

3004 Carl Elmer  
 Page 458  
 John Day 0597845

3004

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Mailed 9-22-75

Change in point of diversion  
 Date filed 3-25-74  
 Date of hearing 6-18-74  
 Place of hearing Canyon City, Or  
 Date of order 7-12-74 Vol. 25, page 38  
 Date for application of water 10-1-75  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued APR 21 1976 Vol. 34, page 42919  
DEC 21 1978 40 survey 10/75 47059

Name of stream John Day River  
 Trib. of \_\_\_\_\_ County of Frank  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 0.48  
 Name of ditch Mill Ditch  
 Date of priority 1875  
 In name of Bradford C. Traubridge  
John Day River Adjudication, Vol. 10, page 618  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 35918  
40976  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

Date	Amount	Receipt No.
3-26-74	30.00	39235
3-26-74	40.00	39236
TOTAL . . .		
5-28-74	3 <sup>00</sup> Cert. Fee	From P.O.N.

FEES REFUNDED

Date	Amount	Check No.
5-28-74	\$ 11.00 P.O.N.	5810

REMARKS

Cert. 40976 Superseded 35918 before this Order Posted! See also "B-189"  
Also see Cancellation Special Order Vol 25, P 106

W.R.I.S.

Assembled 5-22-74 by S.M.  
 Entered \_\_\_\_\_ by \_\_\_\_\_  
 Verified \_\_\_\_\_ by \_\_\_\_\_

TO BE ENTERED WHEN CHECKED

INDEX CARDS:	Entered	Checked
<u>WC</u> Name	—	—
<u>WC</u> Stream	—	—
<u>W/H</u> Pt. of Div.	—	—
<u>W/H</u> Calendar	—	—
CHECKED TO RECORDS:		
<u>✓</u> Twp. & Rge.	<u>21</u>	—
<u>✓</u> Decree-vault	<u>21</u>	—
<u>✓</u> Decree-safe	<u>21</u>	—
<u>WC</u> Cert. of W/E	<u>WC</u>	—
Per. Folder	—	—
Chaindex	—	—
Cross Ref.	—	—
Power Claim	—	—
Abstracts	—	—

Chd 9/28

526

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



*Div. Pt. Loc. 800' S of 585' W From N 1/4 Cor. Sec. 25*

**FINAL PROOF SURVEY  
UNDER**

TRANSFER NO. 3004  
Application No. .... Permit No. ....  
IN NAME OF

.....**CARL ELMER**.....

Surveyed Sept. 16, 1977, by S.C. BROWN.....

July 12<sup>th</sup> 789

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That CARL ELMER BRADFORD C. TROWBRIDGE

of Box 458 John Day, State of Oregon, has a right to the use of the waters of John Day River 97845

a tributary of 0.48 Columbia River for the purpose of irrigation of 187.4 acres and stock use and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant W.R. DEPT. 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 1863 Tract No. 1 1875 Tract No. 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 one-fortieth 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; total five acre-feet per acre for season, measured at point of diversion.

800' S 85' W FROM N 1/4 COR. SEC. 25

The point of diversion is located in the NE NW Tract No. 1 - NE 1/4 NE 1/4, Section 25, T. 13 S., R. 31 E., W. M. Tract No. 2 - SW 1/4 SW 1/4, Section 20, T. 13 S., R. 32 E., W. M. A description of the place of use under the right, and to which such right is appurtenant, is as follows:

- Tract No. 1: 22.3 acres NE 1/4 SW 1/4, 14.5 acres NE 1/4 SE 1/4, 23.0 acres NW 1/4 SE 1/4, 17.6 acres SW 1/4 SE 1/4, 38.5 acres SE 1/4 SE 1/4, Section 23: 15.0 acres SW 1/4 SW 1/4, 11.2 acres SE 1/4 SW 1/4, Section 24: 48.2 acres NE 1/4 NW 1/4, 11.9 acres NW 1/4 NW 1/4, Section 25: 8.1 acres NE 1/4 NE 1/4, Section 26. T. 13 S., R. 31 E., W. M. Tract No. 2: 3.0 acres NE 1/4 NE 1/4, Section 26: 2.7 acres NE 1/4 NW 1/4, 0.4 acre NW 1/4 NW 1/4, Section 25: T. 13 S., R. 31 E., W. M. TRACT NO. 2: 0.48 NE 1/4 NW 1/4 SEC. 25

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered July 12, 1974 and together with certificate of water right recorded on Page 42919, Volume 34, SRWRC supersedes certificate of water right recorded on Page 35918, Volume 27, SRWRC.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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 date April 23, 1969.

CHRIS L. WHEELER State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION )  
OF CARL ELMER FOR THE APPROVAL OF )  
A CHANGE IN POINT OF DIVERSION OF )  
WATER FROM JOHN DAY RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3004

On March 26, 1974, Carl Elmer 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 Bradford C. Trowbridge for the use of the waters of John Day River for the irrigation of, among other lands, 0.48 acre in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, Township 13 South, Range 31 East, W.M., with a date of priority of 1875, as evidenced by certificate of water right recorded at page 35918, Volume 27, State Record of Water Right Certificates. These lands are irrigated by means of the Mill ditch from a point of diversion located 300 feet North and 1100 feet East from the Southwest corner of Section 20, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 20, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 20, Township 13 South, Range 32 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 755 feet South and 585 feet West from the North  $\frac{1}{4}$  corner of Section 25, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 25, 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 point of diversion of water, if any there were, namely: at the

county courthouse in Canyon City, Oregon, on June 18, 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 April 25, May 2 and 9, 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 Supervisor, 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 300 feet North and 1100 feet East from the Southwest corner of Section 20, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 13 South, Range 32 East, W.M.

