

2989

## STATUS OF APPLICATION

Change in point of diversion  
 Date filed 3-4-74  
 Date of hearing July 23, 1974  
 Place of hearing Canyon City  
 Date of order 8-20-74 Vol. 25, page 27  
 Date for application of water 10-1-75  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued AUG 30 1976 Vol. 35, page 43567

APR 23 1981

43

49906

App. No. 11746 Per. No. 8169 Cert. No. 7831

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

Notation made on record by JB

## DESCRIPTION OF WATER RIGHT

Name of stream John Day River  
 Trib. of \_\_\_\_\_ County of Grant  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 20.2  
 Name of ditch Braga Cummings Ditch  
 Date of priority Sept. 10, 1927  
 In name of Hattie M. Cummings  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>3-4-74</u>	<u>30.00</u>	<u>38825</u>
<u>5-7-74</u>	<u>40.00 P.O.N.</u>	<u>39946</u>
TOTAL . . .		
<u>6-25-74</u>	<u>150</u> Cert. Fee	<u>From P.O.N.</u>

## FEES REFUNDED

Date	Amount	Check No.
<u>6-25-74</u>	<u>\$11.83 PON</u>	<u>5837</u>

## REMARKS

W.R.T.S.

Assembled 7-18-74 by JB

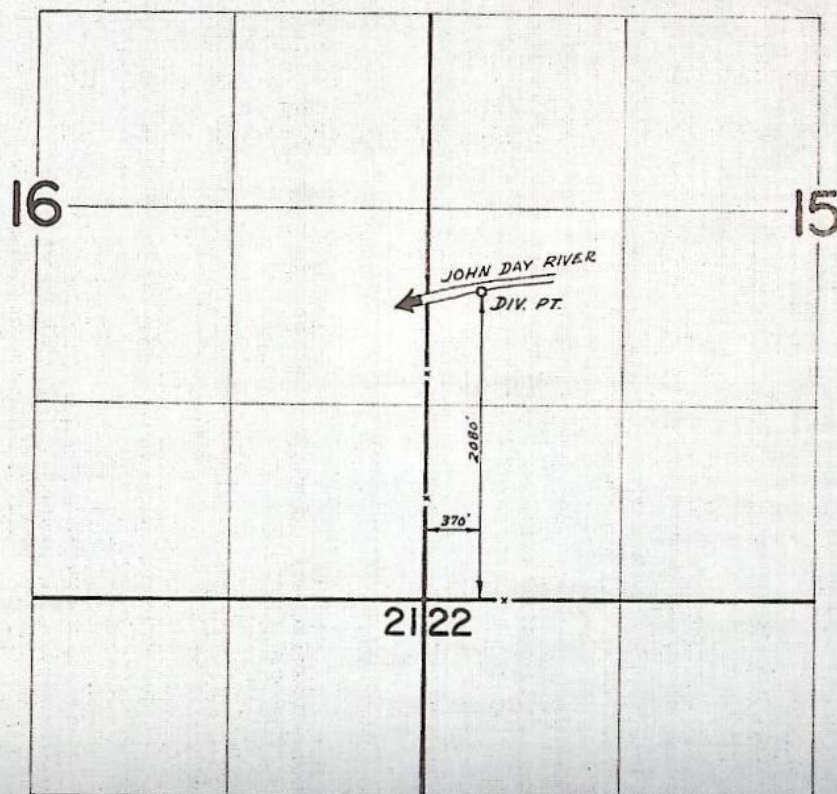
Entered \_\_\_\_\_ by \_\_\_\_\_

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

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



T.13S., R.28E., W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2988  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF  
**WILLIAM K. REINER**

Surveyed June 19 1975, by D. Norby



## STATE OF OREGON

COUNTY OF

GRANT

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

WILLIAM K. REINER

of Star Route West, Mount Vernon, State of Oregon, 97865, 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  
irrigating 20.2 acres  
irrigation of

for the purpose of

under Permit No. 8169 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 September 10, 1927

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 0.25 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 NW 1/4 SW 1/4, Section 15, T. 13 S., R. 28 E., W. M., 2080 feet North and 370 feet East from the SW Corner of Section 15.

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-eighth of one cubic foot per second per acre,

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:

20.2 acres NW 1/4 SW 1/4  
Section 15  
T. 13 S., R. 28 E., W. M.

This certificate is issued to confirm a change in point of diversion approved by an order of the State Engineer entered August 20, 1974, and supersedes certificate of water right issued to Rattle M. Cummings and recorded at Page 7831, Volume 8, State Record of Water Right Certificates.

*This certificate is issued to correctly describe the location of the point of diversion and supersedes certificate of water right recorded at page 43567 Vol 35 SRWRC*

*The issuance etc*

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. August 30, 1976

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 35, page 43567

C-49906



STATE OF OREGON  
COUNTY OF GRANT

# CERTIFICATE OF WATER RIGHT

This is to Certify, That William K. Reiner  
Rettie M. Cummings  
Star Route West, Mount Vernon, State of Oregon 97865, has made proof  
of Star Route West, to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
John Day River  
a tributary of Columbia for the purpose of  
irrigation 20.2 acres  
under Permit No. 8169 of the State Engineer, 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 September 10, 1927;

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  
0.25 cubic foot per second;

The point of diversion is located in the SW<sup>1</sup>SE<sup>1</sup> of Section 15, Township 13S, Range 28E, W.M.  
The use hereunder for irrigation shall conform to such reasonable rotation system as may be  
ordered by the proper state officer.

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-eightieth of one cubic foot per second per  
acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such  
right is appurtenant (if for irrigation or any other purpose), is as follows: 20.2 acres in the  
NW<sup>1</sup>SW<sup>1</sup>, Section 15, Township 13 South, Range 28 East of the Willamette Meridian,  
in Grant County, Oregon.

