

3424 L.C. Spaulding  
208 N.W. Canton  
John Day No. 97045

3424

STATUS OF APPLICATION

Change in point of diversion  
Date filed 6-11-76  
Date of hearing 8-26-76  
Place of hearing Canyon City  
Date of order 8-14-76 Vol. 27, page 418  
Date for application of water 10-1-77  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued **FEB 18 1987** Vol. 51, page 55674  
*to survey 10/77*

DESCRIPTION OF WATER RIGHT

Name of stream Laycock Creek  
Trib. of \_\_\_\_\_ County of Grant  
Use irrigation  
Quantity of water \_\_\_\_\_ No. of acres 5 6  
Name of ditch Florn  
Date of priority 1866  
In name of J. A. Laycock  
John Day River Adjudication, Vol. 10, page 545  
App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 25456  
Certificate cancelled \_\_\_\_\_  
Notation made on record by In DB

FEES PAID

Date	Amount	Receipt No.
6-11-76	35.00	53382
6-11-76	45.00 (Pen)	53383
TOTAL . . .		
8-24-76	32.08 Cert. Fee	53383
Blue Mountain Eagle	\$ 32.08	

FEES REFUNDED

Date	Amount	Check No.
8-24-76	10.92	747

REMARKS

Appt. No. 54379 filed for supplemental use of water from John Day River  
Affidavit received August 30, 1976 requesting cancellation of 0.5 acre (balance of right not involved in transfer)

W.R.I.S.	
Assembled	8-15-87 by <u>SPB</u>
Entered	_____ by _____
Verified	_____ by _____

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



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION )  
OF L. C. SPAULDING FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION OF )  
WATER FROM LAYCOCK CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 3424

On June 11, 1976, L. C. Spaulding filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion of water under an existing right of record from Laycock Creek.

Certificate of water right issued to J. A. Laycock and recorded at Page 25456, Volume 17, State Record of Water Right Certificates, confirms a right to the use of water from Laycock Creek for the irrigation of, among other lands, 2.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.4 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 1.2 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 25, Township 13 South, Range 30 East, W.M., with a date of priority of 1866.

These lands are irrigated by means of the Horn ditch from a point of diversion located 2300 feet South and 160 feet West from the Southeast corner of Section 25, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 36, Township 13 South, Range 30 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 2130 feet North and 875 feet West from the Southeast corner of Section 25, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 25, Township 13 South, Range 30 East, W.M.

Notice of the application, pursuant to ORS 540.510 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 1, 8 and 15, 1976.



Mr. Robert F. Main, Jr., Watermaster of District No, 4, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection 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 requested change in point of diversion described herein, without loss of priority, is approved.

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 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 September 30, 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 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 certificate of water right heretofore issued to L. A. Laycock and recorded at Page 25456, Volume 17, State Record of Water Right Certificates, is canceled, and upon 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 L. C. Spaulding confirming the right.

Dated at Salem, Oregon, this 14th day of September, 1976.

/s/ JAMES E. SEXSON  
Director



PB-1979-A  
 9-18-79  
 deBrow

NO PHOTO

County GRANT

## 6. Place of Use

[illegible]

