

STATUS OF APPLICATION

Change in point of division & place of use
 Date filed 3-15-74
 Date of hearing 9-17-74
 Place of hearing Canyon City
 Date of order 9-23-74 Vol. 25, page 115
 Date for application of water 10-1-75
 Proof mailed APR 5 1978
 Proof received APR 21 1976
 Certificate issued MAY 19 1978 Vol. 34, page 42918
386-5-78 JES 45660

DESCRIPTION OF WATER RIGHT

Name of stream Canyon Creek
 Trib. of _____ County of Sant
 Use irrigation
 Quantity of water _____ No. of acres 1.85
 Name of ditch Foster ditch
 Date of priority 1882
 In name of the Foster Ditch, et al
John Day River Adjudication, Vol. 10, page 505
 App. No. _____ Per. No. _____ Cert. No. 25200
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-15-74</u>	<u>40.00</u>	<u>39084</u>
<u>3-15-74</u>	<u>30.00 PON</u>	<u>39085</u>
<u>9-13-74</u>	<u>67. P.O.N</u>	<u>42923</u>
TOTAL	3.00	42924
<u>9-13-74</u>	<u>Cert. Fee</u>	<u>42924</u>
<u>4-10-78</u>	<u>\$ 200 fee</u>	<u>2069</u>

FEES REFUNDED

Date	Amount	Check No.

REMARKS

W.R.I.S.

Assembled 6/14/84 by CLH

Entered _____ by _____

Verified _____ by _____

INDEX CARDS: Entered Checked

WC Name ✓

WC Stream ✓

WA Pt. of Div. ✓

WA Calendar ✓

CHECKED TO RECORDS:

✓ Twp. & Rge. ✓

✓ Decree-vault ✓

✓ Decree-safe ✓

WC Cert. of W/R

 Per. Folder

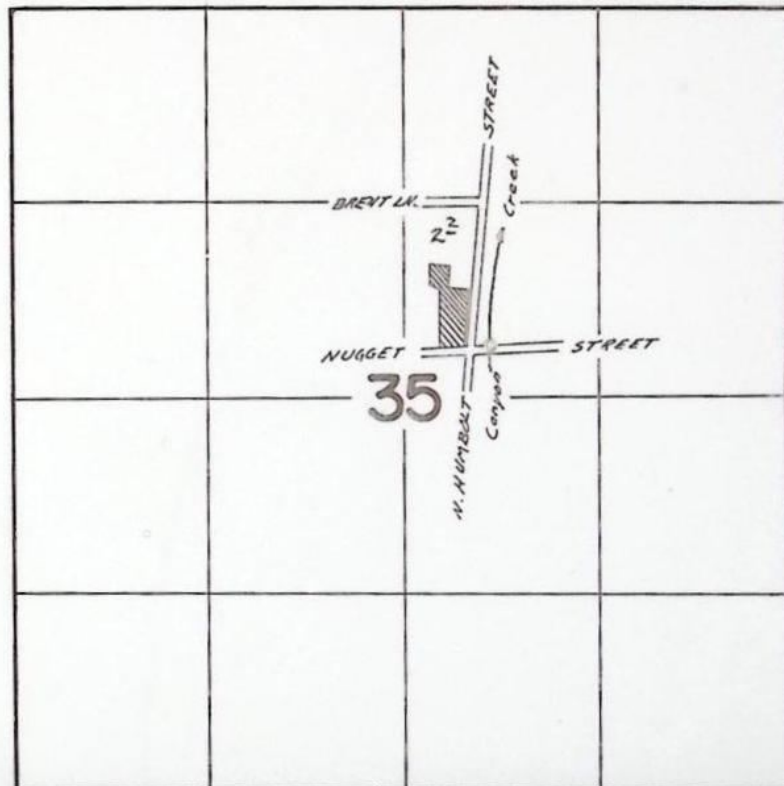
 Chainindex

 Cross Ref.

