

2774

STATUS OF APPLICATION

Change in Pt. of Diversion
 Date filed MAR. 10, 1973
 Date of hearing _____
 Place of hearing _____
 Date of order 1-8-74 Vol. 24, page 6466
 Date for application of water 10-1-74
 Proof mailed _____
 Proof received _____
 Certificate issued JAN 18 1977 Vol. 36, page 44103

DESCRIPTION OF WATER RIGHT

Name of stream Jordan Creek
 Trib. of _____ County of Malheur
 Use Irrigation
 Quantity of water _____ No. of acres 23³
 Name of ditch Lambert (East) ditch
 Date of priority 1907
 In name of Carrie Lambert
Owyhee River Adjudication, Vol. 9, page 59
 App. No. _____ Per. No. _____ Cert. No. 8352
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-12-73</u>	<u>25.00</u>	<u>32804</u>
TOTAL . . .		
<u>12-6-76</u>	<u>\$5</u> Cert. Fee	<u>57100</u>

FEES REFUNDED

Date	Amount	Check No.

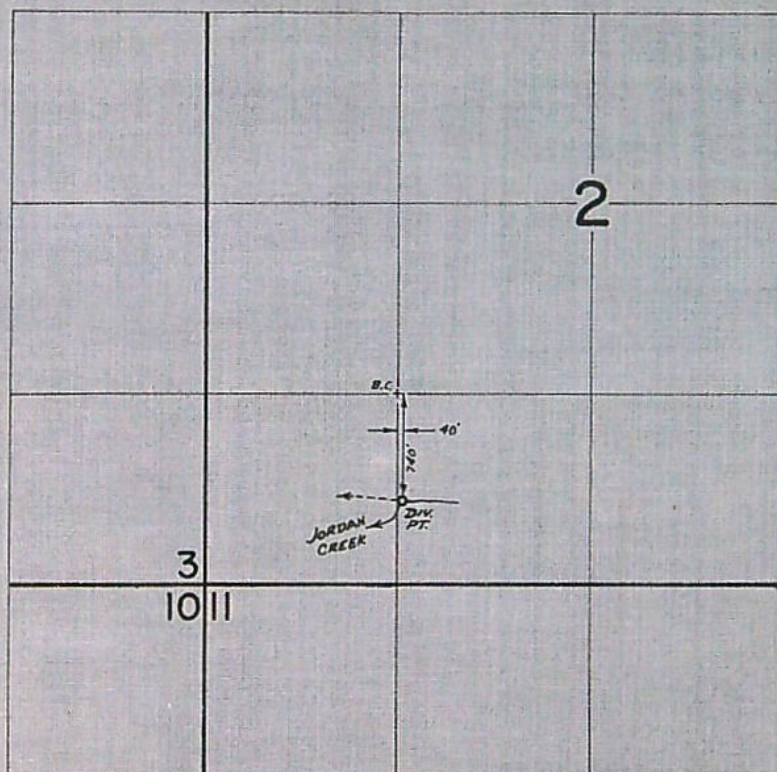
REMARKS

INDEX CARDS:

TO BE ENTERED WHERE CHECKED	Entered	Checked
___ Name	<u>WH</u>	___
___ Stream	<u>WH</u>	___
___ Div.	___	___
___ Owner	<u>WH</u>	___
___ ADDED TO RECORDS:	___	___
___	<u>WAC</u>	___
___	<u>WAC</u>	___
___	<u>WAC</u>	___
___	<u>WAC</u>	___
___	___	___
___	___	___
___	___	___
___	___	___
___	___	___
___	___	___
___	___	___

668

T.30S., R.46E., W.M.



FINAL PROOF SURVEY
UNDER

Transfer No. 2774
Application No. _____ Permit No. _____
IN NAME OF

BILL AND FLORENCE ROSS

Surveyed July 16 1975, by D. Norby

CERT 44103

STATE OF OREGON

COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

BILL AND FLORENCE ROSS

of Jordan Valley
a right to the use of the waters of
Jordan Creek

, State of Oregon, 97910 , has

a tributary of Owyhee River
irrigation of 48.3 acres

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Malheur County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 9 , at page 1 ; that the priority of the
right thereby confirmed dates from 1907;

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 2 acre feet per acre
prior to June 1st, and $\frac{1}{2}$ acre foot per acre during any calendar month after June
1st, of each irrigation season from April 1st to October 15th.

