

# STATUS OF APPLICATION

Change in Point of Diversion  
 Date filed January 22, 1971  
 Date of hearing October 6, 1971  
 Place of hearing Moro, Oregon  
 ✓ Date of order 4-28-78 Vol. 30, page 552  
 Date for application of water completed  
 Proof mailed **NOV 30 1999 MAR 10 2000**  
 Proof received \_\_\_\_\_  
 Certificate issued **MAY 24 2000** Vol. \_\_\_\_\_, page **76559**

*to survey 5/78*

*Surveyed 5/20/85*

# DESCRIPTION OF WATER RIGHT

Name of stream John Day River  
 Trib. of — County of Sherman  
 Use Irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 22<sup>3</sup>  
 Name of ditch —  
 Date of priority 1869  
 In name of M. F. Duncan  
John Day Riv. Adjudication, Vol. 15, page 494  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 25115  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by slu

*OK Cert*

# REMARKS

*WR on W.R. 15 7-16-84*

|          |                      |
|----------|----------------------|
| W.R. 15  |                      |
| Assessed | 8/8/84 by <u>ELH</u> |
| Entered  | _____ by _____       |
| Verified | _____ by _____       |

2473

# FEES PAID

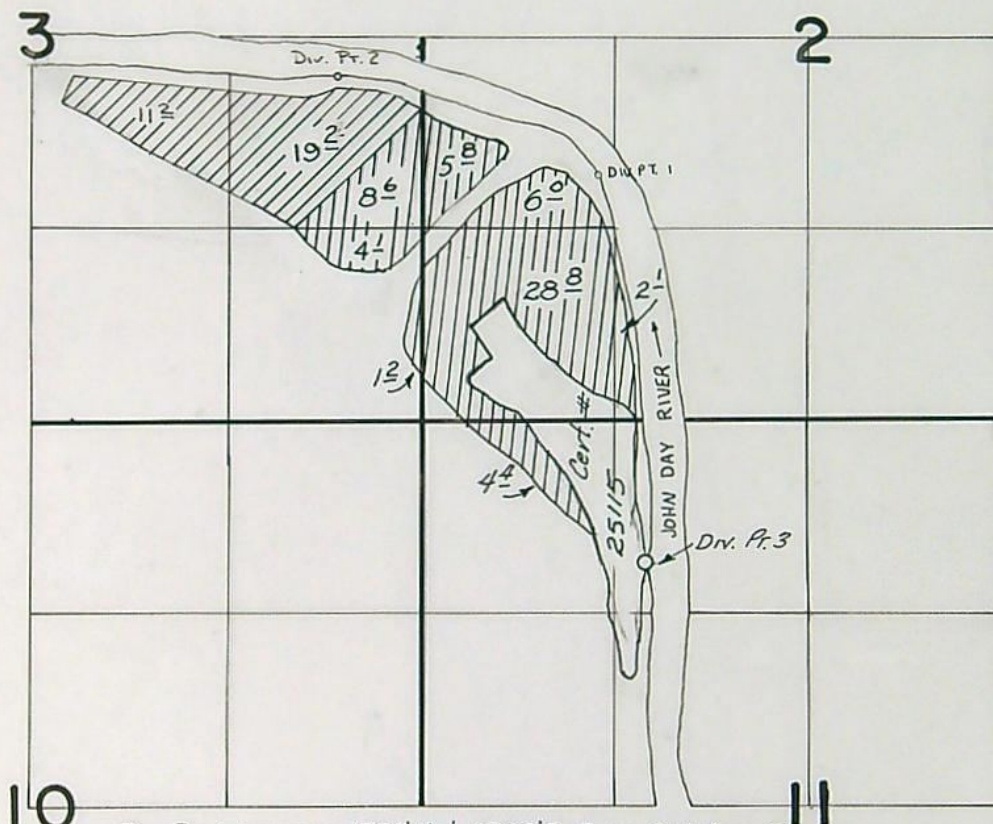
| Date     | Amount        | Receipt No.      |
|----------|---------------|------------------|
| 7-22-71  | 25.00         | 22399            |
| 1-22-71  | 30.00 PON     | 22400            |
| 10-27-71 | 7.60 PON      | 22400            |
| TOTAL    |               |                  |
| 10-27-71 | \$1 Cert. Fee | From Pub. 7 Net. |

# FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
|      |        |           |

| TO BE ENTERED WHERE CHECKED | INDEX CARDS: |         |
|-----------------------------|--------------|---------|
|                             | Entered      | Checked |
| ✓ Name                      | lg           | _____   |
| ✓ Stream                    | lg           | _____   |
| ✓ Pt. of Div.               | lg           | _____   |
| ✓ Calendar                  | lg           | _____   |
| ✓ Twp. & Ego.               | lg           | _____   |
| ✓ Decree-vault              | lg           | _____   |
| ✓ Decree-safe               | lg           | _____   |
| ✓ Cert. of W/R              | lg           | _____   |
| ✓ Per. Folder               | lg           | _____   |
| ✓ Chaindex                  | lg           | _____   |
| ✓ Cross Ref.                | lg           | _____   |
| ✓ Power Claim               | lg           | _____   |
| ✓ Abstracts                 | lg           | _____   |

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



Div. Pt. 1 LOCATED 1700' N. & 1200' E. FROM SW COR. SEC 2

Div. Pt. 2 LOCATED 2380' N. & 560' W. FROM SW COR. SEC 2

Div. Pt. 3 LOCATED 340' N. & 230' E. FROM NW 1/16 COR. SEC 11

Scale 1" = 1320'

## FINAL PROOF SURVEY

UNDER

47876

35877 (re mapped)

TRANSFER 2473

Application No. 58046 Permit No. 43721....

IN NAME OF

BIG SKY RANCH, INC.

