

3274 John E. Fisher
Dayville
97825

3274

STATUS OF APPLICATION

Change in Point of diversion
Date filed 6-26-75
Date of hearing _____
Place of hearing _____
Date of order 3-17-76 Vol. 26, page 471
Date for application of water 10-1-77
Proof mailed _____
Proof received _____
Certificate issued DEC 29 1989 Vol. _____, page 63801

to survey 2/79

Surveyed 4/22/86

REMARKS

FINIS

DESCRIPTION OF WATER RIGHT

Name of stream John Day River
Trib. of _____ County of Sant
Use irrigation
Quantity of water _____ No. of acres 90
Name of ditch A.P. Snyder ditch
Date of priority 1880
In name of James A. Starrett
John Day Adjudication, Vol. 10, page 605
App. No. _____ Per. No. _____ Cert. No. 25837
Certificate cancelled _____

Notation made on record by gndb
OK cert

FEEES PAID

Date	Amount	Receipt No.
<u>6-26-75</u>	<u>30.00</u>	<u>48109</u>
TOTAL . . .		
	Cert. Fee	

FEEES REFUNDED

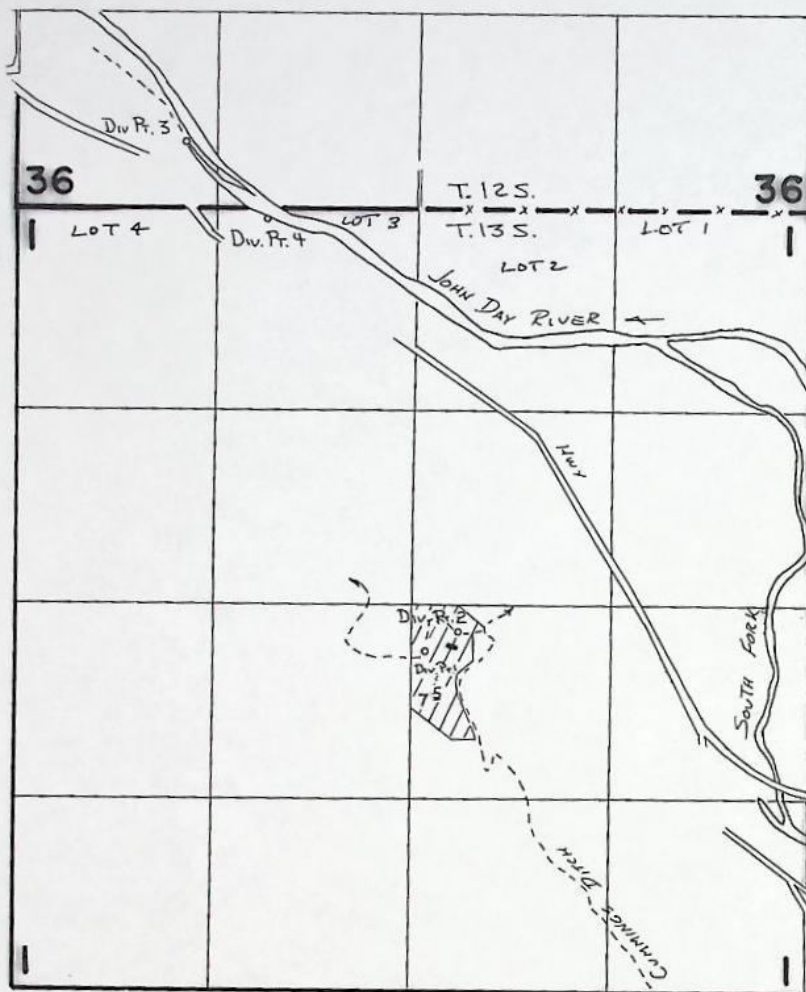
Date	Amount	Check No.

