

STATUS OF APPLICATION

Change in Pt. of Diversion & Place of Use
 Date filed Sept. 11, 1972
 Date of hearing Dec. 27, 1972 9:30 a.m.
 Place of hearing Fossil Ore
 Date of order 1-3-73 Vol. 22, page 374
 Date for application of water October 1, 1973
 Proof mailed _____
 Proof received _____
 Certificate issued MAR 5 1975 Vol. 33, page 41793
41794

DESCRIPTION OF WATER RIGHT

Name of stream John Day River
 Trib. of _____ County of Wheeler
 Use Irrigation
 Quantity of water _____ No. of acres 10²
 Name of ditch _____
 Date of priority November 17, 1954
 In name of Walter M. Britt
 _____ Adjudication, Vol. _____, page _____
 App. No. 29550 Per. No. 23283 Cert. No. 30233
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>9-11-72</u>	<u>30.00</u>	<u>30626</u>
<u>10-12-72</u>	<u>40.00 P.O.N.</u>	<u>31081</u>
TOTAL . . .	<u>3.00</u>	
<u>10-12-72</u>	<u>Cert. Fee</u>	<u>31082</u>

FEES REFUNDED

Date	Amount	Check No.
<u>12-12-72</u>	<u>\$1.52 P.O.N.</u>	<u>5037</u>

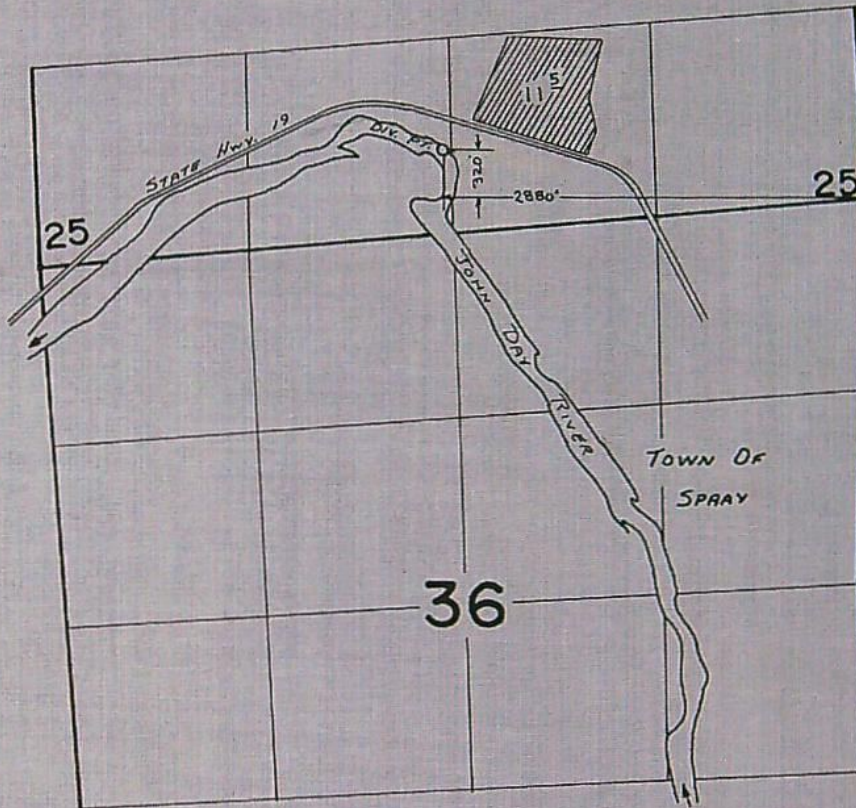
REMARKS

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
<input checked="" type="checkbox"/>	Name		<u>st</u>	
<input checked="" type="checkbox"/>	Stream		<u>st</u>	
<input checked="" type="checkbox"/>	Pt. of Div.		<u>st</u>	
<input checked="" type="checkbox"/>	Calendar		<u>st</u>	
CHECKED TO RECORDS:				
<input checked="" type="checkbox"/>	Twp. & Rge.		<u>du</u>	
<input type="checkbox"/>	Decree-vault			
<input type="checkbox"/>	Decree-safe			
<input checked="" type="checkbox"/>	Cert. of W/R		<u>st</u>	
<input checked="" type="checkbox"/>	Per. Folder		<u>st</u>	
<input type="checkbox"/>	Chainindex			
<input type="checkbox"/>	Cross Ref.			
<input type="checkbox"/>	Power Claim			
<input type="checkbox"/>	Abstracts			

W.R.I.S.