Surveyed May...20, 1985., by V. Church.....

revised 10/8/98 JCB

272-195

5-2-78

County SHERMAN

2. Source of Supply John Day River, Trib. of Columbia River

4. Use irrigation

6. Place of Use C Date: Completed 5/78

[illegible]

A hand-drawn map on a grid showing a river and several numbered areas. The river is labeled "JOHN DAY RIVER" with an arrow pointing upwards. Areas are labeled with numbers: 11, 21, 5, 6, 2, 12, and 25. A point is labeled "Div. Pt. 2". A label "CERT. 46727" is present. A dashed line separates some areas. A label "DMPT 1" is near the river.

N

# FINAL PROOF SURVEY

## UNDER

TRANSFER 2473

Application No. **58046**, Permit No. **43721**....  
IN NAME OF

BIG SKY RANCH, INC.

Surveyed May...20, 1985., by V.Church.....

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

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:

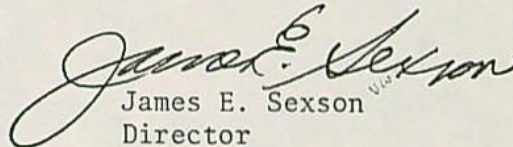
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to M. F. Duncan and recorded at page 25115, Volume 17, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued to the applicant herein.

Dated at Salem, Oregon, this 28th day of April, 1978.

  
James E. Sexson  
Director

**STATE OF OREGON**

COUNTY OF **SHERMAN**

**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** **M. F. DUNCAN**

of **Rock Creek**, State of **Oregon**, has a right to the use of  
the waters of **Rock Creek and 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 **441**; that the priority of the right thereby  
confirmed dates from **1869**

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:

9.7 acres in **SW 1/4** Section 2,  
0.5 acre in **SE 1/4** Section 2,  
5.0 acres in **NE 1/4** Section 11,  
6.0 acres in **SE 1/4** Section 11,  
1.0 acre in **SE 1/4** Section 11,  
**T. 1 N., R. 19 E., W. 4 E.**

**Rock 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.

**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; total of five acre-feet per  
acre for season, measured at point of diversion

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**, **1939**.

**LEWIS A. STANLEY**

State Engineer

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

SHERMAN COUNTY

IN THE MATTER OF THE APPLICATION )  
OF BIG SKY RANCH, INC. FOR AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 2473

On January 22, 1971, an application was filed in the office of the Water Resources Director by Big Sky Ranch, Inc. for approval of a change in point of diversion from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 25115, Volume 17, State Record of Water Right Certificates, in the name of M. F. Duncan, describes a right which includes the use of water from John Day River for irrigation of 9.7 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.5 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2; 5.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 6.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , and 1.0 acre in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, Township 1 North, Range 19 East, W.M., with a date of priority of 1869.

The authorized point of diversion for said right is located 940 feet South and 1520 feet East from the Northwest Corner of Section 11, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, Township 1 North, Range 19 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1640 feet North and 1240 feet East from the Southwest Corner of Section 2, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 1 North, Range 19 East, W.M.

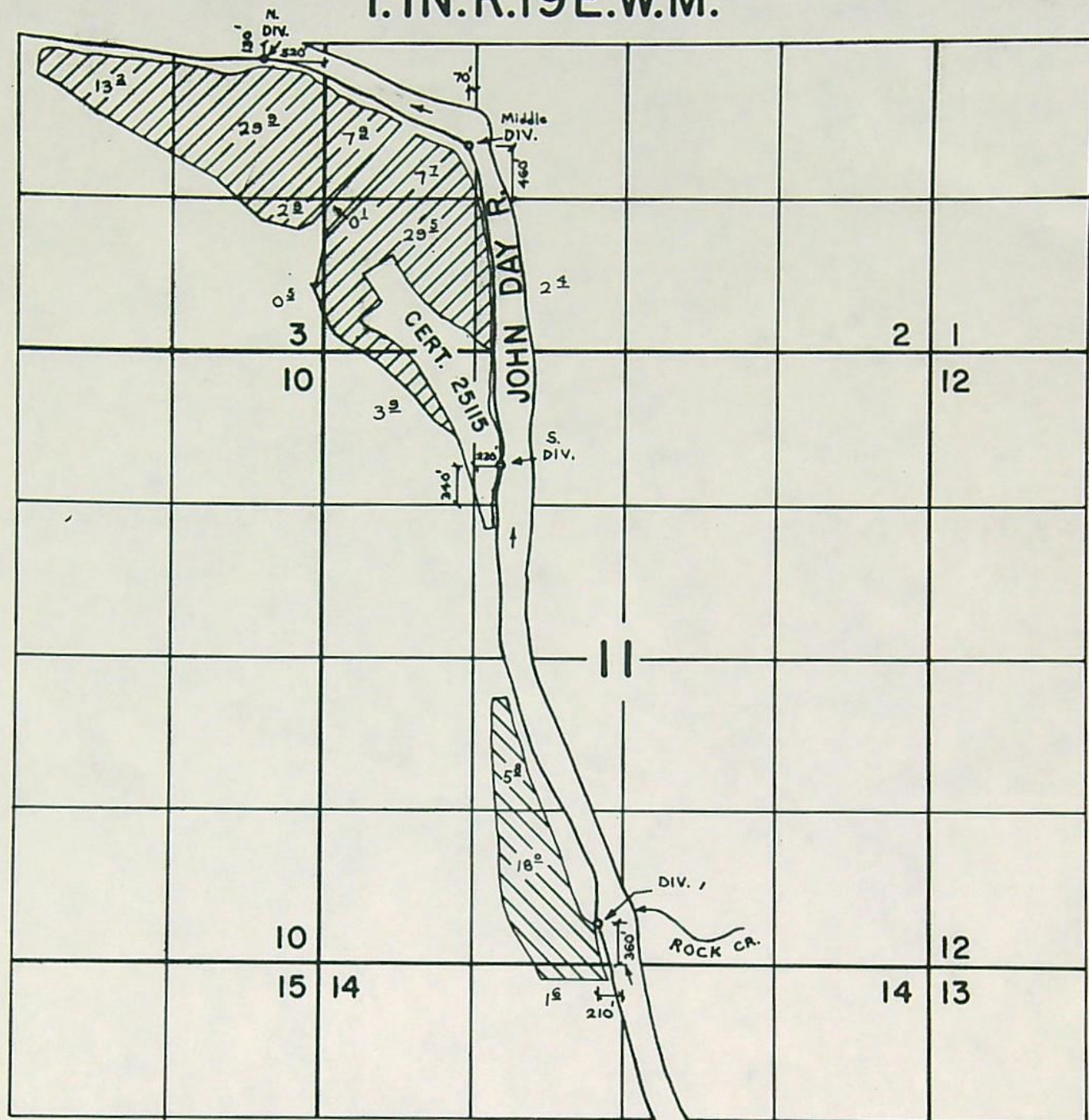
Notice of the application, pursuant to ORS 540.510, was published in the Sherman County Journal, a newspaper printed and having general circulation in Sherman County, Oregon, for a period of three weeks in the issues of August 12, 19 and 26, 1971.

