

2892

STATUS OF APPLICATION

Change in Point of Diversion
 Date filed Aug. 27, 1973
 Date of hearing 2-19-74
 Place of hearing Frank Co Courthouse Canyon City
 Date of order 4-15-74 Vol. 24, page 225-227
 Date for application of water 10-1-74
 Proof mailed _____
 Proof received _____
 Certificate issued OCT 26 1987 Vol. 52, page 56475

DESCRIPTION OF WATER RIGHT

Name of stream John Day River
 Trib. of _____ County of Grant
 Use Irrigation
 Quantity of water _____ No. of acres 217
 Name of ditch Lower ditch
 Date of priority 1902
 In name of Donald McLeman
John Day River Adjudication, Vol. 10, page 557
 App. No. _____ Per. No. _____ Cert. No. 25542
 Certificate cancelled _____
 Notation made on record by JDD

FEES PAID

Date	Amount	Receipt No.
<u>8-27-73</u>	<u>15.00</u>	<u>36343</u>
<u>12-17-73</u>	<u>15.00</u>	<u>37846</u>
<u>12-17-73</u>	<u>40.00 P.O.N.</u>	<u>37847</u>
TOTAL . . .		
<u>1-15-74</u>	<u>\$3.00</u> Cert. Fee	<u>From P.O.N.</u>

FEES REFUNDED

Date	Amount	Check No.
<u>1-15-74</u>	<u>\$10.33 P.O.N.</u>	<u>5597</u>

Held remaining right cert.
 Issue one cert for remaining right &
 to confirm ch. in POD

REMARKS

No RR
 Confirm only - in conjunction
 with F-4605

SEE T-4605 Δ POD rest of right

W.R.I.S.
 Assembled 6-28-84 by SPB
 Entered _____ by _____
 Modified _____ by _____

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

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION }
OF PAUL LEVATIN FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM JOHN DAY RIVER }

ORDER APPROVING
TRANSFER NO. 2892

On August 27, 1973, Paul Levatin, M.D., 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.

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 Donald McLennan for the use of the waters of John Day River for the irrigation of, among other lands, 2.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, 5.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, 4.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, and 8.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 13 South, Range 27 East, W.M., with a date of priority of 1902, as evidenced by certificate of water right recorded at page 25542, Volume 17, State Record of Water Right Certificates. These lands are irrigated by means of the Lower ditch from a point of diversion located 200 feet North and 1100 feet East from the West $\frac{1}{4}$ corner of Section 12, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 13 South, Range 27 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 1000 feet South and 175 feet East from the Northwest corner of Section 11, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 13 South, Range 27 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 February 19, 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 December 27, 1973, January 3, and 10, 1974. 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. 14, 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.

Calvin J. Ritchey, mortgagee, has submitted written approval of the proposed change in point of diversion.

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 200 feet North and 1100 feet East from the West $\frac{1}{4}$ corner of Section 12, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 13 South, Range 27 East, W.M.

To a point to be located 1000 feet South and 175 feet East from the Northwest corner of Section 11, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 13 South, Range 27 East, W.M.

for the irrigation of 2.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, 5.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, 4.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, and 8.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 13 South, Range 27 East, W.M., with a date of priority of 1902, 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.

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 Donald McLennan and recorded at page 25542, 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 completion of the authorized change in point of diversion, a certificate of water right shall be issued to Paul Levatin, M.D., confirming the change in point of diversion.

Dated at Salem, Oregon, this 15th day of April, 1974.

/s/ CHRIS L. WHEELER
State Engineer

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That DONALD McLENNAN

of Dayville, State of Oregon, has a right to the use of
the waters of John Day River and Spring in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T. 13 S., R. 27 E., W. M.
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 1902 - Tract #1
1906 - Tract #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

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:

Tract #1

T-2892 ✓ 2.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 2,
✓ 5.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 3,
✓ 4.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 10,
✓ 8.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 11,
T. 13 S., R. 27 E., W. M.

Tract #2

✓ 16.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
✓ 7.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
✓ 9.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 11,
T. 13 S., R. 27 E., W. M.
15.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 11,
T. 13 S., R. 27 E., W. M.

15.0
7.4
22.4

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 to July 1 and 3/4 acre-foot per acre thereafter; total five acre-feet per acre for season, measured at point of diversion.

Spring:

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.

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 25542

RECEIVED

JAN 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 Change in Point of Diversion - Paul Levatin

, 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: _____

December 27, 1973, and January 3 and January 10, 1974
J. Moreau

Subscribed and sworn to before me this 11 day of January, 19 74.

Donna E. Moreau
Notary Public for Oregon

My commission expires May 20, 19 77

Cost of this publication was \$ 26.67

(Seal)



PUBLIC NOTICES

NOTICE OF FILING APPLICATION FOR
CHANGE IN POINT OF DIVERSION

Notice is given hereby that Paul Levatin 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 Donald McLennan evidenced by certificate 25542 for the use of the waters of John Day River for the irrigation of, among other lands, 2.8 acres in SW 1/4 SW 1/4, Sec. 2, 5.6 acres in SE 1/4 SE 1/4, Sec. 3, 4.4 acres in NE 1/4 NE 1/4, Sec. 10 and 8.9 acres in NW 1/4 NW 1/4, Sec. 11, T. 13 S., R. 27 E., W.M.

These lands are irrigated by means of a ditch from a point of diversion located 200 feet N. and 1100 feet E. from the W. corner of 1/4 corner of Sec. 12, being within the SW 1/4 NW 1/4, Sec. 12, T. 13 S., R. 27 E., W.M.

The applicant herein proposes to irrigate these lands by pump from a point of diversion located 1,000 ft. S. and 175 ft. E. from the NW corner of Sec. 11, being within the NW 1/4 NW 1/4 of Sec. 11, T. 13 S., R. 27 E., W.M.

All persons interested are notified hereby that a hearing will be held at the Grant county courthouse in Canyon City, Oregon on Feb. 19, 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 Paul Levatin, Dayville, 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.

Dated at Salem, Oregon this 19th day of December, 1973.

CHRIS L. WHEELER
State Engineer
52-2