TO BE ENTERED WHERE CHECKED	INDEX CARDS: <u>Entered</u> <u>Checked</u>	
	<u>WA</u>	<u>WA</u>
	Name	<u>✓</u>
	Stream	<u>✓</u>
	Pt. of Div.	<u>✓</u>
	Calendar	<u>✓</u>
	CHECKED TO RECORDS:	
<u>✓</u>	Twp. & Rge.	<u>WA</u>
<u>✓</u>	Decree-vault	<u>WA</u>
<u>✓</u>	Decree-safe	<u>WA</u>
<u>✓</u>	Cert. of W/R	
	Per. Folder	
	Chaindex	
	Cross Ref.	
	Power Claim	
	Abstracts	

W.R.I.S.

Assembled 7-18-89 by SN
Entered _____ by _____
Verified _____ by _____

T. 13S., R. 26E., W. M.



SCALE 1" = 1320

Div. Pt. 1 Loc: 320'S. & 90'E. }
 Div. Pt. 2 Loc: 190'S. & 320'E. } FROM CENTER COR. SEC 1
 T-3274 { Div. Pt. 3 Loc: 450'N. & 1580'W. }
 { Div. Pt. 4 Loc: 60'S. & 1030'W. } FROM NW 1/4 COR. SEC. 1.