Mr. Howard Daggett, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion as described herein, without loss of priority, is approved.

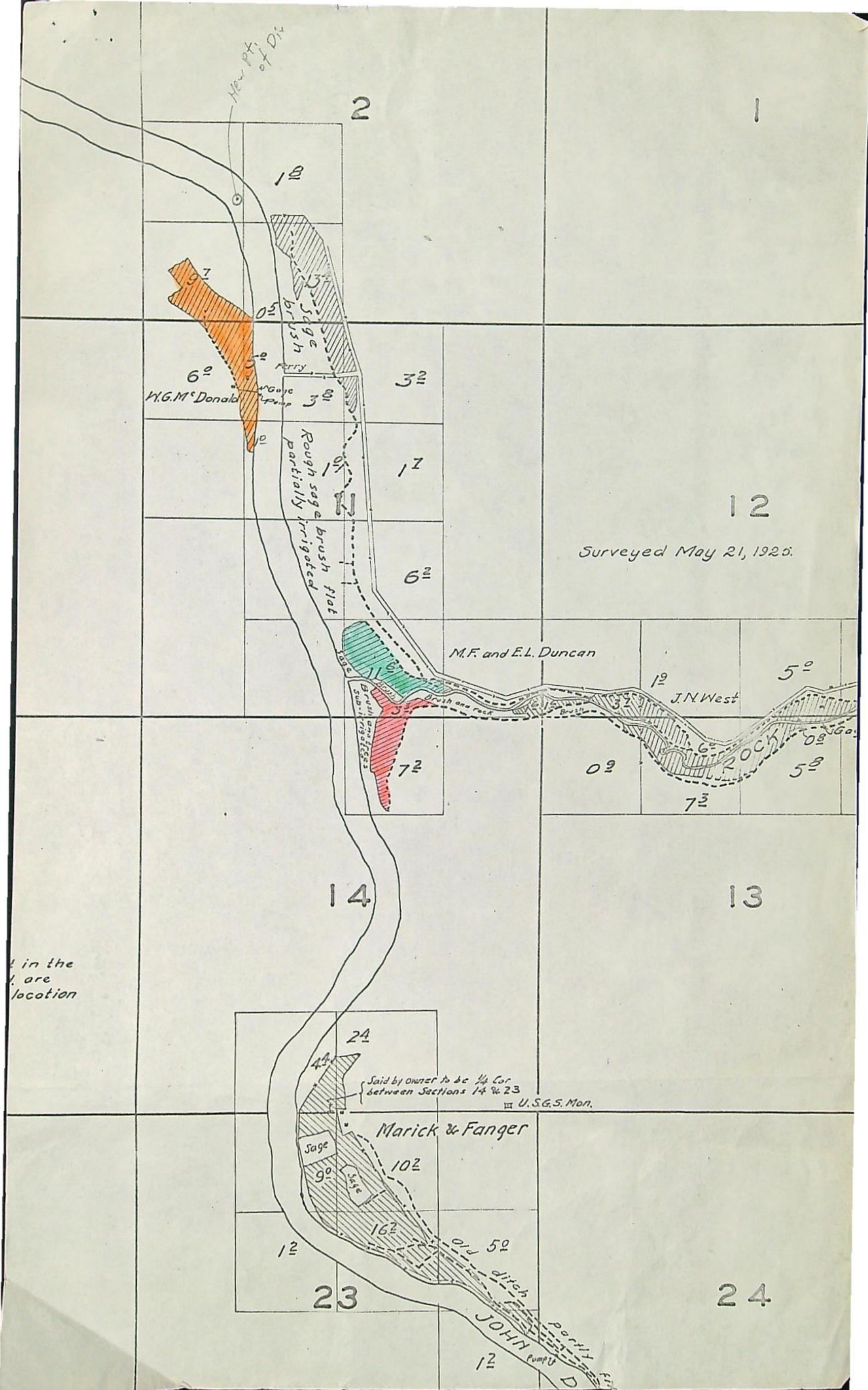
T.1N.R.19E.W.M.



