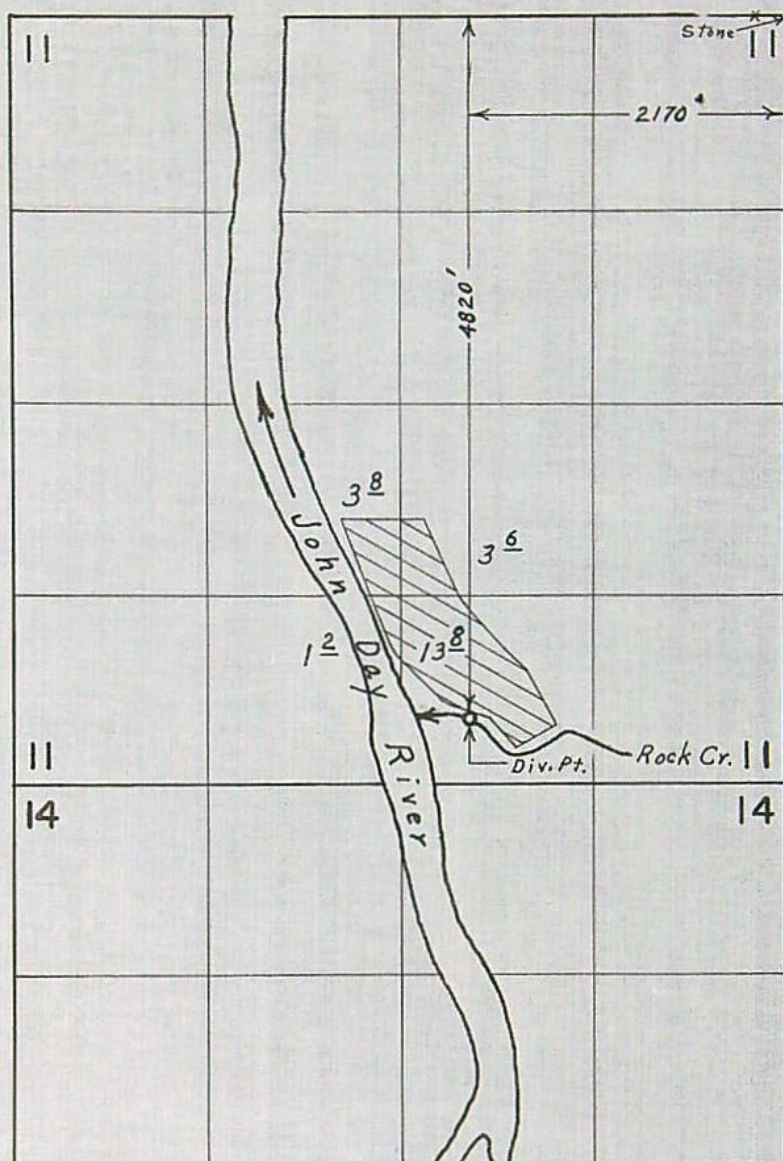
Date	Amount	Check No.

REMARKS

W.R.I.S.	
Assembled	8/1/84 by <u>clh</u>
Entered	_____ by _____
Verified	_____ by _____

INDEX CARDS:		Entered	Checked
TO BE ENTERED WHERE CHECKED	Name	<u>slu</u>	_____
	Stream	<u>slu</u>	_____
	Pt. of Div.	_____	_____
	Calendar	<u>slu</u>	_____
	Twp. & Rge.	<u>slu</u>	_____
	Decree-vault	<u>slu</u>	_____
	Decree-safe	<u>slu</u>	_____
	Cert. of W/R	<u>slu</u>	_____
	Per. Folder	_____	_____
	Chainindex	_____	_____
Cross Ref.	_____	_____	
Power Claim	_____	_____	
Abstracts	_____	_____	

T.1N. R.19E. W.M.