FINAL PROOF SURVEY **UNDER**

TRANSFER 3274

Application No. **63541** Permit No. **46832**
 IN NAME OF

JOHN E. FISHER II

Surveyed **4-22** 19**86**, by **V. L. Church**

26

25

RECEIVED

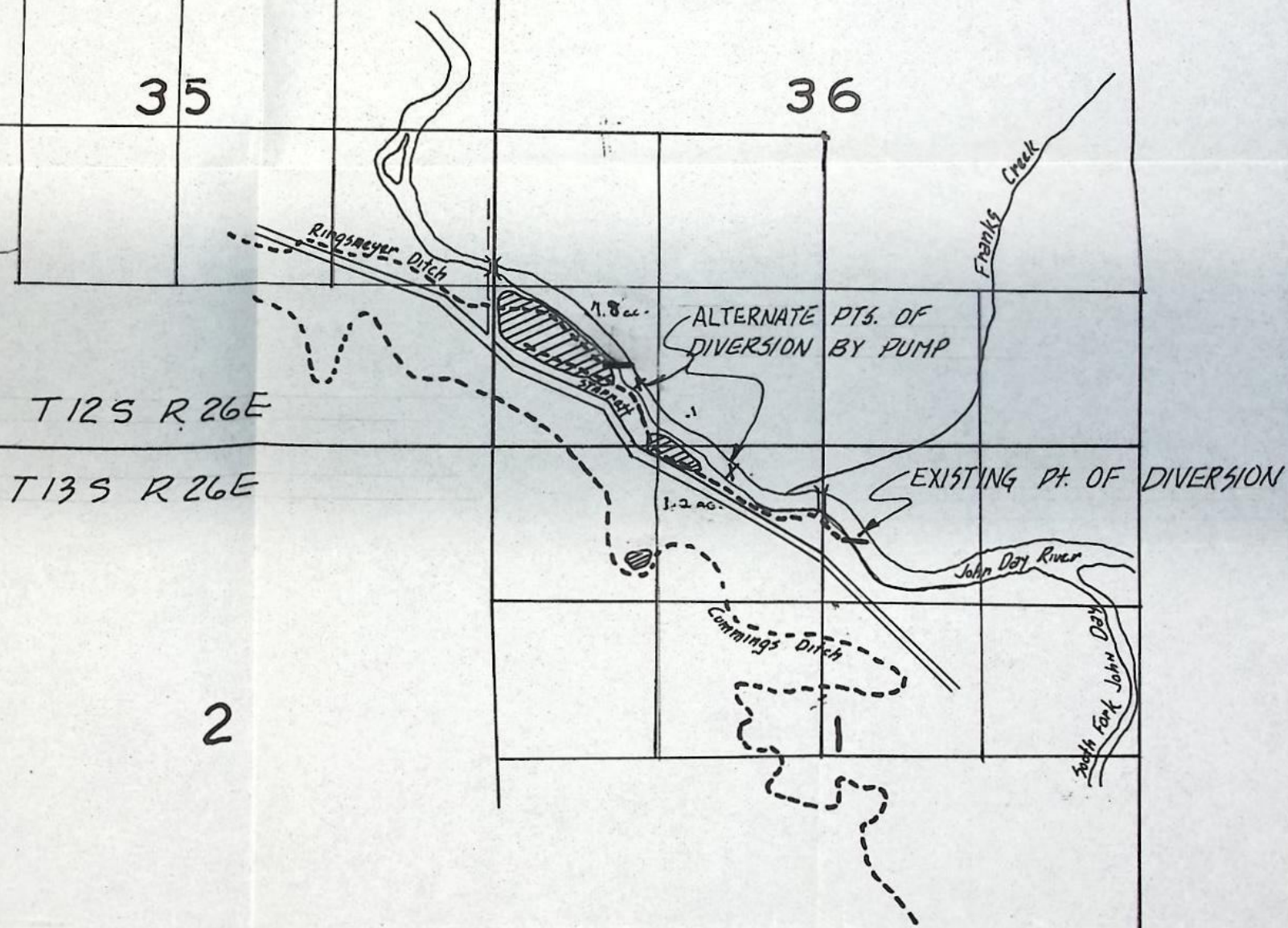
JUN 26 1975

STATE ENGINEER
SALEM, OREGON



35

36



T12S R26E

T13S R26E

2

JOHN E. FISHER
DAYVILLE, OREGON 1974

Superseded Feb 19 1976 T-3274

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN E. FISHER
DAYVILLE, OREGON 97825

confirms the right to use the waters of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for the purpose of IRRIGATING 9.0 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for GRANT County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at page 461. The date of priority is 1880.

The right is limited to not more than 0.23 CUBIC FOOT PER SECOND, if available at the original point of diversion.

The points of diversion are located as follows:

SW 1/4 SW 1/4, SECTION 36, T 12 S, R 26 E, W.M.; LOT 3 (NE 1/4 NW 1/4), SECTION 1, T 13 S, R 26 E, W.M.; # 3 - 450 FEET NORTH AND 1580 FEET WEST; # 4 - 60 FEET SOUTH AND 1030 FEET WEST, BOTH FROM THE NORTH 1/4 CORNER OF SECTION 1.

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-FORTIETH of one cubic foot per second per acre irrigated from April 1 to September 30, further limited to one acre-foot per acre per calendar month to July 1 and three-fourths acre-foot per acre thereafter, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

SW 1/4 SW 1/4 7.8 ACRES
SECTION 36
TOWNSHIP 12 SOUTH, RANGE 26 EAST, W.M.

NE 1/4 NW 1/4 1.2 ACRES
SECTION 1
TOWNSHIP 13 SOUTH, RANGE 26 EAST, W.M.

SEE NEXT PAGE

63801

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered MARCH 17, 1976, and supersedes certificate 25837, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.


The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,
affixed this date .

Water Resources Director

Recorded in State Record of Water Right Certificates numbered

T-3274.JW



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION)
OF JOHN E. FISHER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM JOHN DAY RIVER)

ORDER APPROVING
TRANSFER NO. 3274

On June 26, 1975, John E. Fisher filed an application in the office of the Water Resources Director 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 James A. Starrett and recorded at Page 25837, Volume 17, State Record of Water Right Certificates, confirms a right to the use of water from John Day River for the irrigation of 7.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 12 South, Range 26 East, and 1.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 13 South, Range 26 East, W.M., with a date of priority of 1880. These lands are irrigated by means of the A. P. Snyder ditch from a point of diversion located 790 feet South and 260 feet East from the North quarter-corner of Section 1, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 13 South, Range 26 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 260 feet South and 800 feet West from the North quarter-corner of Section 1, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 13 South, Range 26 East, W.M.

