

3409

STATUS OF APPLICATION

Change in point of diversion; add point of div
 Date filed 5-13-76
 Date of hearing 8-2-76
 Place of hearing Canyon City
 Date of order 9-14-76 Vol. 27, page 421
 Date for application of water 10-1-77
 Proof mailed _____
 Proof received _____
 Certificate issued JAN 19 1981 Vol. 43, page 49776

to survey 1/78

REMARKS

DESCRIPTION OF WATER RIGHT

Name of stream John Day River
 Trib. of _____ County of Grant
 Use irrigation
 Quantity of water _____ No. of acres 117^e
 Name of ditch Power Ditch
 Date of priority April 18, 1916
 In name of Eugene Rice
 _____ Adjudication, Vol. _____, page _____
 App. No. 4863 Per. No. 2892 Cert. No. 39817
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

3/24/76

| Date | Amount | Receipt No. |
|-------------|---------------|----------------------------|
| 4-26-76 | 35.00 | Transf from P-G Re # 54726 |
| 5-13-76 | 25.00 P.O.N. | 5-2515 |
| | 20.00 P.O.N. | Transf from P-G |
| 7-12-76 | 1.08 P.O.N. | 54289 |
| TOTAL . . . | | |
| 7-12-76 | \$2 Cert. Fee | 54291 |

Paid to Blue Mt. Engle \$46.08 ck # 746

FEES REFUNDED

| Date | Amount | Check No. |
|------|--------|-----------|
| | | |

INDEX CARDS:

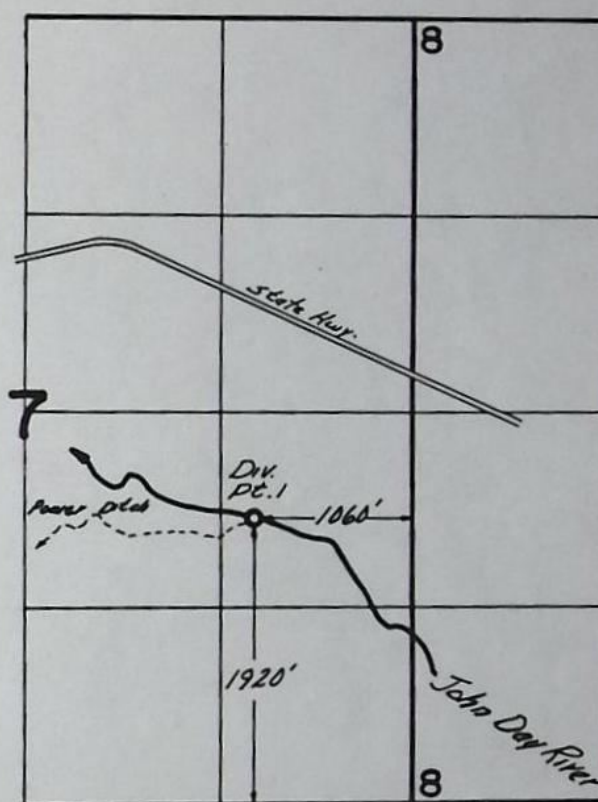
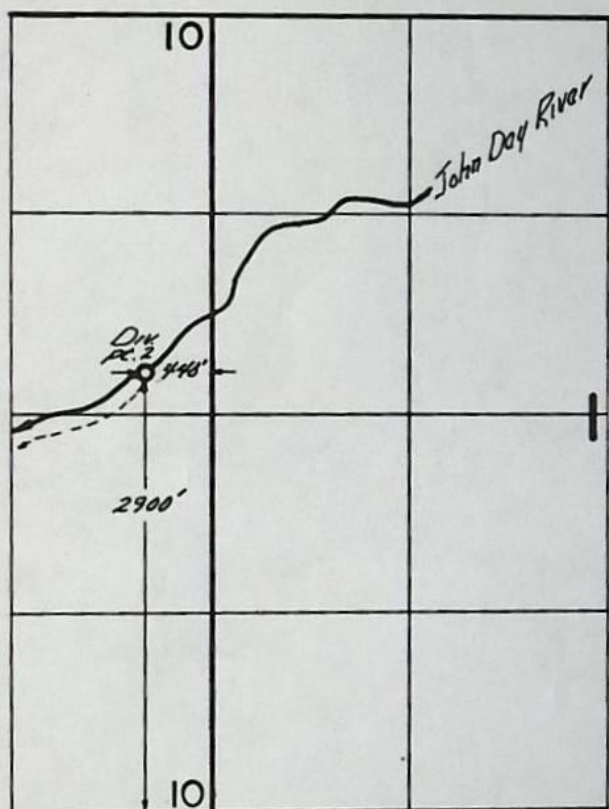
| | Entered | Checked |
|------------------------|---------|---------|
| W/S Name | ✓ | |
| W/S Stream | ✓ | |
| W/S Pl. of Div. | ✓ | |
| W/S Calendar | ✓ | |
| ✓ RECORDED TO RECORDS: | | |
| ✓ Fwp. & Rgo. | ✓ | |
| ✓ Deed to grant | | |
| ✓ Deed to grant | | |
| ✓ Cont. of W.R. | ✓ | |
| ✓ Pay. Folder | ✓ | |
| ✓ Condition | | |
| ✓ Cont. Ref. | | |
| ✓ Power of Atty. | | |
| ✓ Abstract | | |