 Power Claim

 Abstracts

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



Div. Pt. Loc. 358' N of 578' E From Center Section 35

FINAL PROOF SURVEY
UNDER

TRANSFER NO. 2999

Application No. Permit No.
IN NAME OF

HUMBOLDT GRADE SCHOOL

Surveyed Sept. 15... 1977, by S.C. BROWN

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

It is to Certify, That

GRANT COUNTY ADMINISTRATIVE SCHOOL
DISTRICT NO. 3 HUMBOLT ELEMENTARY
SCHOOL

136 NW Bridge St., John Day, State of Oregon, 97845, has
right to the use of the waters of Canyon Creek

diversion of John Day River for the purpose of
irrigation of 1.85 acres

the said right has been confirmed by decree of the Circuit Court of the State of Oregon for
County, and the said decree entered of record at Salem, in the Order Record of
WATER RESOURCES DIRECTOR, in Volume 15, at page 461; that the priority of the
right thereby confirmed dates from 1882

the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per
acre irrigated to June 1 and 1/80 cubic foot per second per acre there-
after, further limited to one acre foot per calendar month to June 1 and four
acre feet per acre during season April 1 to September 30, measured at point of
diversion

the point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T. 13 S., R. 31 E., W. M.,
350 FEET NORTH
350 feet North and 570 feet East from the Center, Section 35

Description of the place of use under the right, and to which such right is appurtenant, is as
follows:

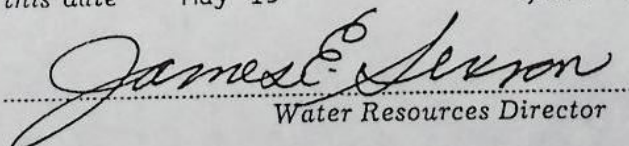
1.85 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 35
T. 13 S., R. 31 E., W. M.

This certificate is issued to confirm a change in place of use and point of
diversion approved by an order of the Water Resources Director entered September
2, 1974 and together with certificate of water right recorded on page 42918,
Page 34, State Record of Water Right Certificates supersedes certificate of
water right recorded on page 25200, Volume 17, State Record of Water Right
Certificates.

the said right shall be subject to all other conditions and limitations contained in said decree.
the right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date May 19, 1978.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 38, page 45660

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FOSTER DITCH, BY EARL B. MOORE, TREASURER FOR
 CELIA W. BOCK, MRS. VERA STEACH & HENRY M. FOSTER
 of John Day, State of Oregon, has a right to the use of
 the waters of Canyon Creek
 for the purpose of Irrigation of 14.77 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Grant County, and the said decree entered of record at Salem, in the Order Record of
 the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby
 confirmed dates from 1882

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed $1/40$ cubic foot per
 second per acre irrigated to June 1 and $1/80$ cubic foot per second per acre there-
 after; further limited to one acre-foot per calendar month to June 1 and four acre-
 feet per acre during season April 1 to Sept. 30, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant
 (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

The point of diversion is located in the SE $1/4$ NW $1/4$ of Section 26
 T. 13 S., R. 31 E., W. M.

2.15 acres in SE $1/4$ SW $1/4$
 Section 23,
 12.37 ~~14.22~~ acres in NE $1/4$ NW $1/4$
 0.25 acres in SE $1/4$ NW $1/4$
 Section 26,
 T. 13 S., R. 31 E., W. M.

An order of the State Engineer entered September 23 1974, approved a change
 in point of diversion and place of use for the irrigation of 1.85 acres. This certificate is
~~not involved in the change~~
 issued to confirm the remaining right, and supersedes the certificate heretofore
 issued to (Copy from Cert above) and recorded at page 25200, State Record of
 Water Right Certificates.