Notice of 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 is no intervening diversion.

Mr. Robert Main, Watermaster of District No. 4, 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 790 feet South and 260 feet East from the North quarter-corner of Section 1, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 13 South, Range 26 East, W.M.

To a point to be located 260 feet South and 800 feet West from the North quarter-corner of Section 1, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 13 South, Range 26 East, W.M.

for the irrigation of 7.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, Township 12 South, Range 26 East, and 1.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 13 South, Range 26 East, W.M., with a date of priority of 1880, 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, 1977.

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 1/40 cubic foot per second per acre irrigated from April 1 to September 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.

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 the certificate of water right heretofore issued to James A. Starrett and recorded at Page 25837, Volume 17, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to John E. Fisher confirming the change in point of diversion.

Dated at Salem, Oregon, this 17th day of March, 1976.

/s/ JAMES E. SEXSON
Director

POD
POU
USE
'1 POD

Add '1' POD

County Grant

WATER RESOURCES DEPT.
SALEM, OREGON

SALEM, OREGON

Address Dayville, OR 97825

, Trib of

irrigation

Priority Date 1880

3: 450'N & 1580'W 4: 60'S & 1030'W

10-1-77

D.0 $\frac{2}{1}$

LSBP Tractor
200P Tractor
PTO
9/4 x 0 RP

RECEIVED
 APR 22 1986
 WATER RESOURCES DEPT.
 SALEM, OREGON

Info: John Fisher II showed us his dad place Mr Fisher is claiming two points of div. from the John Day River Mr Fisher claims that he takes equip from his place to his dad and back.

Div. Pt. 1 is the one that is showed on appl. for transfer
 We have elect 15HP Cornell 5x5 CDD

Div. Pt. 2 is what Mr Fisher is calling an alternate pt of div. He uses a PTO Pacific with one of two tractors one is a 20HP the other is a 65HP.

Mr Fisher claims 38 heads max but between he only has 23 at this time between the two place. He has ordered 15 more heads and they are to this week.

Div. Pt. 2 is off a div pt ditch that has been extended. They could not reach the river with a PTO so they drop it in the ditch.

CROP: Pasture

TIE: 72L

LIFT: +15

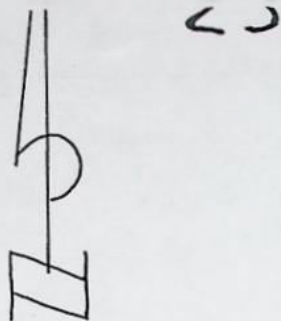
April 22, 1986

Verne L. Clark

$$\frac{9.0}{40} = 0.23 \text{ cfs}$$

$$\frac{(35)(6.6) @ 5\%}{15+127} = 1.6 \text{ cfs}$$

$$\frac{23(5)}{450} = 0.26 \text{ cfs}$$



35

T-3274

36

712 S R. 26 E.

3 S. R. 26 E.

2

Alternate pt of
Diversion By Pump

Existing pt. of Diversion

John Day River

Conning Ditch

South Fork John Day

DEPT.
N

JOHN E. FISHER
DAYVILLE, OREGON
1974

Tr-3274

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES A. STARRETT

of Dayville, State of Oregon, has a right to the use of
the waters of John Day River
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 1880

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 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.

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:

7.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 36,
T. 12 S., R. 26 E., W. M.

1.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 1,
T. 13 S., R. 26 E., W. M.

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 25827

RECEIVED

JUN 26 1975

STATE ENGINEER
SALEM, OREGON

RECEIVED

FEB 10 1976

WATER RESOURCES DEPT.
SALEM, OREGON

7-3274

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, JOHN E. FISHER

(Name of applicant)

of DAYVILLE, County of GRANT

(Postoffice)

State of OREGON, do hereby make application for change FOR ALTERNATES

see Item 20

IN POINT OF DIVERSION

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is JOHN DAY RIVER

(Name of stream)

2. The use to which the water is applied is IRRIGATION

(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is A.P. Snyder Ditch

4. The point of diversion is located 790 ft. S and 260 ft. E from the NW

(N. or S.)