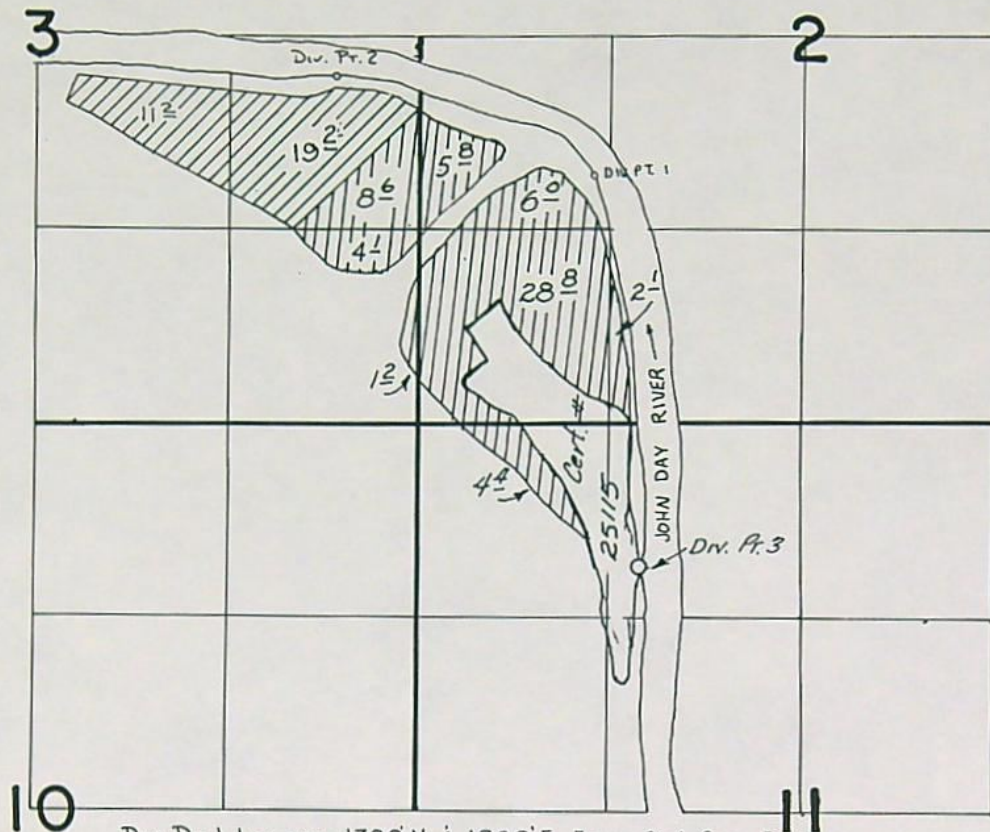
**FINAL PROOF SURVEY**  
UNDER

47876                      35877  
Application No. 47877 Permit No. 35878  
IN NAME OF  
**BIG SKY RANCH INCORPORATED**

Surveyed July 13, 1976, by B.G. Mucken.



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



Div. Pt. 1 LOCATED 1700' N. & 1200' E. FROM SW COR. SEC 2

Div. Pt. 2 LOCATED 2380' N. & 560' W. FROM SW COR. SEC 2

Div. Pt. 3 LOCATED 340' N. & 230' E. FROM NW  $\frac{1}{16}$  COR. SEC 11

N  
Scale 1" = 1320'

## FINAL PROOF SURVEY

UNDER

47876

35877 (re mapped)

TRANSFER 2473

Application No. 58046 Permit No. 43721....

IN NAME OF

BIG SKY RANCH, INC.

Surveyed May...20, 1985., by V. Church.....

revised 10/8/98

STATE OF OREGON  
COUNTY OF SHERMAN  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BIG SKY RANCH, INC.  
C/O DAVID SCHLECHT  
5701 NE 88TH  
VANCOUVER, WA 98665

confirms the right to use the waters of ROCK CREEK AND JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION.

This right was confirmed by decree of the Circuit Court of the State of Oregon for GRANT COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at Page 461. The date of priority is 1869.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed:

ROCK 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 SEPTEMBER 30, MEASURED AT POINT OF DIVERSION; AND

JOHN DAY RIVER - 1/40 CUBIC FOOT PER SECOND PER ACRE IRRIGATED FROM APRIL 1 TO SEPTEMBER 30; FURTHER LIMITED TO ONE ACRE-FOOT PER ACRE PER CALENDAR MONTH; TOTAL OF FIVE ACRE FEET PER ACRE FOR SEASON MEASURED AT POINT OF DIVERSION.

The point of diversion is located as follows:

NE 1/4 NW 1/4, SECTION 11, T 1 N, R 19 E, W.M.; 340 FEET NORTH AND 230 FEET EAST FROM THE NW 1/16TH CORNER OF SECTION 11.

A description of the place of use to which this right is appurtenant is as follows:

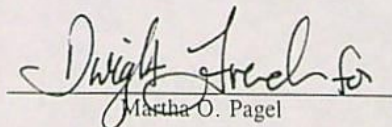
|                                       |           |
|---------------------------------------|-----------|
| SW 1/4 SW 1/4                         | 9.7 ACRES |
| SE 1/4 SW 1/4                         | 0.5 ACRE  |
| SECTION 2                             |           |
|                                       |           |
| NE 1/4 NW 1/4                         | 5.0 ACRES |
| NW 1/4 NW 1/4                         | 6.0 ACRES |
| SE 1/4 NW 1/4                         | 1.0 ACRE  |
| SECTION 11                            |           |
| TOWNSHIP 1 NORTH, RANGE 19 EAST, W.M. |           |

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered APRIL 28, 1978, and supersedes Certificate 25115, State Record of Water Right Certificates.

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 Water Resources Director, affixed MAY 24, 2000.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76559.

STATE OF OREGON  
COUNTY OF SHERMAN  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

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C/O DAVID SCHLECHT  
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JOHN DAY RIVER - 1/40 CUBIC FOOT PER SECOND PER ACRE IRRIGATED FROM APRIL 1 TO SEPTEMBER 30; FURTHER LIMITED TO ONE ACRE-FOOT PER ACRE PER CALENDAR MONTH; TOTAL OF FIVE ACRE FEET PER ACRE FOR SEASON MEASURED AT POINT OF DIVERSION.

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A description of the place of use to which this right is appurtenant is as follows:

|               |           |
|---------------|-----------|
| SW 1/4 SW 1/4 | 9.7 ACRES |
| SE 1/4 SW 1/4 | 0.5 ACRE  |

SECTION 2

|               |           |
|---------------|-----------|
| NE 1/4 NW 1/4 | 5.0 ACRES |
| NW 1/4 NW 1/4 | 6.0 ACRES |
| SE 1/4 NW 1/4 | 1.0 ACRE  |