W.R.I.S.

Assembled 622-81 by SB
 Entered _____ by _____
 Verified _____ by _____

T.13S.R.33E.W.M.

T.13S.R.34E.W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER No. 3409 and No. 3410.....
IN NAME OF

.....**ELMWOOD RANCH**.....

Surveyed Sept. 18, 1979, by S.C. BROWN.....

#1023A-1576-4156 *etc.*

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION }
OF ELMWOOD RANCH FOR THE APPROVAL }
OF CHANGES IN POINT OF DIVERSION }
OF WATER FROM JOHN DAY RIVER }

ORDER APPROVING
TRANSFER NO. 3409

On May 13, 1976, Elmwood Ranch, by Eugene Ricco, filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion and an additional point of diversion under an existing right of record from the John Day River.

Certificate of water right issued to Eugene Ricco and recorded at Page 39817, Volume 31, State Record of Water Right Certificates, confirms a right to the use of 1.46 cubic feet per second of water from John Day River for the irrigation of 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 37.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 13 South, Range 33 East, W.M., with a date of priority of April 18, 1916.

These lands are irrigated by means of the Power ditch from a point of diversion located 2150 feet North and 3300 feet East from the Southwest corner of Section 7, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 13 South, Range 34 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate the said lands from two points of diversion located as follows:

- (1) Power ditch, 2020 feet North and 1330 feet West from the Southeast corner of Section 7, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 13 South, Range 33 East, W.M.
- (2) Galbraith-Olp-Hall ditch, 2690 feet North and 380 feet West from the Southeast corner of Section 10, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 13 South, Range 33 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 June 10, 17 and 24, 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 changes 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 changes in point of diversion and an additional point of diversion, as 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 1.46 cubic feet per second.

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 Eugene Ricco and recorded at Page 39817, Volume 31, 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 Elmwood Ranch, by Eugene Ricco, confirming the right.

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

/s/ JAMES E. SEXSON
Director

NO PHOTO

County _____ Grant _____

- [illegible]

Inversion locator 9-18-79
JCB

INFO: PHYSICAL INSPECTION

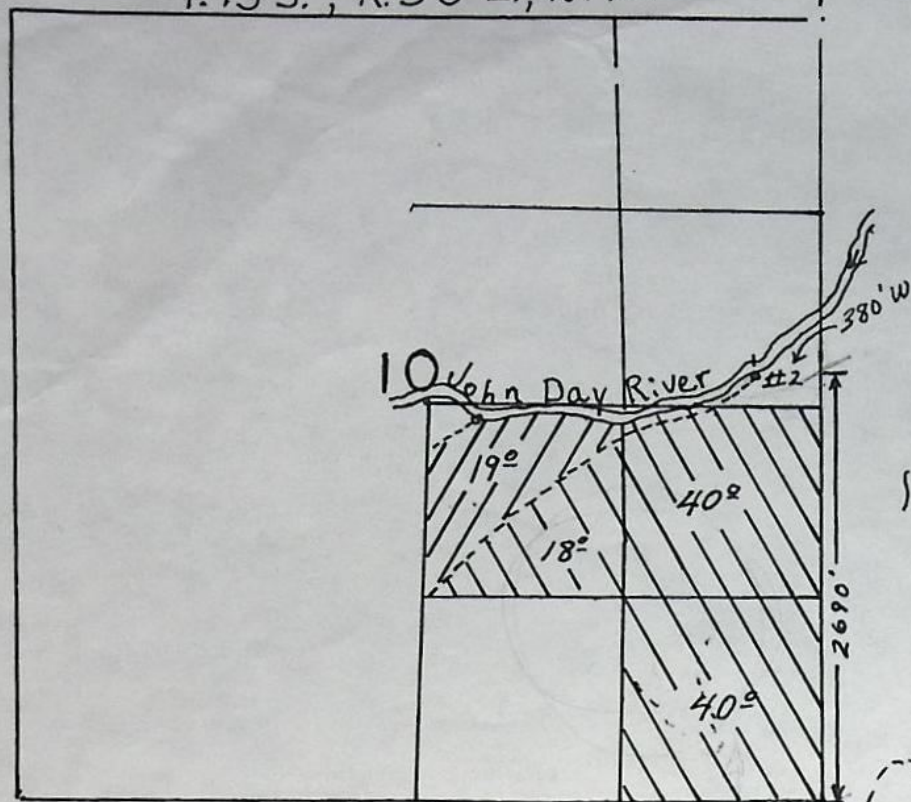
DIV: NEW PT. OF DIV. #1 IS A ROCK DAM IN JOHN DAY RIVER
WHICH DIVERTS WATER THROUGH 5' DIA. CMP INTO
POWER DITCH