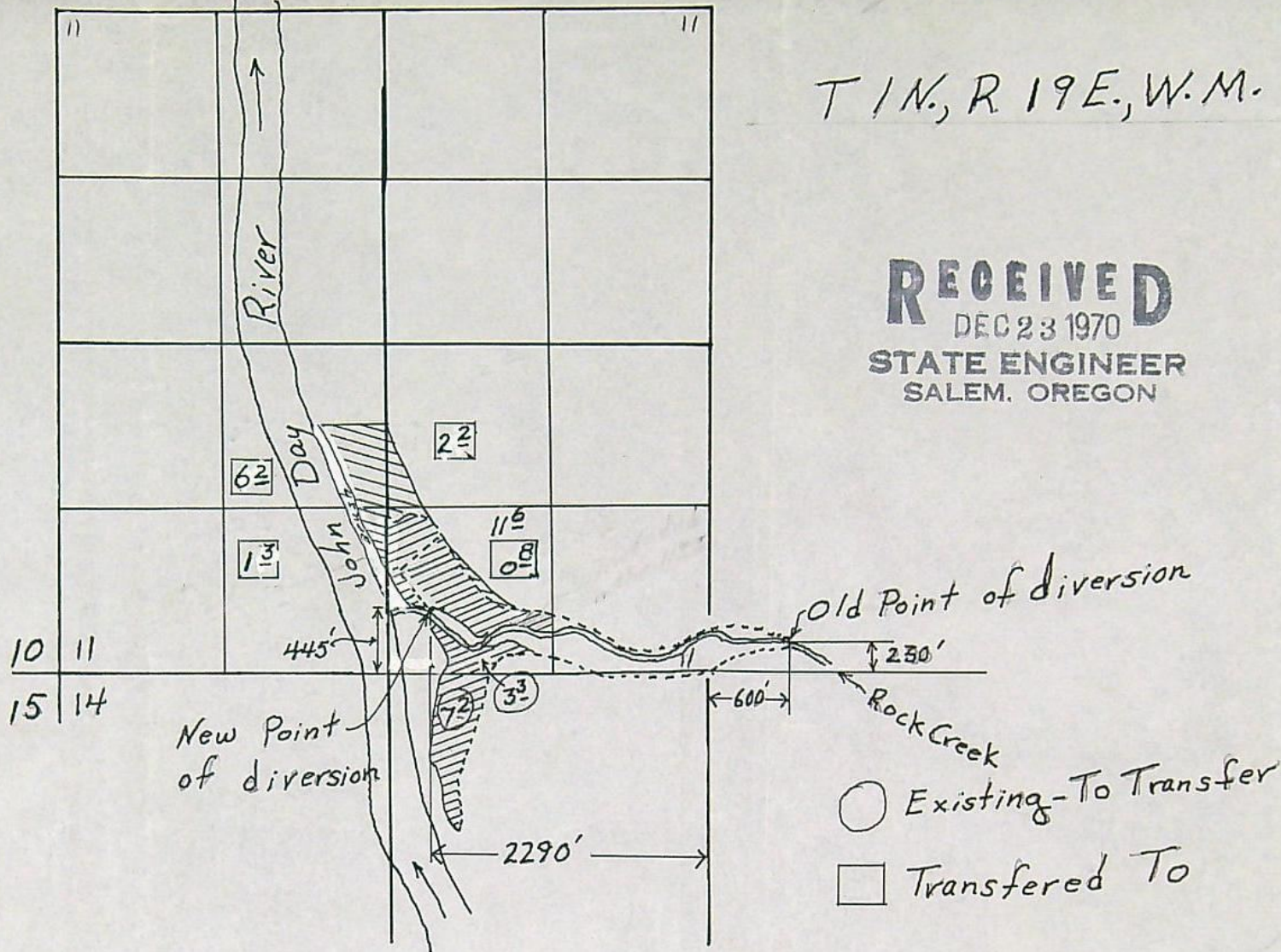
FINAL PROOF SURVEY
UNDER

Application No. _____ Transfer 2468
Permit No. _____
IN NAME OF
V. O. WEST

Surveyed April 2, 1974, by L. E. Gould

T 1 N., R 19 E., W. M.