SECTION 11

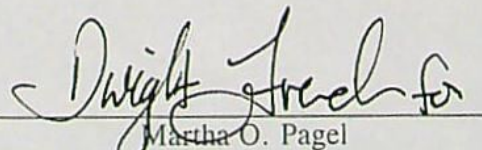
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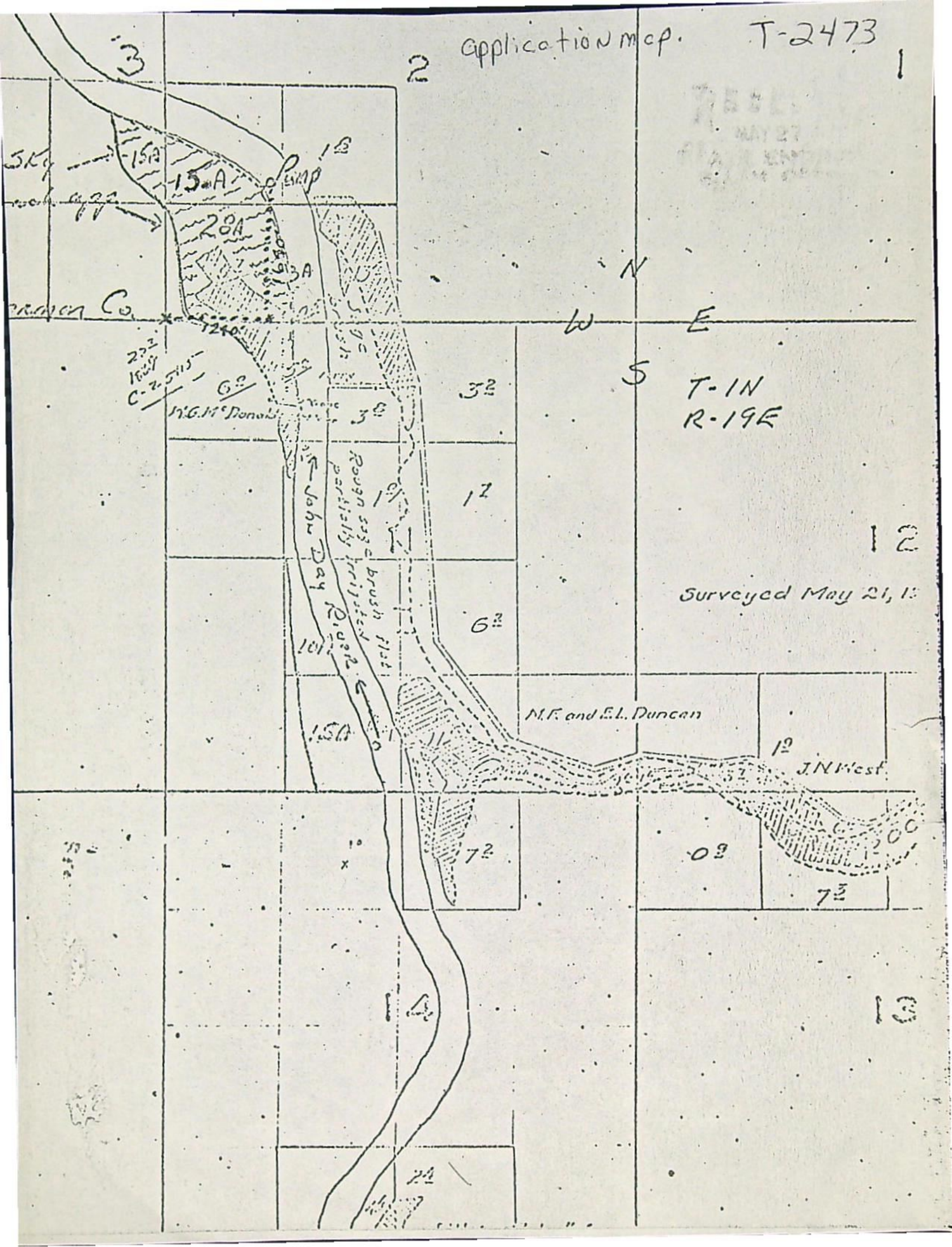
WITNESS the signature of the Water Resources Director, affixed MAY 24, 2000.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76559.

application map.

T-2473



## STATE OF OREGON

COUNTY OF SHERMAN

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That M. F. DUNCAN

of Rock Creek, State of Oregon, has a right to the use of  
the waters of Rock Creek and 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 1869

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:

9.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
0.5 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
Section 2,  
5.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
6.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
1.0 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 11,  
T. 1 N., R. 19 E., W. M.

## Rock 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.

## 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; total of five acre-feet per acre for season, measured at point of diversion

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 25115

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
SHERMAN COUNTY

IN THE MATTER OF THE APPLICATION )  
OF BIG SKY RANCH, INC. FOR AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 2473

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The authorized point of diversion for said right is located 940 feet South and 1520 feet East from the Northwest Corner of Section 11, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, Township 1 North, Range 19 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1640 feet North and 1240 feet East from the Southwest Corner of Section 2, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, Township 1 North, Range 19 East, W.M.

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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 requested change in point of diversion as described herein, without loss of priority, is approved.

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

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:

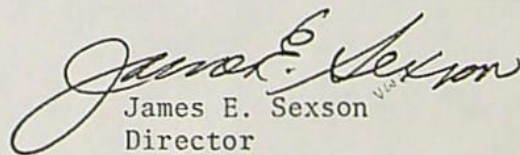
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to M. F. Duncan and recorded at page 25115, Volume 17, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued to the applicant herein.

Dated at Salem, Oregon, this 28th day of April, 1978.

  
James E. Sexson  
Director

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, BIG SKY RANCH, INC. (Arlington, Oregon - Sherman county)  
(Name of applicant)  
of Lake Oswego, Oregon, County of Clackamas  
(Postoffice)  
State of Oregon, do hereby make application for change in 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 Pump
4. The point of diversion is located 940 ft. S and 1520 ft. E from the NW  
(N. or S.) (E. or W.)  
corner of Sec. 11 being within the NE 1/4, NW 1-4  
(Section or subdivision)  
of Section 11 Tp. 1N R. 19E W. M., in the County of Sherman  
(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   | 2    |        |        |        |        |        |        |        |        |        |        | 9.7    | 0.5    |        |        |        |        |
| 1N   | 19E   | 11   |        |        |        |        | 5.0    | 6.0    |        | 1.0    |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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? .....
8. What is the date of priority of your water right? 1869
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 25115 (V1.17)  
(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 Adjudication  
(Yes or No) 11-10-56 Grant

12. Is the water right recorded in your name? No - M. F. Duncan  
(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.