See Report on TRANSFER 3410.

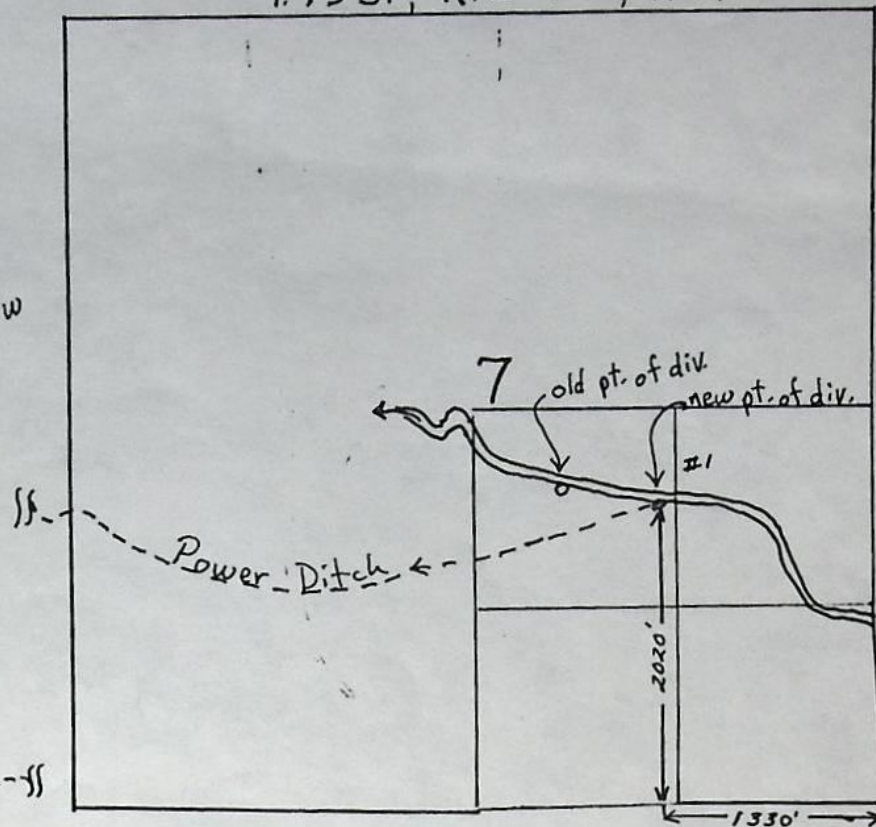
Hyd. Eng.
FIELD ENGINEER
9-18-79

N

T.13S., R.33E., W.M.



T.13S., R.34E., W.M.