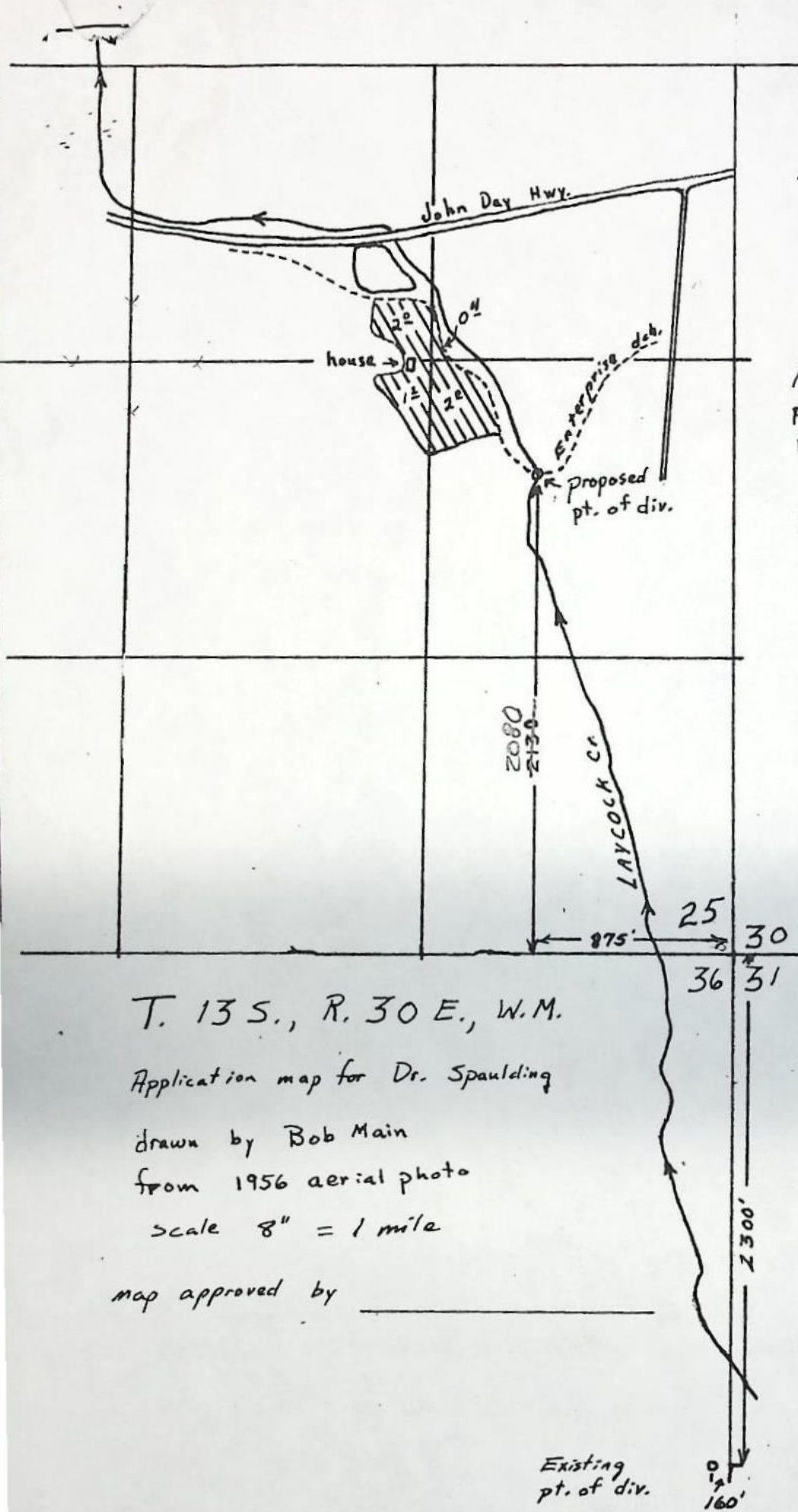
NOT HOME	JSD	JSD	JSD
6/12/78			
6/14/78			
8/28/78			

Sept 18, 1979

INFO: MR SPAULDING  
SOURCE: JOHN DAY RIVER & LAYCOCK CR.  
USE: IRRIGATION  
CROP: PASTURE, ORCHARD GRASS, GARDEN & LAWN  
Pump: From ENTERPRIZE DITCH  
7 1/2 hp GE MOTOR @ 3495 3 phase  
DDC CORNELL 2 1/2" x 2"  
Pipe: 800' 4" ALUM MAIN  
680' 3" ALUM LATERAL  
needs: 17 RB 30's 1 1/2" 64x20  
(16 max) plus yard sprinklers  
lift: suction + 3 ft  
discharge + 0 ft to + 3 ft.  
file: PTS-1979-A match adj maps & photo.  
Note: new diversion for LAYCOCK CR.  
IS WHERE CR. flows into ENTERPRIZE  
DITCH, DIVERSION FOR ENTERPRIZE  
DITCH LOC. ON PREVIOUS SURVEYS.

Al S Bron  
FIELD ENGINEER





N  
 pt. of div. of Enterprise  
 Ditch is from John Day River  
 1700' N, 650' E  
 from the S.E. Corner Sec. 19  
 T. 13 S., R. 31 E., W.M.