NEW POINT FROM MAP

14. The proposed point of diversion is located 1640 ft. N and 1240 ft. E from the SW  
(N. or S.) (E. or W.)  
corner of Sec. 2 being within the NW $\frac{1}{4}$ , SW 1-4 of Section 2 Tp. 19N R. 19E W. M.,  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
in the county of Sherman 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?

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? No

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.? No  
(Answer Yes or No)

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

| NATURE OF ENCUMBRANCE | HELD BY    | AMOUNT      |
|-----------------------|------------|-------------|
| Mortgage              | A. Merritt | \$26,667.00 |
|                       |            |             |

20. Reasons for the proposed changes are

In order to properly irrigate diversion located at mid point of  
acreage, to pump both ways.

AFFIDAVIT OF APPLICANT

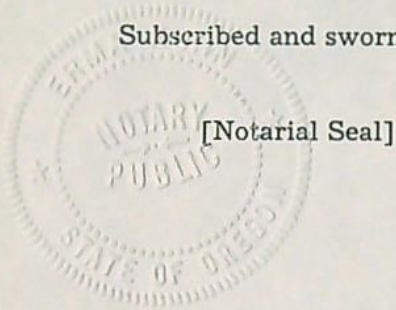
STATE OF OREGON,  
County of Clackamas } ss.

I, BIG SKY RANCH, INC. by JOHN G. EMERY, 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 26th day of MAY, 19 71

BIG SKY RANCH, INC. by [Signature]  
(Name of applicant)

Subscribed and sworn to before me this 26<sup>th</sup> day of May, 19 71



[Signature]  
NOTARY PUBLIC FOR OREGON  
My commission expires My Commission Expires Mar. 14, 1972

Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

Claim No. 1

RECEIVED  
FEB 3 1971  
STATE ENGINEER  
SALEM, OREGON

SALEM.

JUL 28 1927

OREGON

# BEFORE THE STATE ENGINEER OF OREGON

Gilliam County

In the Matter of the Determination of the Relative Rights  
to the Waters of JOHN DAY RIVER and its Tributaries,  
a Tributary of Columbia River.

## STATEMENT AND PROOF OF CLAIM

#1

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

I, the undersigned, of Rock Creek, Oregon, being called as a witness  
in support of this statement of claim, and being first duly sworn, testify as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of  
incorporation and the authority by which you make this proof.

A.— M. F. Duncan, Rock Creek, Oregon.

(If this proof is made by you as agent, or attorney, the written

authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof?  
If from a tributary, give its name.

A.— Rock Creek and the John Day River.

3. Q.—What is the nature of the right or use on which this claim to the waters of said  
stream is based?

A.— Irrigation

(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.— By appropriation, diversion and use of water.

(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— 1869

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said  
right? Answer fully, attaching separate sheet if necessary.

A.— By constructing dam, ditches and flumes and irrigating the land.

Water from Rock Creek was originally flumed across the John Day River and irrigated.

the land in the SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> Sec. 2. and land on the west side of the river in the

Northwest quarter of section 11. Water is now pumped direct from the John Day  
River for the land on the west side of the river.

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.— 1869

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most  
commonly known, if a ditch is used.

A.— by means of dam, ditches and flume known as the *Jackson* and Leonard

ditches.

9. Q.—State the interest claimant has in such ditch, with the names of any other water users  
interested therein.

A.— owner.

375

[Proof No. ....]

10. Q.—State the date of the beginning of construction. A.—1867

11. Q.—State the date of completion. A.— 1872

12. Q.—State the dimensions of the ditch canal or pipe line as originally constructed, just below the wasteway or headgate.

A.—Width (top) 2.5 feet; width (bottom) 2.0 feet;  
depth 1.0 feet; grade, or fall in feet per 1,000 feet, 2.0 feet.

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged.

A. —No enlargement.

First enlargement—Width (top) .....feet; width (bottom) .....feet;  
depth .....feet; grade, or fall per 1,000 feet, .....feet.

Second enlargement—Width (top) ..... feet; width (bottom) ..... feet;  
depth ..... feet; grade, or fall per 1,000 feet, ..... feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate. A.—33.8 acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year. A.—..... probably all irrigated the first year.

16. Q.—How many acres were irrigated each subsequent year up to and including the present year? A.—

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

A. —

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A.—

[illegible]

Total.....33.2..... acres.

19. Q.—State the character of the soil and kind of crops cultivated.

A. — Sandy loam. Alfalfa, grain, Garden crops, corn, etc.

20. Q.—When does the irrigating season begin and when does it end, and if water is used for other purposes, during what months is it used?

A. — March 1st to September 30th.

21. Q.—What amount of water do you estimate is necessary for the proper irrigation of the lands which you are irrigating or propose to irrigate, or for any other purpose for which a right is claimed?

A. — 4 acre feet per acre.

22. Q.—Do you accept the maps prepared by the State Engineer as showing correctly the location of said ditch and the lands irrigated therefrom?

NOTE.—In case there is objection to the official plat or a part thereof the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the State Engineer a map covering the part objected to, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen preferably on a scale of four inches to the mile (20 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated. Such map should correspond in size to legal cap paper so as to be easily filed with the claim.

A. — Yes.

23. Q.—If water is used for power, state the total fall utilized and the theoretical (not actual) horsepower developed.

NOTE.—Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 8.8 (one cubic foot per second falling 8.8 feet equals one theoretical horsepower).

A. —

24. Q.—Describe the nature of the works by which the power is developed, the place where located, and state whether the water is returned to the stream after use and at what point.

A. —

25. Q.—If for mining purposes, describe the location and character of the mines to be served and state whether after use the water is returned to the stream and at what point.

A. —

26. Q.—If water is used for mining or power purposes, state whether there are any diversions between the point of your diversion and the return of such water to the stream.