Power Ditch

To be irrigated
from Power ditch and
additional pt. of div.
at #2

Change pt. of div.
from #1 to #2

4" = 1 mile

Map approved by

Emwood Reed
by *Ernest Riccio*

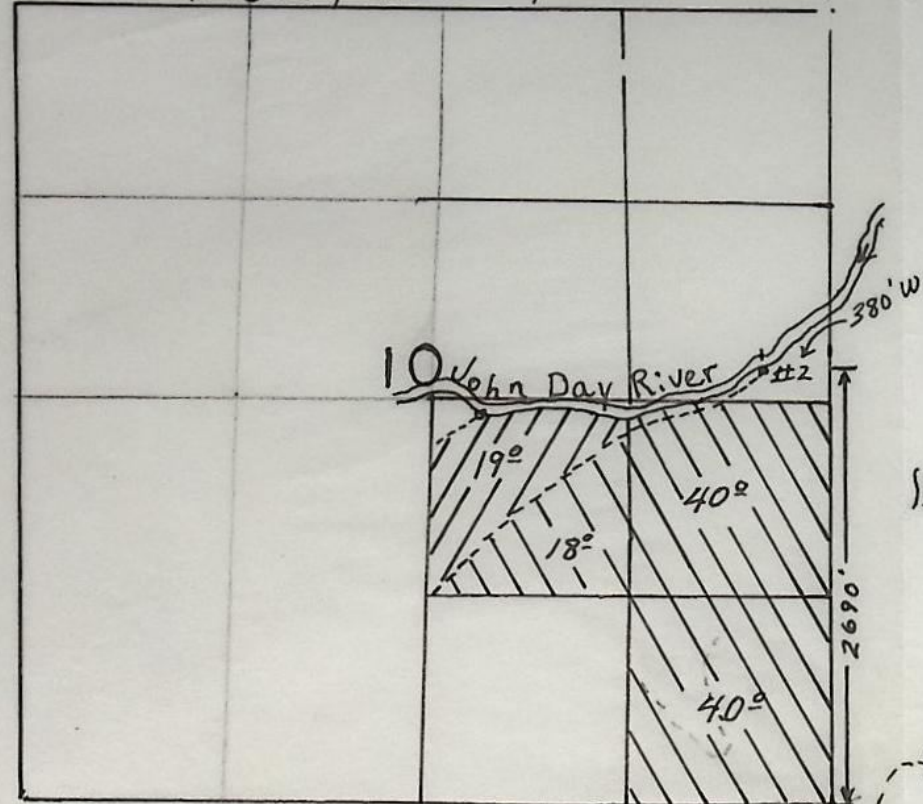
RECEIVED

MAY 13 1976

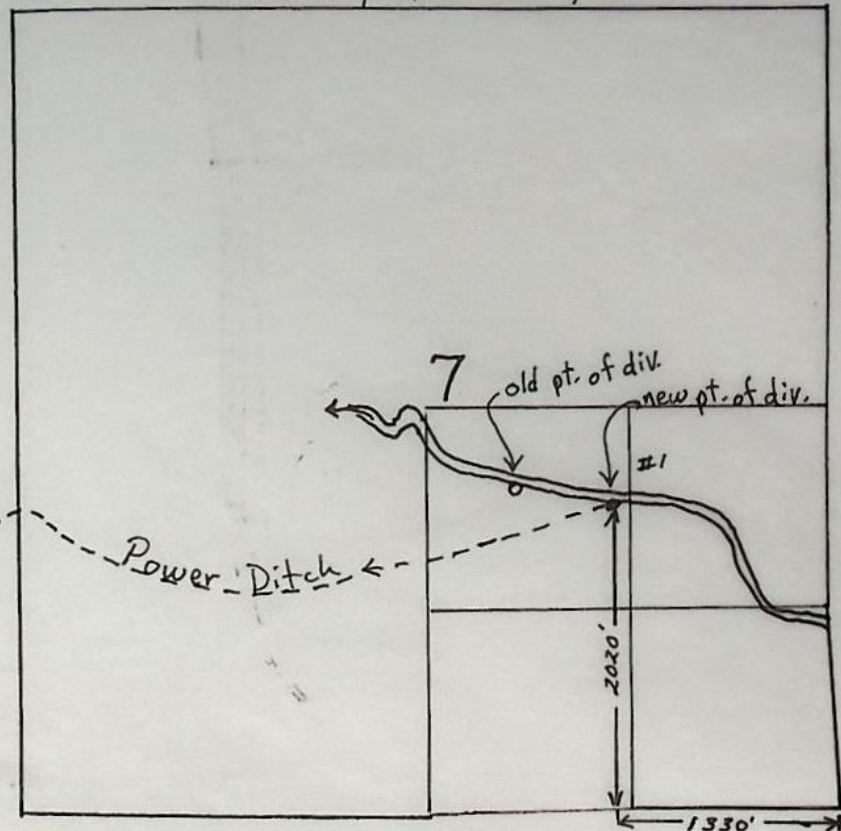
WATER RESOURCES DEPT.

N

T.13S., R.33E., W.M.



T.13S., R.34E., W.M.