T. 13 S., R. 30 E., W.M.

Application map for Dr. Spaulding

drawn by Bob Main  
 from 1956 aerial photo  
 scale 8" = 1 mile

map approved by \_\_\_\_\_

32109  
 32200

**RECEIVED**

JUN 11 1976  
 WATER RESOURCES DEPT  
 SALEM, OREGON

T 24711

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Grant County

IN THE MATTER OF THE }  
PARTIAL CANCELATION OF }  
A WATER RIGHT IN THE }  
NAME OF J. A. LAYCOCK }  
-----

O R D E R

On August 30, 1976, Dr. Claire Spaulding submitted an affidavit that he is the owner of a water right and the lands to which the right is appurtenant; that he has abandoned any and all interest in and to the said water right and request the same be canceled.

The water right in question is part of that evidenced by certificate recorded at Page 25456, Volume 17, State Record of Water Right Certificates, as established by Decree of Circuit Court for Grant County entered November 16, 1956, and is for the appropriation of not to exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter of the waters from Laycock Creek, with a priority date of 1866 for the irrigation of 0.5 acre in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 25, Township 13 South, Range 30 East, W.M., by means of a small lateral direct crossing Enterprise Ditch.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter of the waters from Laycock Creek for the irrigation of 2.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.4 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.0 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and 1.2 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 25, Township 13 South, Range 30 East, W.M., is not in question in this proceeding.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."



NOW, THEREFORE, it hereby is ORDERED that the water right for the use of 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second thereafter of the waters from Laycock Creek, with a priority date of 1866, for the irrigation of 0.5 acre in the NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Section 25, Township 13 South, Range 30 East, W.M., by means of a small lateral direct crossing Enterprise Ditch, is canceled.

Dated at Salem, Oregon, this 24th day of September, 1976.

/s/ JAMES E. SEXSON  
Director



RECEIVED

SEP-31976

WATER RESOURCES DEPT  
SALEM, OREGON

(Claim # 2.)

## BEFORE THE STATE ENGINEER OF OREGON

GRANT

Count Y

In the Matter of the Determination of the Relative Rights  
to the Waters of JOHN DAY RIVER and its Tributaries,  
a Tributary of Columbia River.

### STATEMENT AND PROOF OF CLAIM

# 2.

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

I, the undersigned, of John Day, Oregon, being called as a witness  
in support of this statement of claim, and being first duly sworn, testify as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of  
incorporation and the authority by which you make this proof.

A.— J. A. Laycock, John Day, Oregon.

(If this proof is made by you as agent, or attorney, the written

authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof?  
If from a tributary, give its name.

A.— Yes, Laycock creek, a tributary of John Day river.

3. Q.—What is the nature of the right or use on which this claim to the waters of said  
stream is based?

A.— Irrigation.

(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.— Appropriation, diversion and use.

(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— Prior to 1866.

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said  
right? Answer fully, attaching separate sheet if necessary.

This ditch was first taken out by a man by name of Horn  
A.— for mining purposes, and was sold to J. J. Cazort, the  
predecessor in interest of this claimant, and was used by  
him for the irrigation of lands in the E $\frac{1}{2}$  of Section 25,  
Township 13 south, Range 30 E., W.M.

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.— Prior to 1866.

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most  
commonly known, if a ditch is used.

A.— Through ditch known as Horn ditch.

9. Q.—State the interest claimant has in such ditch, with the names of any other water users  
interested therein.

A.— See Exhibit "A"

773

[Proof No.....]



10. Q.—State the date of the beginning of construction. A.—Prior to 1866.

11. Q.—State the date of completion. A.— Prior to 1866.

12. Q.—State the dimensions of the ditch canal or pipe line as originally constructed, just below the wasteway or headgate.

A.—Width (top)  $2$  feet; width (bottom) \_\_\_\_\_ feet;  
depth  $1\frac{1}{2}$  feet; grade, or fall in feet per 1,000 feet, \_\_\_\_\_ feet.

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged.

A. —

First enlargement—Width (top) .....feet; width (bottom) .....feet;  
depth ..... feet; grade, or fall per 1,000 feet, ..... feet.

Second enlargement—Width (top) ..... feet; width (bottom) ..... feet;  
depth ..... feet; grade, or fall per 1,000 feet, ..... feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate. A.—80 acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year. A.—20 acres.