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~~, 19 ~~59~~

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25200

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION
OF HUMBOLT ELEMENTARY SCHOOL, GRANT
COUNTY ADMINISTRATIVE SCHOOL DISTRICT
NO. 3, FOR THE APPROVAL OF A CHANGE
IN PLACE OF USE AND POINT OF DIVERSION
OF WATER FROM CANYON CREEK

ORDER APPROVING
TRANSFER NO. 2999

On March 15, 1974, Humbolt Elementary School, Grant County Administrative School District No. 3, filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Canyon 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 Foster Ditch et al for the use of the waters of Canyon Creek for the irrigation of, among other lands, 1.85 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 13 South, Range 31 East, W.M., with a date of priority of 1882, as evidenced by certificate of water right recorded at page 25200, Volume 17, State Record of Water Right Certificates. These lands are irrigated by means of the Foster ditch from a point of diversion located 550 feet North and 900 feet West from the center of Section 26, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 13 South, Range 31 East, W.M.

The applicant herein, owner of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 1.85 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, Township 13 South, Range 31 East, W.M., and to irrigate these lands from a point of diversion to be located 397 feet North and 520 feet East from the center of Section 35, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, Township 13 South, Range 31 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 Canyon City, Oregon on September 17, 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 July 25, August 1 and 8, 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 Superintendent, 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 1.85 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, Township 13 South, Range 31 East, W.M., with a date of priority of 1882, be severed therefrom and simultaneously and without loss of priority transferred to 1.85 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, Township 13 South, Range 31 East, W.M.

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

From a point located 550 feet North and 900 feet West from the center of Section 26, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, Township 13 South, Range 31 East, W.M.

To a point to be located 397 feet North and 520 feet East from the center of Section 35, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 13 South, Range 31 East, W.M.

for the irrigation of 1.85 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, Township 13 South, Range 31 East, W.M., with a date of priority of 1882, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and 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.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates 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 Foster Ditch et al and recorded at page 25200, Volume 17, 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 application of water to beneficial use and completion of the authorized change in point of diversion, a certificate of water right shall be issued to Humbolt Elementary School confirming the extent to which water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 23rd day of September, 1974.

/s/ CHRIS L. WHEELER
State Engineer

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Grant

SS.

I, Donna E. 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 Changes in Point of Diversion and Place of Use of Water - Humbolt Elem. School, 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:

July 25, August 1 and August 8, 1974
Donna E. Moreau

Subscribed and sworn to before me this 8th day of August, 1974.

Donna E. Moreau
Notary Public for Oregon

My commission expires May 20, 1977

Cost of this publication was \$ 30.67

(Seal)

Public Notices

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

Notice is given hereby that Humbolt Elementary School, Grant County Administrative School District No. 3, has filed an application for the approval of a change in point of diversion and place of use of water from Canyon Creek.

In the John Day River Adjudication proceedings a water right was established in the name of the Foster Ditch et al as evidenced by certificate recorded at page 25200, Vol. 17, State Record of Water Right Certificates, for the use of the waters of Canyon Creek for the irrigation of, among other lands, 1.8 acres in NE 1/4 NW 1/4, Sec. 26, T. 13 S., R. 31 E., W.M., with a date of priority of 1882. These lands are irrigated by means of the Foster Ditch from a point of diversion located 550 ft. N. and 900 ft. W. from the center 1/4 corner of SE 1/4 NW 1/4, being within the SE 1/4 NW 1/4, Sec. 26, T. 13 S., R. 31 E., W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use to 1.8 acre in the SW 1/4 NE 1/4, Sec. 35, T. 13 S., R. 31 E., W.M., and to irrigate these lands from a point of diversion to be located 397 ft. N. and 520 ft. E. from the center 1/4 corner of Sec. 35, being within the SW 1/4 NE 1/4, Sec. 35, T. 13 S., R. 31 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse in Canyon City, Oregon, on Sept. 17, 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 Humbolt Elementary School, Grant County Administrative School District No. 3, John Day, Oregon 97845, 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 15th day of July, 1974.

CHRIS L. WHEELER
State Engineer
30-32

RECEIVED

AUG 12 1974

STATE ENGINEER
SALEM, OREGON