(E. or W.)

corner of NE 1/4 OF SECT. 1

(Section or subdivision)

being within the NW 1/4

of Section 1 Tp. 13 S R. 26 E W. M., in the County of GRANT

(No. N. or S.)

(No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
12S	26E	36											7.8					
13S	26E	1					1.2											

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? YES

(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? YES

8. What is the date of priority of your water right? 1880

9. Was your water right acquired by State Engineer's Permit? No If so, give number

(Yes or No)

of permit

10. Do you hold a water right certificate? Yes If so, give number of certificate 25837
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

If so, give title of proceedings John Day Decree
(Yes or No)

12. Is the water right recorded in your name? No James A. Starrett
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 260 ft. S and 800 ft. W from the NE corner of NW 1/4 of SECT. 1 being within the NE 1/4 NW 1/4 of Section 1 Tp. 13S R. 26E W. M.,
(Smallest legal subdivision) (No. N. or S. No. E. or W.)
in the county of GRANT The name of the ditch to be used is A.P. SNYDER

15. Are you the owner of the land on which the proposed point of diversion is to be located? YES

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

17. Are there any diversions between your present point of diversion and the proposed point of diversion? No

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? (Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are DUE TO THE EXTREME DIFFICULTY IN ESTABLISHING & MAINTAINING A DIVERSION DAM IN THE RIVER AT PRESENT PT. OF DIVERSION AT CERTAIN TIMES OF THE YEAR OF HIGH WATER FLOW, IT IS DESIRED TO BE ABLE TO PUMP OUT OF THE RIVER AT THE REQUESTED ALTERNATE PT. OF DIVERSION.
THIS REQUESTED ALTERNATE PT. OF DIVERSION IS LOCATED WITHIN THE BOUNDARIES OF MY PROPERTY. IT IS INTENDED THAT THE USE OF THE EXISTING PT. OF DIVERSION WILL BE DISCONTINUED.

AFFIDAVIT OF APPLICANT

STATE OF OREGON,
County of GRANT } ss.

I, JOHN E. FISHER, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 3 day of JUNE, 1975.

John E. Fisher
(Name of applicant)

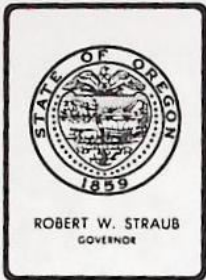
Subscribed and sworn to before me this 3 day of June, 1975.



John L. Lewis
NOTARY PUBLIC FOR OREGON
County Clerk
My commission expires _____

Remarks _____

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

January 12, 1978

John E. Fisher
Dayville, Oregon 97825

RE: File No. T- 3274

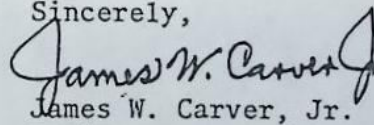
Dear Mr. Fisher:

The time allowed for completion of the change in point of diversion of water from John Day River, proposed by your water right transfer application No. 3274, expired on October 1, 1977.

If the authorized change was accomplished on or before said date, please fill out and sign the statement of completion at the bottom of this letter and send it to us.

If you were unable to fully accomplish the change within the time allowed, but were dilligently working on it and, therefore, you want to apply for an extension of the time limit, check the box at the very bottom of this letter to request the proper application form.

Sincerely,


James W. Carver, Jr.

Engineer

JWC:lcj

STATEMENT OF COMPLETION

I hereby certify that completion of works and use of water to the extent intended within the provisions of the order of the Water Resources Director approving water right transfer application No. 3274 was accomplished by _____, 19__.

Date

Signature



Please send form for application for extension of time limit.