RECEIVED
DEC 23 1970
STATE ENGINEER
SALEM, OREGON



Note: The 11⁶ ac. in the SW¹/₄ SE¹/₄ Sec. 11 will remain as shown except with new pt. of Diversion.

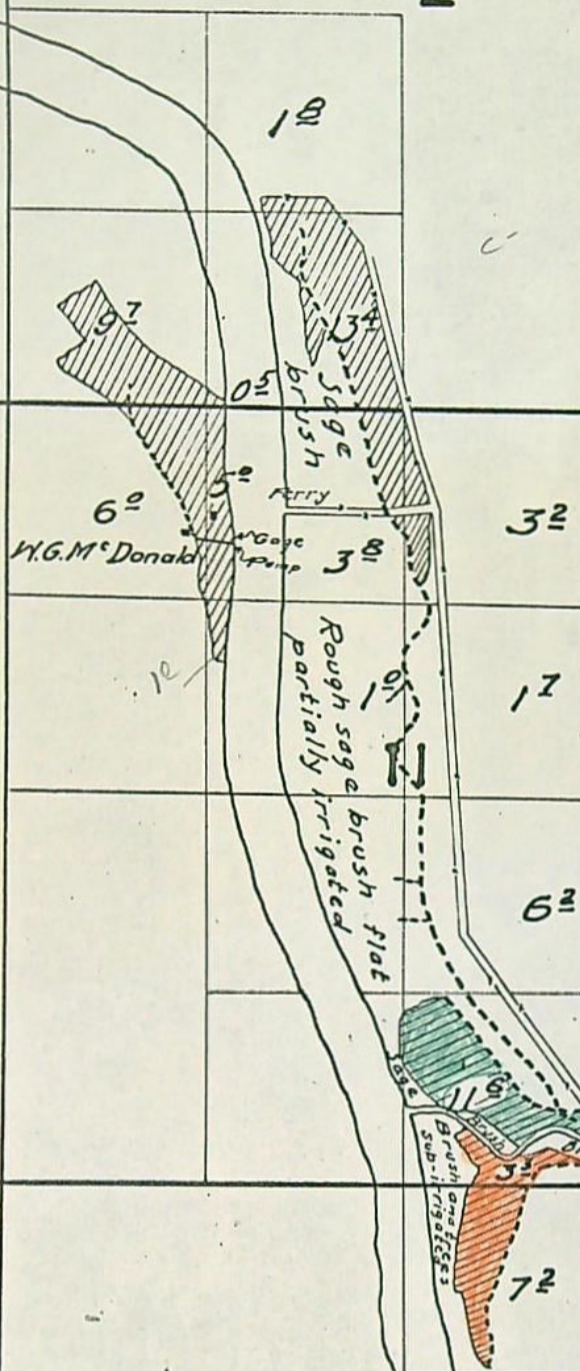
Scale: 4" = 1 mile

RECEIVED
JAN 13 1971
STATE ENGINEER
SALEM, OREGON

1N 19E

2

1



Surveyed May 21, 1926.