A. —

27. Q.—Give description of your land as it appears in your deed. (Attach separate sheet if necessary.)

A. — S $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 2, N $\frac{1}{2}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 11, and SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 12, T. 1 N. R. 19 E. and other land adjoining.

28. Q.—What interest have you in the lands irrigated or place where the water is used?

A. — owner.

29. Q.—What additional evidence have you attached hereto or submitted herewith?

A. — None.

(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own should attach to its proof a complete list of the persons owning the lands so supplied with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit should be attached to this proof and marked for identification as exhibit "A," "B," "C," etc.)

I hereby certify upon oath that the foregoing statement and answers are true as I verily believe.

*M. F. Duncan*

Signature of Claimant, or Agent Making Proof.

Subscribed and sworn to before me this 12th day of July, 1927.

*Robert J. Simpson*

[or]

Notary Public for Oregon.

My commission expires Apr 26, 1931

#### AUTHORIZATION OF AGENT

I, \_\_\_\_\_, of \_\_\_\_\_,  
State of \_\_\_\_\_, do hereby make and appoint \_\_\_\_\_,  
\_\_\_\_\_, my agent  
and attorney for me and in my name, place and stead, to make and submit the within Statement  
and Proof of Claim.\*

And I hereby designate said agent as the proper party upon whom lawful and valid service may be made of all process and notices in any contest commenced by or against me, in the within entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as my true and lawful agent and attorney, giving and granting unto my said attorney full power and authority to do and perform all and every act necessary and requisite to be done in the premises, as fully as I might or could do if personally present, hereby ratifying and confirming all my said agent shall lawfully do by virtue of this power.

\_\_\_\_\_  
Signature of Claimant.

\* Claimant should cross out the second paragraph of the Authorization if he does not desire the agent to appear for him in the proceeding after the filing of this claim.

Filed, July 28, 1927.

Fees paid

Irrigation \_\_\_\_\_ acres, \$ \_\_\_\_\_

Power, \_\_\_\_\_ H. P., \$ \_\_\_\_\_

Other use, \_\_\_\_\_, \$ \_\_\_\_\_

Recording certificates, \$ \_\_\_\_\_

Total, \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_

*Rhea L. Lyles*  
State Engineer.

RECEIVED  
FEB 8 1971  
STATE ENGINEER  
SALEM OREGON

Claim No. 2.

STATE ENGINEER  
RECEIVED  
JUL 28 1927  
SALEM  
OREGON

## BEFORE THE STATE ENGINEER OF OREGON

Gilliam County

In the Matter of the Determination of the Relative Rights  
to the Waters of JOHN DAY RIVER and its Tributaries,  
a Tributary of Columbia River.

### STATEMENT AND PROOF OF CLAIM

#2.

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

I, the undersigned, of Rock Creek, Oregon, being called as a witness  
in support of this statement of claim, and being first duly sworn, testify as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of  
incorporation and the authority by which you make this proof.

A.— M. F. Duncan, Rock Creek, Oregon.

(If this proof is made by you as agent, or attorney, the written

authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof?  
If from a tributary, give its name.

A.— Rock Creek, tributary of John Day River.

3. Q.—What is the nature of the right or use on which this claim to the waters of said  
stream is based?

A.— Irrigation.

(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.— by appropriation, diversion and use of water.

(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— 1903

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said  
right? Answer fully, attaching separate sheet if necessary.

A.— by constructing dam and ditch and appropriating and using the water.

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.— 1903

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most  
commonly known, if a ditch is used.

A.— by means of dam and ditch known as the Ward ditch.

9. Q.—State the interest claimant has in such ditch, with the names of any other water users  
interested therein.

A.— owner.

[Proof No. 376]

10. Q.—State the date of the beginning of construction. A.—1903

11. Q.—State the date of completion. A.—1906

12. Q.—State the dimensions of the ditch canal or pipe line as originally constructed, just below the wasteway or headgate.

A.—Width (top) .....2.0.....feet; width (bottom) .....1.5.....feet;  
depth .....0.5.....feet; grade, or fall in feet per 1,000 feet, .....2.5.....feet.

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged.

A. — no enlargement.

First enlargement—Width (top) .....feet; width (bottom) .....feet;  
depth .....feet; grade, or fall per 1,000 feet, .....feet.

Second enlargement—Width (top) ..... feet; width (bottom) ..... feet;  
depth ..... feet; grade, or fall per 1,000 feet, ..... feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate. A.—10.5 acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year. A.—Probably all irrigated the first year.

16. Q.—How many acres were irrigated each subsequent year up to and including the present year? A.—.....

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

A. — .....

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A.—

[illegible]

Total.....10.5.....acres.

19. Q.—State the character of the soil and kind of crops cultivated.

A. — Sandy loam. Alfalfa, grain, garden crops, etc. Orchard.

20. Q.—When does the irrigating season begin and when does it end, and if water is used for other purposes, during what months is it used?

A. — March 1st to September 30th.

21. Q.—What amount of water do you estimate is necessary for the proper irrigation of the lands which you are irrigating or propose to irrigate, or for any other purpose for which a right is claimed?

A. — 4 acre feet per acre.

22. Q.—Do you accept the maps prepared by the State Engineer as showing correctly the location of said ditch and the lands irrigated therefrom?

NOTE—In case there is objection to the official plat or a part thereof the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the State Engineer a map covering the part objected to, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen preferably on a scale of four inches to the mile (20 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated. Such map should correspond in size to legal cap paper so as to be easily filed with the claim.

A. — Yes.

23. Q.—If water is used for power, state the total fall utilized and the theoretical (not actual) horsepower developed.

NOTE—Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 8.8 (one cubic foot per second falling 8.8 feet equals one theoretical horsepower).

A. —

24. Q.—Describe the nature of the works by which the power is developed, the place where located, and state whether the water is returned to the stream after use and at what point.

A. —

25. Q.—If for mining purposes, describe the location and character of the mines to be served and state whether after use the water is returned to the stream and at what point.

A. —

26. Q.—If water is used for mining or power purposes, state whether there are any diversions between the point of your diversion and the return of such water to the stream.