To a point to be located 755 feet South and 585 feet West from the North  $\frac{1}{2}$  corner of Section 25, being within the NE $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 25, Township 13 South, Range 31 East, W.M.

for the irrigation of 0.48 acre in NE $\frac{1}{2}$  NW $\frac{1}{4}$ , Section 25, Township 13 South, Range 31 East, W.M., with a date of priority of 1875, 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, 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 carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 Bradford C. Trowbridge and recorded at page 35918, Volume 27, 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 Carl Elmer confirming the change in point of diversion.

Dated at Salem, Oregon, this 12th day of July, 1974.

/s/ CHRIS L. WHEELER  
State Engineer

STATE OF OREGON

Filed by  
Cert. No. 42919

Sp. Or. V. 25 385

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That BRADFORD C. TROWBRIDGE

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

a tributary of Columbia River for the purpose of irrigation of 177.3 acres and stock use for Tract No. 1 and irrigation of ~~5.22~~ 5.22 acres for Tract No. 2 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 1863 for Tract No. 1 and 1875 for Tract No. 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 one-fortieth 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; total five acre feet per acre for season, measured at point of diversion.

The point of diversion is located in the Tract No. 1 - NE $\frac{1}{2}$  NE $\frac{1}{2}$ , Section 25, T. 13 S., R. 31 E., W.M. Tract No. 2 - SW $\frac{1}{2}$  SW $\frac{1}{2}$ , Section 20, T. 13 S., R. 32 E., W.M. A description of the place of use under the right, and to which such right is appurtenant, is as follows:

Tract No. 1	Tract No. 2
22.3 acres NE $\frac{1}{2}$ SW $\frac{1}{2}$	2.6 acres NE $\frac{1}{2}$ NE $\frac{1}{2}$
11.5 acres NE $\frac{1}{2}$ SE $\frac{1}{2}$	Section 26
23.0 acres NW $\frac{1}{2}$ SE $\frac{1}{2}$	2.22 <del>5.22</del> acres NE $\frac{1}{2}$ NW $\frac{1}{2}$
17.6 acres SW $\frac{1}{2}$ SE $\frac{1}{2}$	0.4 acre NW $\frac{1}{2}$ NW $\frac{1}{2}$
38.5 acres SE $\frac{1}{2}$ SE $\frac{1}{2}$	Section 25
Section 23	T. 13 S., R. 31 E., W.M.
15.0 acres SW $\frac{1}{2}$ SW $\frac{1}{2}$	
11.2 acres SE $\frac{1}{2}$ SW $\frac{1}{2}$	
Section 24	
18.2 acres NE $\frac{1}{2}$ NW $\frac{1}{2}$	
11.9 acres NW $\frac{1}{2}$ NW $\frac{1}{2}$	
Section 25	
8.1 acres NE $\frac{1}{2}$ NE $\frac{1}{2}$	
Section 26	
T. 13 S., R. 31 E., W.M.	

An order of the State Engineer entered July 12, 1974, approved a change in point of diversion for the irrigation of 0.48 acres. This certificate is issued to confirm the remaining right, ~~and~~ <sup>not involved in the change</sup> and supersedes the certificate heretofore issued to Bradford C. Trowbridge ~~and~~ recorded at page ~~40978~~ <sup>40976</sup>, State Record of Water Right Certificates.

this date October 21, 1974.

CHRIS L. WHEELER  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 33, page 40976

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 15 1974

STATE ENGINEER  
SALEM, OREGON

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 for a Change in Point of Diversion of Water - Carl Elmer, 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: \_\_\_\_\_

April 25, May 2 and May 9, 1974

Subscribed and sworn to before me this 11<sup>th</sup> day of May, 1974.

Donna E. Moreau  
Notary Public for Oregon

My commission expires May 20, 1977

Cost of this publication was \$ 26.00

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

Notice is given hereby that Carl Elmer 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 B. C. Trowbridge evidenced by certificate 35918 for the use of the waters of John Day River for the irrigation of, among other lands, 0.48 acre in the NE 1/4 NW 1/4, Sec. 25, T. 13 S., R. 31 E., W.M., with a date of priority of 1875.

These lands are irrigated from a point of diversion located 300 ft. N. and 1100 ft. E. from the SW corner of Sec. 20, being within the SW 1/4 SW 1/4, Sec. 20, T. 13 S., R. 32 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 755 ft. S. and 585 ft. W. from the N 1/4 corner of Sec. 25, being within the NE 1/4 NW 1/4 of Sec. 25, T. 13 S., R. 31 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City on June 18, 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 Carl Elmer, Box 458, 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 17th day of April, 1974.

CHRIS L. WHEELER  
State Engineer  
17-19

(Seal)