16. Q.—How many acres were irrigated each subsequent year up to and including the present year? A.—All irrigated by 1876.

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

A. —

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A.—

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13	30E.	25			2	.4										2	1.2		
Also use small lateral from laycock creek direct crossing Enterprise ditch, and is used to irrigate .5																			

Total.....6.1.....acres.



EXHIBIT "A"

That for a long time prior to August 27, 1909, claimant was the owner of all of the SE $\frac{1}{4}$  of Section 25, and the NE $\frac{1}{4}$  of Section 36, Township 13 south, Range 30, and in said year sold certain parts of said lands now owned by Archie Timms, to one B. M. Burton, the deed conveying such lands containing the following stipulations and reservations, to-wit:

Together with all ditches and water rights appurtenant to the said property or used in irrigating the same, excepting and reserving, however, the following described water right and ditches, to-wit: That certain water works and water system taken out of the creek on said property and used as a water system for the home residence place of the grantor herein, and also the right of way over the above described tract for said water system; and also reserving and excepting the right to maintain, use and operate the two water ditches which takes the water from the creek on the above described premises and conveys the same to adjoining land owned by the grantors, but the said grantors shall not have the right to use any water from said creek through said two ditches when same shall be needed by the grantee, for the purpose of irrigating the above described tract, except the one-fourth interest hereinafter mentioned; and also reserving and excepting a third ditch which heads in the creek above said tract of land and conveys water from said creek to and upon adjoining lands owned by the grantors herein and in which said ditch the grantors reserve a one-fourth interest and the grantee shall take a three-fourths interest by this deed.



## EXHIBIT "B"

## DESCRIPTION J. A. LAYCOCK LANDS.

The S $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 24; the NE $\frac{1}{4}$ , and the S $\frac{1}{2}$  of Section 25, and all of Section 36, all in Township 13 south, Range 30 E., W. M.; also the following described tract in Section 30, Township 13 south, Range 31 E., W. M.: Beginning at the northwest corner of said Section 30; thence south 8.68 chains; thence north 16° 30' east, 7.84 chains; thence east 0.22 chains; thence north 16° 30' east, 1.22 chains; thence west 2.79-3/10 chains to the place of beginning, and containing 1.03 acres; also a tract of land lying in Section 19, Township 13 south, Range 31 E., W. M., beginning at the southwest corner of said Section 19; thence east 2.79-3/10 chains; thence north 16° 30' east, 10.08 chains; thence north 14° west, 6.22 chains; thence north 14° 30' east, 3.80 chains; thence north 9° 30' west, 3.90 chains; thence north 49° west, 1.50 chains; thence north 2° west, 2.25 chains; thence west 3.25 chains; thence south 26.46 chains; to the place of beginning, and containing 3.3 acres; excepting therefrom the following described tract: in Section 25, Township 13 south, Range 30 E., W. M.: Beginning at the southeast corner of said Section 25; thence west 1 chain; thence north 28° west, 1.50 chains; thence north 11° 30' west, 17.34 chains; thence north 5° east, 6.75 chains; thence north 4° 30' east, .22 chains; thence north 5° 30' east, 1.88 chains; thence north 5° east, 15.80 chains; thence north 9° east, 3.15 chains; thence north 22° east, 1.60 chains; thence north 16° 30' east, 1.96 chains; thence south 71° 32' chains to place of beginning, and containing 10.93 acres. Also excepting a tract described as follows: Commencing at a point from which the east quarter corner of Section 36, Township 13 south, Range 30 E., W. M., bears south 50' east, 11.50 chains; and running thence north 2° 38' west, 30.21 chains; thence north 10° 50' west, 17.92 chains; thence north 4° 30' east, 24.05 chains; thence south 43° 10' west, 12.50 chains; thence south 68° 2' west, 2.30 chains; thence south 11° 55' east, 36.50 chains; thence south 7° east, 25.52 chains; thence south 84° 10' east, 2.98 chains to the point of beginning, and containing 46.93 acres.