M.F. and E.L. Duncan

J.N. West

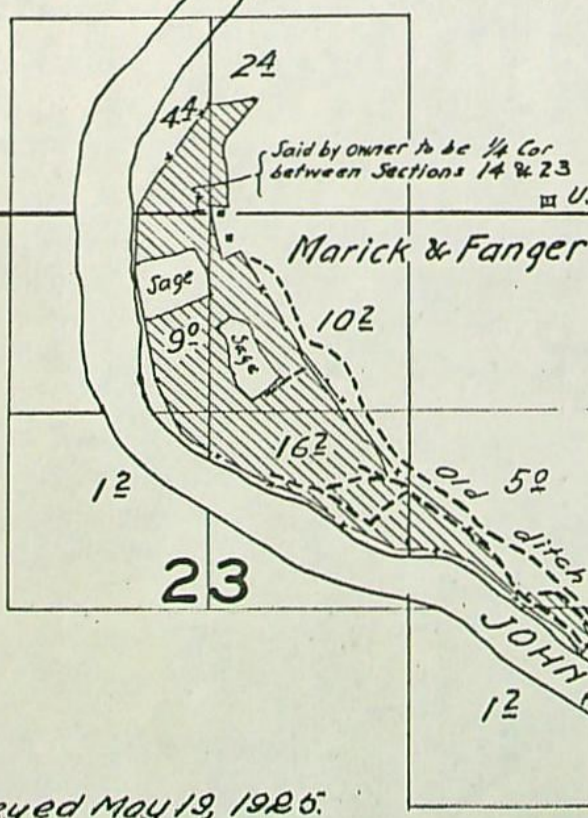
5°

16

Gage

13

14



RECEIVED
DEC 23 1970
STATE ENGINEER
SALEM, OREGON

RECEIVED
JAN 13 1971
STATE ENGINEER
SALEM, OREGON

T-2468

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, V. O. West
(Name of applicant)

of Arlington
(Postoffice), County of Gilliam

State of Oregon, do hereby make application for change Point of diversion

and place of use

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

1. The source of present water right is Rock Creek
(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 Ward Ditch

4. The point of diversion is located 230 ft. N and 600 ft. E from the NE
(N. or S.) (E. or W.)

corner of Section 14 being within the SW¹/₄SW¹/₄
(Section or subdivision)

of Section 12 Tp. 1N R. 19E W. M., in the County of Gilliam
(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
1N	19E	11															3.3	- C-25117 - 211 103
		14		7.2														
		11															11.6	- C-25116 - 211 Div. Pt. only

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

(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? 1869 and 1903

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

of permit

10. Do you hold a water right certificate? yes If so, give number of certificate 25116&25117
(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 River
(Yes or No)

12. Is the water right recorded in your name? No-Duncan, M. F.
(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 $\frac{1}{4}$
1N	19E	11									N.W. 6.2			N.W. 1.3		N.W. 2.2	N.W. 0.8	

(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 445 ft. N and 2290 ft. W from the SE
(N. or S.) (E. or W.)
corner of Sec. 11 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11 Tp. 1N R. 19E W. M.,
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)
in the county of Gilliam. The name of the ditch to be used is

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?

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 Better utilization of water from sprinkling
instead of flooding.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of

} ss.

I, V. O. West, 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 st day of Decamber, 19 70.

V. O. West

(Name of applicant)

Subscribed and sworn to before me this 21st day of December, 19 70.

[Notarial Seal]

Howard D. Daggett

NOTARY PUBLIC FOR OREGON

My commission expires 12-10-73

Remarks The 11.6 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 11 will be used on the same
land but irrigated from new point of diversion.

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.

BEFORE THE STATE ENGINEER OF OREGON

Gilliam County

IN THE MATTER OF THE APPLICATION)
OF V. O. WEST FOR THE APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
AND PLACE OF USE OF WATER FROM)
ROCK CREEK)

ORDER APPROVING
TRANSFER NO. 2468

On December 23, 1970, V. O. West filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from Rock 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 M. F. Duncan for the use of the waters of Rock Creek for the irrigation of 11.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 1 North, Range 19 East, W.M., with a date of priority of 1869. This right is evidenced by certificate of water right recorded at page 25116, Volume 17, State Record of Water Right Certificates.

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 M. F. Duncan for the use of the waters of Rock Creek for the irrigation of 3.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, and 7.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 1 North, Range 19 East, W.M., with a date of priority of 1903. This right is evidenced by certificate of water right recorded at page 25117, Volume 17, State Record of Water Right Certificates.