This certificate is issued to confirm a change in pt of div approved by an order  
of the State Engineer entered Aug 20, 1974, and supersedes certificate of water  
right issued to Rettie M. Cummings and recorded at page 7831, Volume 8,  
State Record of Water Right Certificates.

... having possession the State or municipality shall pay not to exceed the fair  
value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and  
dependable property of the holder of this certificate, not taken over, as may be caused by the  
severance therefrom of the property taken in accordance with the provisions of section 5728,  
Oregon Laws.

WITNESS the signature of the State Engineer,  
affixed this 28th day  
of November, 1928  
Rhea Luper  
State Engineer.

Recorded in State Record of Water Right Certificates, Volume 8, page 7831

2080' N 1/2 370' E from SW cor Sec 15



## STATE OF OREGON

COUNTY OF

GRANT

## CERTIFICATE OF WATER RIGHT

**This Is to Certify, That**

WILLIAM K. REINER

of Star Route West, Mount Vernon, State of Oregon 97865, 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 20.2 acres

for the purpose of

under Permit No. 8169 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 September 10, 1927

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 0.25 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 NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15, T13S, R28E, WM; 2080 feet North and 370 feet East from SW Corner, Section 15.

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-eightieth of one cubic foot per second per acre,

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:

20.2 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 15  
Township 13 South, Range 28 East, WM

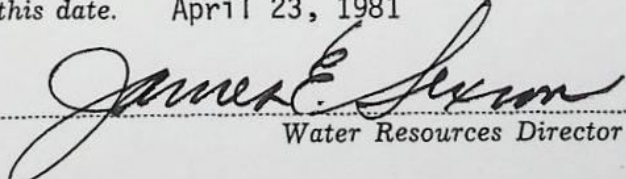
This certificate is issued to correctly describe the location of the point of diversion and supersedes certificate of water right recorded at page 43567, Volume 35, State Record of Water Right Certificates.

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

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. April 23, 1981

  
Water Resources Director



BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION }  
OF WILLIAM K. REINER FOR THE APPROVAL }  
OF A CHANGE IN POINT OF DIVERSION OF }  
WATER FROM JOHN DAY RIVER }  
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ORDER APPROVING  
TRANSFER NO. 2988

On March 4, 1974, William K. Reiner filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Hattie M. Cummings and recorded at page 7831, Volume 8, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic foot per second of water from John Day River for the irrigation of, among other lands, 20.2 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15, Township 13 South, Range 28 East, W.M., with a date of priority of September 10, 1927. These lands are irrigated by means of Braga Cummings ditch from a point of diversion located 500 feet North and 50 feet East from the South  $\frac{1}{4}$  corner of Section 15, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 15, Township 13 South, Range 28 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 2170 feet North and 500 feet East from the Southwest corner of Section 15, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15, Township 13 South, Range 28 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Canyon City, Oregon on July 23, 1974 at 9:30 a.m. The notice was published in the Blue Mountain Eagle, a newspaper printed and having general circulation in Grant County, Oregon for a period of three weeks



in the issues of May 30, June 6 and 13, 1974. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Walter N. Perry, Watermaster Supervisor, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from John Day River, to wit:

From a point located 500 feet North and 50 feet East from the South  $\frac{1}{4}$  corner of Section 15, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 15, Township 13 South, Range 28 East, W.M.

To a point to be located 2170 feet North and 500 feet East from the Southwest corner of Section 15, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, Township 13 South, Range 28 East, W.M.

for the irrigation of 20.2 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15, Township 13 South, Range 28 East, W.M., with a date of priority of September 10, 1927, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1975.

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, and shall not exceed 0.25 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 Hattie M. Cummings and recorded at page 7831, Volume 8, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to William K. Reiner confirming the change in point of diversion.

Dated at Salem, Oregon, this 20th day of August, 1974.

/s/ CHRIS L. WHEELER  
State Engineer



RECEIVED

JUN 14 1974

STATE ENGINEER  
SALEM, OREGON

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Grant

ss.

I, J. Moreau, 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 Filing Application for a Change in Point of diversion of Water - W. Reiner, a printed copy of which is hereto attached, was

published in the entire issue of said newspaper for three successive and consecutive weeks in the following issues: \_\_\_\_\_

May 30, June 6 and June 13, 1974  
J. Moreau

Subscribed and sworn to before me this 13<sup>th</sup> day of June, 1974.

Anna E. Moreau  
Notary Public for Oregon

My commission expires May 20, 1977

Cost of this publication was \$ 26.67

(Seal)

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

NOTICE IS HEREBY GIVEN that William K. Reiner has filed an application for the approval of a change in point of diversion of water from John Day River.

Certificate of water right issued to Hattie M. Cummings and recorded at page 7831, Volume 8, State Record of Water Right Certificates, confirms a right to the use of 0.25 cubic foot per second of water for irrigation of 20.2 acres in the NW 1/4 SW 1/4, Sec. 15, T. 13 S., R. 28 E., W. M., with a date of priority of Sept. 10, 1927. Water for this use is diverted from a point located 500 ft. N. and 50 ft. E. from the S 1/4 corner of Sec. 15, being within the SW 1/4 SE 1/4, Sec. 15, T. 13 S., R. 28 E., W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to 2170 ft. N., 500 ft. E. from the SW corner of Sec. 15, being within the NW 1/4 SW 1/4, Sec. 15, T. 13 S., R. 28 E., W. M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon, on July 23, 1974, 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 William K. Reiner, Mt. Vernon, Oregon 97865, 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 23rd day of May, 1974.

CHRIS L. WHEELER  
State Engineer  
22-24

2988