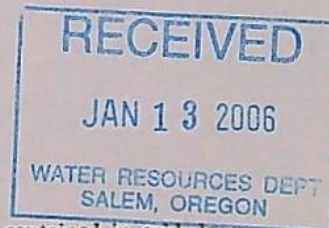
The point of diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, T. 30 S., R. 46 E., W. M.,
740 feet South and 40 feet East from the NW Corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2.

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

12.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
8.2 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
2.1 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
1.0 acre SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 28
T. 29 S., R. 46 E., W. M.

23.3 acres

This certificate is issued to confirm a change in point of diversion approved
January 8, 1974, and supersedes certificate of water right 8352.



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 Water Resources Director, affixed

this date January 18 , 19 77.

James E. Sexson

Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36 , page 44103

P1 07-1

STATE OF OREGON

COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

This is to Certify, That Bill & Florence Ross
CARRIE LAUBERT

of Jordan Valley, State of Oregon 97910 has a right to the use of
the waters of Jordan Creek
for the purpose of ^{the} Irrigation of 48.3 acres ^{23.3}

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Malheur County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 9, at page 1; that the priority
of the right thereby confirmed dates from 1907

P.O.D.: SE¹SW¹ Sec 2 T30S R46E WM, 740'S & 40'E
from the NW cor SE¹SW¹ of Sec 2

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 2 acre foot per acre
prior to June 1st, and $\frac{1}{2}$ acre foot per acre during any calendar month after June
1st, of each irrigation season from April 1st to October 15th.

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:

12 acres in NE¹SW¹, 8.2 acres in SE¹SW¹, 2.1 acres in NW¹SE¹, 1 acre
in SW¹SE¹, Section 28, T. 29 S., R. 46 E., W.M., being a total of
43.5 acres.

This certificate is issued to confirm a change in SE P.O.D.
approved by ~~an order of the Water Resources Director~~ entered Jan. 8, 1974,
and supersedes certificate of water right issued to above
and recorded at Page 8352, Volume 8, State Record of Water Right Certificates.

of November, 1929.

RHEA LUPER,

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 8, page 8352.

BEFORE THE STATE ENGINEER OF OREGON

Malheur County

IN THE MATTER OF THE APPLICATION
OF BILL AND FLORENCE ROSS FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM JORDAN
CREEK

ORDER APPROVING
TRANSFER NO. 2774

On March 10, 1973, Bill and Florence Ross filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Jordan Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Malheur County, Oregon, entered July 7, 1926, In the Matter of the Determination of the Relative Rights to the use of the Waters of Owyhee River and its Tributaries, a water right was established in the name of Carrie Lambert for the use of the waters of Jordan Creek for the irrigation of 12.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 8.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 1.0 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 29 South, Range 46 East, W.M., with a date of priority of 1907, as evidenced by certificate of water right recorded at page 8352, Volume 8, State Record of Water Right Certificates. These lands are irrigated by means of the Lambert East ditch from a point of diversion located 520 feet North and 250 feet East from the Southwest corner of Section 2, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, Township 30 South, Range 46 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands by means of the Lambert East ditch from a point of diversion to be located South 59° 40' East, 1595 feet from the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, Township 30 South, Range 46 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said Section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Frank Elfering, Watermaster of District No. 9, 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 Jordan Creek, to wit:

From a point located 520 feet North and 250 feet East from the Southwest corner of Section 2, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 30 South, Range 46 East, W.M.

To a point to be located South 59° 40' East, 1595 feet from the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 30 South, Range 46 East, W.M.

for the irrigation of 12.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 8.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 2.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, and 1.0 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 29 South, Range 46 East, W.M., with a date of priority of 1907, 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, 1974.

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 headgates and measuring devices.

ALL COTTON

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 Carrie Lambert and recorded at page 8352, 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 Bill and Florence Ross confirming the change in point of diversion.

Dated at Salem, Oregon, this 8th day of January, 1974.

/s/ CHRIS L. WHEELER
State Engineer

Gibraltar Onion Skin

MILLERS FALLS

ALL COTTON