EXHIBIT "C"

That in the year 1895 Rachel L. Luce was the owner of the S $\frac{1}{2}$  N $\frac{1}{2}$  of Section 30, Township 13 south, Range 31 E., W. H., and a small tract in the E $\frac{1}{2}$  of Section 25, Township 13 south, Range 30; that the stream now known as Laycock creek and shown on the Engineer's map as such, was formerly known as Cazort creek, also as Luce creek, and that in said year 1895 this claimant and Rachel L. Luce were both using water from the said creek and in that year claimant and said Rachel L. Luce entered into an agreement, a copy of which agreement is attached to this Exhibit.



John Day, Grant County, State  
of Oregon, September 10th, 1895.

AGREEMENT between J. A. Laycock of Grant County, State  
of Oregon, party of the first part, and Rachel Luce, of Grant County,  
State of Oregon, party of the second part, in regard to water rites  
of the water in Cozart or Luce Creek, situated in Grant County,  
State of Oregon.

ARTICLE FIRST.

WITNESSETH: The parties of the first and second part do  
hereby agree to divide the water of said creek in the following  
manner: The party of the second part to have sufficient water  
to irrigate her garden and trees situated above the Enterprise  
Irrigating Ditch, providing the party of the second part shall  
in no case use more than one half of the water in said creek.

ARTICLE SECOND.

Whenever the water in said creek shall decrease to  
twenty inches (Miners measure) at the head of the upper ditch  
belonging to the party of the first part known as the Horn Ditch,  
then all of the water in said creek shall belong to the party of  
the first part until the water in said creek shall again exceed  
twenty inches, then it shall be divided as specified in Article  
first of this agreement.

Signed in presence of

J. A. Laycock

N. R. Maxcy

Rachel L. Luce.

John C. Luce.

(Recorded Sept. 19, 1895, in Vol. L, Miscellaneous  
Records, page 19)



19. Q.—State the character of the soil and kind of crops cultivated.

A. — Black loam with gravelly subsoil; timothy, alfalfa,  
grain and garden.

20. Q.—When does the irrigating season begin and when does it end, and if water is used for other purposes, during what months is it used?

A. — April 15th to September 30th.

21. Q.—What amount of water do you estimate is necessary for the proper irrigation of the lands which you are irrigating or propose to irrigate, or for any other purpose for which a right is claimed?

A. — 1/20 of a cubic foot per second per acre.

22. Q.—Do you accept the maps prepared by the State Engineer as showing correctly the location of said ditch and the lands irrigated therefrom?

NOTE—In case there is objection to the official plat or a part thereof the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the State Engineer a map covering the part objected to, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen preferably on a scale of four inches to the mile (20 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated. Such map should correspond in size to legal cap paper so as to be easily filed with the claim.

A. — Yes.

23. Q.—If water is used for power, state the total fall utilized and the theoretical (not actual) horsepower developed.

NOTE—Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 8.8 (one cubic foot per second falling 8.8 feet equals one theoretical horsepower).

A. —

24. Q.—Describe the nature of the works by which the power is developed, the place where located, and state whether the water is returned to the stream after use and at what point.

A. —

25. Q.—If for mining purposes, describe the location and character of the mines to be served and state whether after use the water is returned to the stream and at what point.

A. —

26. Q.—If water is used for mining or power purposes, state whether there are any diversions between the point of your diversion and the return of such water to the stream.

A. —

27. Q.—Give description of your land as it appears in your deed. (Attach separate sheet if necessary.)

A. — See Exhibit "B"

28. Q.—What interest have you in the lands irrigated or place where the water is used?

A. — Owner.

29. Q.—What additional evidence have you attached hereto or submitted herewith?

A. — See "Exhibit "C"

(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own should attach to its proof a complete list of the persons owning the lands so supplied with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit should be attached to this proof and marked for identification as exhibit "A," "B," "C," etc.)



I hereby certify upon oath that the foregoing statement and answers are true as I verily believe.

*P. A. Laycock*  
Signature of Claimant, or Agent Making Proof.

Subscribed and sworn to before me this *1st* day of *July*, 192*7*.

*G. W. Battan*  
State Engineer

[or]

Notary Public for Oregon.

My commission expires.....