These lands are irrigated by means of the Ward Ditch from a

point of diversion located 230 feet north and 600 feet east from the NE corner of Section 14 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 1 North, Range 19 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use of 3.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11 and 7.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 1 North, Range 19 East, W.M., with a date of priority of 1903, to 6.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 1 North, Range 19 East, W.M. and irrigate these lands together with 11.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 1 North, Range 19 East, W.M, with a date of priority of 1869, from a point of diversion to be located 445 feet north and 2290 feet west from the SE corner of Section 11 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 1 North, Range 19 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 place of use and point of diversion of water, if any there were, namely: at the county courthouse in Condon, Oregon, on March 24, 1971, at 9:30 a.m. The notice was published in the Condon Globe-Times, a newspaper printed and having general circulation in Gilliam County, Oregon, for a period of three weeks in the issues of January 29, February 5 and 12, 1971. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Howard Daggett, Watermaster of District No. 4, has filed a report to the effect that the proposed change in place of use and 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 place of use and point of diversion may be made

without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 3.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, and 7.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, Township 1 North, Range 19 East, W.M., with a date of priority of 1903, be severed therefrom and simultaneously and without loss of priority transferred to 6.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 1 North, Range 19 East, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Rock Creek, to-wit:

From a point located 230 feet north and 600 feet east from the NE corner of Section 14 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 1 North, Range 19 East, W.M.

To a point to be located 445 feet north and 2290 feet west from the SE corner of Section 11 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 1 North, Range 19 East, W.M.

for the irrigation of 6.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, with a date of priority of 1903, and 11.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, with a date of priority of 1869, Section 11, Township 1 North, Range 19 East, W.M., is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1971.

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 and shall be limited to 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 point of diversion.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 certificates of water right heretofore issued to M. F. Duncan and recorded at pages 25116 and 25117, Volume 17, State Record of Water Right Certificates, are canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion and place of use, two certificates of water right shall be issued to V. O. West confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 29th day of March, 1971.

/s/ CHRIS L. WHEELER
State Engineer

NOTICE OF COMPLETE APPLICATION
OF WATER TO BENEFICIAL USE

RECEIVED
APR 16 1971
STATE ENGINEER
SALEM, OREGON

Transfer No. 2468

I, V. O. West hereby certify that
on Apr. 15, 1971, the water has been applied to the lands to
which the water right was transferred by an order of the State Engineer
dates March 29, 1971, approving an application for a change in place
of use of water from Rock Creek.

Apr. 15 - 1971
Date

V. O. West
Signature

RECEIVED
APR 16 1971
STATE ENGINEER
SALEM, OREGON

Transfer No. 2468

NOTICE OF COMPLETION OF CONSTRUCTION

I, V. O. West, hereby certify
that the construction work has been completed and the change in
point of diversion of water made as set forth in the order of
the State Engineer dated March 29, 1971, approving an appli-
cation for a change in point of diversion of water from _____
Rock Creek.

Apr. 15-1971
Date

V. O. West
Name

AFFIDAVIT OF PUBLICATION

RECEIVED
FEB 22 1971
STATE ENGINEER
SALEM OREGON

STATE OF OREGON, COUNTY OF GILLIAM, ss:

I, James W. Mahaffey
being first duly sworn, depose and say that I am the
Publisher of the
CONDON GLOBE-TIMES, a newspaper of general cir-
culation as defined by Sections 1-509, 1-510, Oregon Code
printed and published at Condon in the aforesaid county
and state; that the Notice of Filing, a printed
copy of which is hereto annexed, was published in the
entire issue of said newspaper for 3 successive
and consecutive weeks in the following issues:

January 29, 1971 February 12, 1971
February 5, 1971

James W. Mahaffey

Subscribed and sworn to before me this 19th
day of February 1971.

Barbara Anderson
Notary Public for Oregon
County Clerk

(My commission expires 12/31, 1974)

Received \$....., payment in full for publication of
above notice.

CONDON GLOBE-TIMES

By

NOTICE OF FILING
APPLICATION FOR A
CHANGE IN POINT OF
DIVERSION AND PLACE OF
USE OF WATER

Notice is given hereby that V. O. West has filed an application for the approval of a change in point of diversion and place of use of water from Rock Creek.