A. —

27. Q.—Give description of your land as it appears in your deed. (Attach separate sheet if necessary.)

A. —  $\frac{1}{2}$  SW $\frac{1}{4}$  Sec. 2, N $\frac{1}{2}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$  E $\frac{1}{2}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 11, and

SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 12, T. 1N., R. 1E., and other land adjoining.

28. Q.—What interest have you in the lands irrigated or place where the water is used?

A. — Owner.

29. Q.—What additional evidence have you attached hereto or submitted herewith?

A. — None.

(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own should attach to its proof a complete list of the persons owning the lands so supplied with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit should be attached to this proof and marked for identification as exhibit "A," "B," "C," etc.)

I hereby certify upon oath that the foregoing statement and answers are true as I verily believe.

*M. F. Duncan*  
Signature of Claimant, or Agent Making Proof.

Subscribed and sworn to before me this 12th day of July, 1927.

*Robert J. Simpson*  
[or]

Notary Public for Oregon.

My commission expires Apr 26, 1931

#### AUTHORIZATION OF AGENT

I, \_\_\_\_\_, of \_\_\_\_\_,  
State of \_\_\_\_\_, do hereby make and appoint \_\_\_\_\_  
\_\_\_\_\_, of \_\_\_\_\_, my agent  
and attorney for me and in my name, place and stead, to make and submit the within Statement  
and Proof of Claim.\*

And I hereby designate said agent as the proper party upon whom lawful and valid service  
may be made of all process and notices in any contest commenced by or against me, in the within  
entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as  
my true and lawful agent and attorney, giving and granting unto my said attorney full power and  
authority to do and perform all and every act necessary and requisite to be done in the premises,  
as fully as I might or could do if personally present, hereby ratifying and confirming all my said  
agent shall lawfully do by virtue of this power.

\_\_\_\_\_  
Signature of Claimant.

\* Claimant should cross out the second paragraph of the Authorization if he does not desire the agent to appear for  
him in the proceeding after the filing of this claim.

Filed, July 28, 1927.

Fees paid:

6.60  
Irrigation 44.3 acres, \$ 5.10

Power, \_\_\_\_\_ H. P., \$ \_\_\_\_\_

Other use, \_\_\_\_\_, \$ \_\_\_\_\_

Recording certificates, \$ 2.00

Total, \$ 7.10 8.60

Receipt No. 6261-6260

*Rhea Luper*  
State Engineer.

## STATE OF OREGON

COUNTY OF

SHERMAN

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

BIG SKY RANCH, INC.

of 113 Foothills Road, Lake Oswego, State of Oregon, 97034, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of John Day River

a tributary of Columbia River  
irrigation of 25.4 acres

for the purpose of

under Permit No. 35878 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from January 22, 1971

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.64 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 11, T. 1 N., R. 19 E., W. M.; 360 feet North and 210 feet West from S $\frac{1}{4}$  Corner, Section 11.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

5.8 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
18.0 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 11

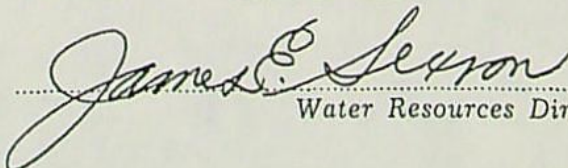
1.6 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 14

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

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. October 20, 1978

  
Water Resources Director

## STATE OF OREGON

COUNTY OF

SHERMAN

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

BIG SKY RANCH, INC.

of 113 Foothills Road, Lake Oswego, State of Oregon, 97034, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of John Day River

a tributary of Columbia River for the purpose of irrigation of 61.0 acres

under Permit No. 35877 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 27, 1971

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.5 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 3, NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, T. 1 N., R. 19 E., W. M.; Middle diversion - 460 feet North and 70 feet West from SE Corner, NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2; North diversion - 130 feet South and 520 feet West from E $\frac{1}{4}$  Corner, Section 3; South diversion - 340 feet North and 230 feet East from SW Corner, NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

15.6 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
29.6 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
2.4 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 2

6.1 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
3.4 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 3

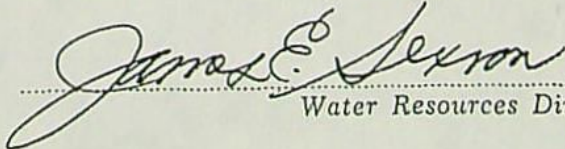
3.9 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 11

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

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. October 20, 1978

  
Water Resources Director

## Affidavit of Publication

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

Notice is given hereby that Big Sky Ranch, Inc. 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 M. F. Duncan for the use of the waters of John Day River for the irrigation of 9.7 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ , 0.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 2, 5.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 6.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , and 1.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 11, T. 1 N., R. 19 E., WM., with a date of priority of 1869. These lands are irrigated from a point of diversion located 940 ft. S and 1520 ft. E from the NW corner of Sec. 11 being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 11, T. 1 N., R. 19 E., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1640 ft. N and 1240 ft. E from the SW corner of Sec. 2 being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 2, 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 Moro, Oregon, on October 6, 1971, at 9:30 a.m. All objections to the proposed change, if any there be, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Big Sky Ranch, Inc. 113 Foothills Rd., Lake Oswego, 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. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 6th day of August, 1971.

CHRIS L. WHEELER  
State Engineer

Published August 12, August 19,  
and August 26, 1971.

State of Oregon       )  
                                  ) ss.  
County of Sherman )

I, D. C. Bartlett being first duly sworn, depose and say that I am the owner, editor, publisher, manager, advertising manager, principal clerk of the Sherman County Journal, printer or his foreman of the Sherman County Journal, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at Moro, Oregon, in the aforesaid county and state; that the

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....., a copy of which is hereto annexed, was published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues (here set forth dates of issues in which the same was published).

August 12, 19 and 26, 1971

D. C. Bartlett

Subscribed and sworn to before me this 28<sup>th</sup> day of

August 1971.

Robert B. Bickel

Notary Public of Oregon

My Commission expires 11 day of Aug 1972