MY COMMISSION EXPIRES JANUARY 30, 1928

### AUTHORIZATION OF AGENT

I, \_\_\_\_\_, of \_\_\_\_\_,  
State of \_\_\_\_\_, do hereby make and appoint \_\_\_\_\_

\_\_\_\_\_, of \_\_\_\_\_, my agent  
and attorney for me and in my name, place and stead, to make and submit the within Statement  
and Proof of Claim.\*

And I hereby designate said agent as the proper party upon whom lawful and valid service  
may be made of all process and notices in any contest commenced by or against me, in the within  
entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as  
my true and lawful agent and attorney, giving and granting unto my said attorney full power and  
authority to do and perform all and every act necessary and requisite to be done in the premises,  
as fully as I might or could do if personally present, hereby ratifying and confirming all my said  
agent shall lawfully do by virtue of this power.

\_\_\_\_\_  
Signature of Claimant.

\* Claimant should cross out the second paragraph of the Authorization if he does not desire the agent to appear for  
him in the proceeding after the filing of this claim.

Filed, *July 17*, 192*7*.

Fees paid:

Irrigation \_\_\_\_\_ acres, \$\_\_\_\_\_

Power, \_\_\_\_\_ H. P., \$\_\_\_\_\_

Other use, \_\_\_\_\_, \$\_\_\_\_\_

Recording certificates, \$\_\_\_\_\_

Total, \$\_\_\_\_\_

Receipt No. \_\_\_\_\_

*(See Claim #3.)*

*T. H. Luper*  
State Engineer.



4-3424

RECEIVED

JUN 11 1976

WATER RESOURCES DEPT  
SALEM, OREGON

## Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, L. C. SPAULDING

(Name of applicant)

of JOHN DAY 97845, County of Grant

(Postoffice)

State of Oregon, do hereby make application for change in point ofdiversion

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

1. The source of present water right is Laycock Creek

(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 Horn Ditch4. The point of diversion is located 2300 ft. S. and 160 ft. W. from the S.E.

(N. or S.)

(E. or W.)

corner of section 25 being within the SE 1/4 NE 1/4

(Section or subdivision)

of Section 36 Tp. 13 S. R. 30 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
13 S.	30 E.	25			2.0	0.4									2.0	0.1	0.2	

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

5.6 Ac

0.14 cfs  
at 1/40th.

(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? YES8. What is the date of priority of your water right? 18669. 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 25456  
(Yes or No)

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

yes If so, give title of proceedings John Day River Adjudication  
(Yes or No)

12. Is the water right recorded in your name? J.A. Laycock  
(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 $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(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 2130 ft. N and 875 ft. W from the SE  
(N. or S.) (E. or W.)  
corner of sec. 25 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 25 Tp. 13S R. 30E 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 pumped Enterprise

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? yes

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 more efficient use of water



AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Grant

} ss.

I, L. C. Spaulding, 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 9<sup>th</sup> day of June, 1976.

L. C. Spaulding  
(Name of applicant)

Subscribed and sworn to before me this 9<sup>th</sup> day of June, 1976.

[Notarial Seal]

Robert F. Main Jr.  
NOTARY PUBLIC FOR OREGON

My commission expires April 1, 1979

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.



# AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Grant

SS.

I, 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 - Point of Diversion of water - L.C. Spaulding

....., 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 1, July 8 and July 15, 1976  
Moreau

Subscribed and sworn to before me this 20<sup>th</sup> day of July, 1976.

Donna E. Moreau  
Notary Public for Oregon

My commission expires May 20, 1977

Cost of this publication was \$ 32.08

(Seal)

## Public Notices

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

Notice is given hereby that L. C. Spaulding has filed an application for the approval of a change in point of diversion from Laycock Creek.

Certificate of water right issued to J. A. Laycock and recorded at Page 25456, V. 17, State Record of Water Right Certificates, confirms a right to the use of water from Laycock Creek for the irrigation of, among other lands, 2.0 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.4 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 1.2 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 25, T. 13 S., R. 30 E., W.M., with a date of priority of 1866.

These lands are irrigated by means of the Horn ditch from a point of diversion located 2300 ft. S. and 160 ft. W. from the SE corner of Sec. 25, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 36, T. 13 S., R. 30 E., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 2130 ft. N. and 875 ft. W. from the SE corner of Sec. 25, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 25, T. 13 S., R. 30 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon, on Aug. 26, 1976, 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 L. C. Spaulding, 208 N.W. Canton, John Day, Oregon 97845, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. If no objection is filed, the application may be approved by the Water Resources Director without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 22nd day of June, 1976.

JAMES E. SEXSON  
Director