In the John Day River Adjudication proceedings, a water right was established in the name of M. F. Duncan for the use of the waters of Rock Creek for the irrigation of 11.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 1 N., R. 19 E., W.M., with a date of priority of 1869.

In the John Day River Adjudication proceedings, a water right was established in the name of M. F. Duncan for the use of the waters of Rock Creek for the irrigation of 3.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11 and 7.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, T. 1 N., R. 19 E., W.M., with a date of priority of 1903.

These lands are irrigated by means of the Ward Ditch from a point of diversion located 230 ft. N and 600 ft. E from the NE corner of Sec. 14 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12, T. 1 N., R. 19 E., W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use of 3.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11 and 7.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, T. 1 N., R. 19 E., W.M., with a date of priority of 1903, to 6.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11, T. 1 N., R. 19 E., W.M. and irrigate these lands together with 11.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 11 T. 1 N., R. 19 E., W.M., with a date of priority of 1869, from a point of diversion to be located 445 ft. N and 2290 ft. W from the SE corner of Sec. 11 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 11, T. 1 N., R. 19 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Condon, Oregon, on March 24, 1971, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on V. O. West, Arlington, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 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 21st day of January, 1971.

CHRIS L. WHEELER
State Engineer

Published January 29, February 5, 12, 1971. GT-9

A 21-4021-272-195
April 9, 1974
L. E. G.

272-195
C-date - 10/1/71

A-47877

102 NESW

152 SESW

REPORT ON INSPECTION UNDER
TRANSFER OF WATER RIGHT FOR
CHANGE IN POINT OF DIVERSION AND PLACE
OF USE OF WATER

Transfer No. 2468 County Gilliam

1. Name V. O. West Address Arlington, Oregon 97812

2. Source of Supply Rock Creek, Trib. of John Day River

3. Amount of Water _____ Priority Date 1869 and 1903

4. Use Irrigation

5. Proposed Point of Diversion 445 ft. N and 2290 ft. W from the SE corner of
Sec. 11 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 11, T.

1 N., R. 19 E., W.M.

6. Place of Use

4820' S, & 2170' W. from N.E. Cor. Sec. 11

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
1 N	19 E	11	SW$\frac{1}{4}$ SE$\frac{1}{4}$	3.3	
		14	NW$\frac{1}{4}$ NE$\frac{1}{4}$	7.2	
				Rock Cr. 1869 C-25116	Rock Cr. 1903 C-25117 Found Irrig.
		11	N.E. $\frac{1}{4}$ S.W. $\frac{1}{4}$		3.8
			S.E. $\frac{1}{4}$ S.W. $\frac{1}{4}$		1.2
			N.W. $\frac{1}{4}$ S.E. $\frac{1}{4}$		3.6
			S.W. $\frac{1}{4}$ S.E. $\frac{1}{4}$	11.6	3.3 13.8
		14	N.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$	7.2	0.0

Info: V. O. West

Div. Pt.: Deep hole in Rock Creek.

Pump: 20 H.P. U.S., 3 ph., ³⁶⁰⁰~~2570~~ R.P.M.
Dir. Dr. Goulds, Cent. 3" x 2"

Pipe: 1100' - 5" Alum. Main
2000' - 3" Alum. Lateral

Heads: 50 R.B. #30 - $\frac{3}{16}$

Lift: Suction 8' - 12' Disch. 3' - 5'

Crop: Alfalfa

Tie: Shown on Photo A21-41021-272-195.

Note: Boundaries of old adjudicated rights are not visible in the fields. Ditches have been filled in & all irrigation is accomplished by sprinkling.