Assembled 7-18-84 by SPH
 Entered _____ by _____
 Verified _____ by _____

T.8S.,R.24E.,W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2702
Application No. _____ Permit No. _____
IN NAME OF

HUBERT ASHER

Surveyed Aug. 8, 1974, by L. H. NUNN

BEFORE THE STATE ENGINEER OF OREGON

Wheeler County

IN THE MATTER OF THE APPLICATION)
OF HUBERT ASHER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
AND PLACE OF USE OF WATER FROM)
JOHN DAY RIVER)

ORDER APPROVING
TRANSFER NO. 2702

On September 11, 1972, Hubert Asher 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 John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Walter M. Britt and recorded at page 30233, Volume 22, State Record of Water Right Certificates, confirms a right to the use of 3.0 cubic feet per second of water from John Day River for the irrigation of, among other lands, 3.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 6.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 8 South, Range 24 East, W.M., with a date of priority of November 17, 1954. These lands are irrigated from a point of diversion located 30 feet South and 640 feet East from the NW corner of Section 36 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 8 South, Range 24 East, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to the irrigation of 10.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 8 South, Range 24 East, W.M., and irrigate these lands from a point of diversion to be located 580 feet North and 2780 feet West from the SE corner of Section 25 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 8 South, Range 24 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 Fossil, Oregon, on December 27, 1972, at 9:30 a.m. The notice was published in the Condon Globe-Times - The Fossil Journal, a newspaper printed and having general circulation in Wheeler County, Oregon, for a period of three weeks in the issues of November 2, 9, and 16, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Monte E. Graham, 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 3.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 6.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 8 South, Range 24 East, W.M., with a date of priority of November 17, 1954, be severed therefrom and simultaneously and without loss of priority transferred to 10.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 8 South, Range 24 East, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from John Day River, to-wit:

From a point located 30 feet South and 640 feet East from the NW corner of Section 36 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 8 South, Range 24 East, W.M.

To a point to be located 580 feet North and 2780 feet West from the SE corner of Section 25 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 8 South, Range 24 East, W.M.

for the irrigation of 10.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 8 South, Range 24 East, W.M., with a date of priority of November 17, 1954, 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, 1973.

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 0.15 cubic foot per second.

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 certificate of water right heretofore issued to Walter M. Britt and recorded at page 30233, Volume 22, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion and place of use, a certificate of water right shall be issued to Hubert Asher confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 3rd day of January, 1973.

CHRIS L. WHEELER
State Engineer

RECEIVED
DEC 8 1972
STATE ENGINEER
SALEM OREGON

Affidavit OF Publication

STATE OF OREGON, COUNTY OF WHEELER, ss:

I James W. Malaffey
being first duly sworn, depose and say that I am the
Publisher of the
FOSSIL JOURNAL, a newspaper of general circula-
tion as defined by Sections 1-509, 1-510, Oregon
Code; printed and published at Fossil 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:

November 2, 1972

November 9, 1972

November 16, 1972

James W. Malaffey

Subscribed and sworn to before me this 5th

day December, 1972

NOTARY PUBLIC FOR OREGON

(My Commission expires

1973)

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

FOSSIL JOURNAL

By

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

Notice is given hereby that Hubert Asher has filed an application for the approval of a change in point of diversion and place of use of water from John Day River.

Certificate of water right issued to Walter M. Britt and recorded at page 30233, Volume, 22, State Record of Water Right Certificates, confirms a right to the use of 0.15 cubic foot per second from John Day River for the irrigation of, among other lands, 3.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 6.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 8 South, Range 24 East, W.M., with a date of priority of November 17, 1954. Water for this use is diverted from a point located 30 feet South and 640 feet East from the NW corner of Section 36, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 8 South, Range 24 East, W.M.

The applicant herein, owner of the land above described, proposes to change the place of use to the irrigation of 10.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25, Township 8 South, Range 24 East, W.M., and irrigate these lands from a point of diversion to be located 580 feet North and 2780 feet West from the SE corner of Section 25, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 8 South, Range 24 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Fossil, Oregon, on December 27, 1972, 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 Hubert Asher, P.O. Box 741, Spray, 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 26th day of October, 1972

CHRIS L. WHEELER
State Engineer

Published November 2, 9, 16,
1972. FJ-71