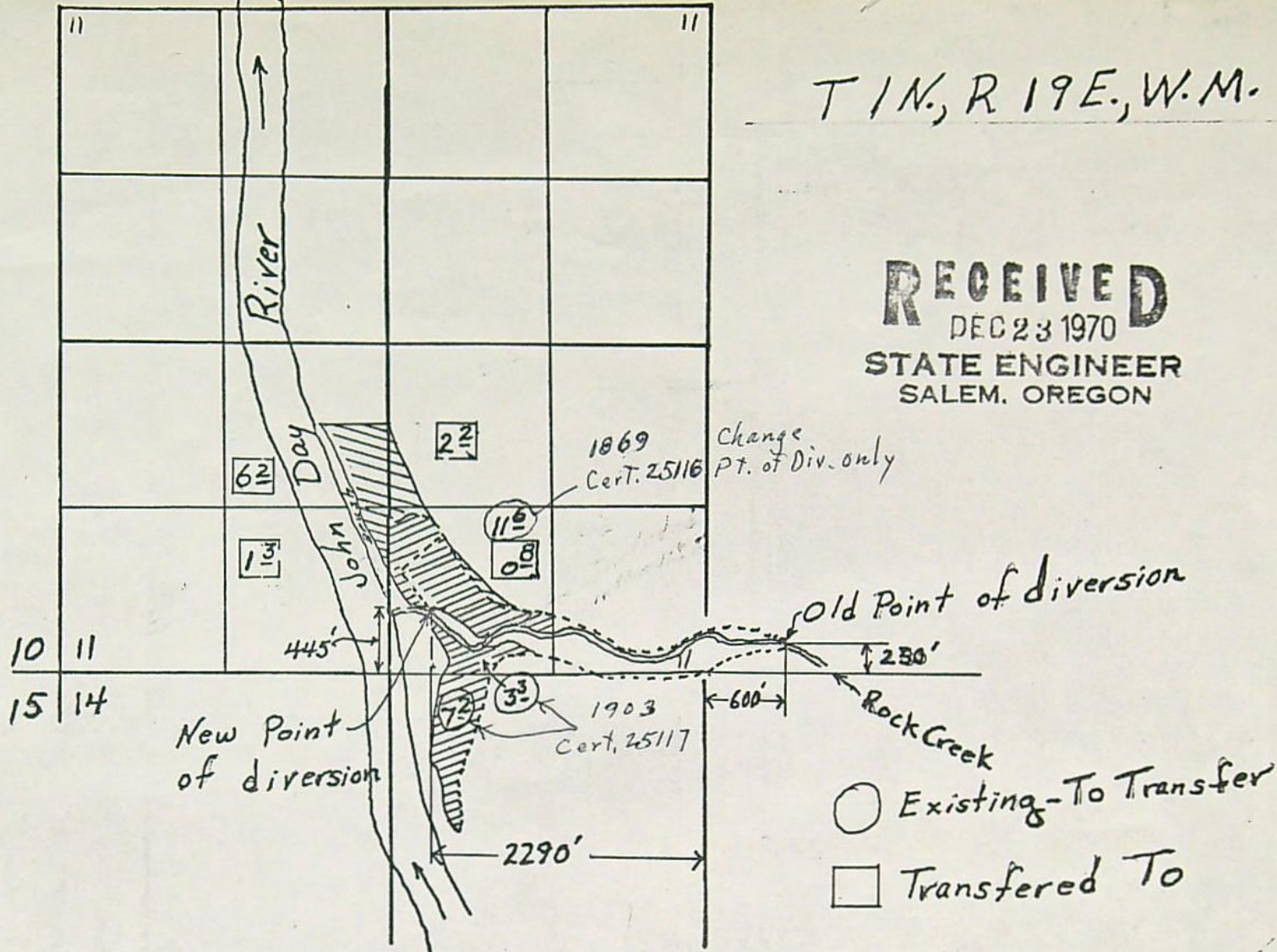
April 9, 1974, L. E. Gould
Field Engineer

T1N., R19E., W.M.

RECEIVED

DEC 23 1970

STATE ENGINEER
SALEM, OREGON



Note: The 11⁶ ac. in the SW¹/₄ SE¹/₄ Sec. 11 will remain as shown except with new pt. of Diversion.

Scale: 4" = 1 mile

RECEIVED

JAN 13 1971

STATE ENGINEER
SALEM, OREGON