Power Ditch

To be irrigated from Power ditch and additional pt. of div. at #2

Change pt. of div. from #1 to #2

4" = 1 mile

Map approved by

Elmwood Ranch
by Eugene Rice Pres

RECEIVED

MAY 13 1976

WATER RESOURCES DEPT.
SALEM, OREGON



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

January 12, 1978

Mr. Eugene Ricco, President
Elmwood Ranch
Prairie City, OR 97869

RECEIVED
JAN 20 1978
WATER RESOURCES DEPT
SALEM, OREGON

RE: File No. T- 3409

Dear Mr. Ricco:

The time allowed for completion of the changes in point of diversion of water from John Day River, proposed by your water right transfer application No. 3409, expired on October 1, 1977.

If the authorized changes were 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.
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. 3409 was accomplished by September 1, 1976

Jan, 16 1978
Date

Elmwood Ranch, Inc.
Signature
by Eugene Ricco Pres.

☐ Please send form for application for extension of time limit.

RECEIVED
MAY 13 1976
WATER RESOURCES DEPT.
SALEM, OREGON

T-3409

Application for Transfer of Water Right

To the STATE ENGINEER OF OREGON:

I, Elmwood Ranch, by Eugene Ricco, president
(Name of applicant)

of Prairie City
(Postoffice), County of Grant

State of Oregon, do hereby make application for change in point of diversion for the Power Ditch and to establish an additional point of diversion for the irrigation of 98.0 acres, and for a change in point of diversion for the irrigation of 19.0 acres.
(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 Power Ditch

4. The point of diversion is located 2150 ft. N. and 3300 ft. E. from the S.W.
(N. or S.) (E. or W.)

corner of section 7 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$
(Section or subdivision)

of Section 7 Tp. 13 S. R. 34 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 $\frac{1}{4}$ | 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 $\frac{1}{4}$ |
| 13S. | 33E. | 10 | | | | | | | | | | | | | 40 | 18 | | 40 |
| | | | change in point of diversion for Power Ditch and establish an additional point of div. for acreage listed above. | | | | | | | | | | | | | | | |
| | | | change in point of diversion for acreage listed below. | | | | | | | | | | | | | | | |
| 13S. | 33E. | 10 | | | | | | | | | | | | | 19 | | | |

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

note: see remarks

(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? April 18, 1916

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

of permit 2892 (appl. 4863)

C# 39817 Vol 31

10. Do you hold a water right certificate? yes If so, give number of certificate 39817
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?
no If so, give title of proceedings
(Yes or No)

12. Is the water right recorded in your name? yes
(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 $\frac{1}{4}$ |
| | | | | | | | | | | | | | | | | | | |
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(Attach separate sheet if necessary)

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

Proposed div. pt. for Power Dch. is 2020'N. & 1330'W. from the S.E. corner of sec. 7, T. 13 S., R. 34 E. W.M. *within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said section 7*

14. The proposed point of diversion is located 2690 ft. N. and 380 ft. W. from the S.E. corner of sec. 10 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 Tp. 13S. R. 33 E. W. M.,
(Smallest legal subdivision) (N. or S.) (E. or W.)

in the county of Grant The name of the ditch to be used is Power Ditch as # 1 and Galbraith-Olp-Hall Ditch as # 2.

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.? yes
(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 make better use of available water.

2025 JUN 10
WATER RESOURCES DEPT.
MONTANA
RECEIVED

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of Grant

SS.

I, Eugene Ricco, President of Elmwood Ranch, 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 11th day of May, 1976.

Elmwood Ranch Inc.
(Name of applicant)
by Eugene Ricco Pres.

Subscribed and sworn to before me this 11th day of May, 1976.



Robert F. Main, Jr.

NOTARY PUBLIC FOR OREGON

My commission expires April 1, 1979

Remarks The location of the additional point of diversion for the
irrigation of the 98.0 acres and the location of the proposed
point of diversion for the irrigation of the 19.0 acres is the same
point supplying the Galbraith-Olp-Hall Ditch.

The proposed change of the Power Ditch point of diversion is to
establish the point as it now exists.

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, Donna E. 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 and Additional Point of Diversion of Water - Ricco, 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:

June 10, June 17 and June 24, 1976

Subscribed and sworn to before me this 25th day of June, 1976.

Donna E. Moreau
Notary Public for Oregon

My commission expires May 20, 1977

Cost of this publication was \$ 46.08

(Seal)



RECEIVED
JUN 20 1976
WATER RESOURCES DEPT
SALEM, OREGON

Public Notices

NOTICE OF FILING APPLICATION FOR A CHANGE IN POINT OF DIVERSION AND AN ADDITIONAL POINT OF DIVERSION OF WATER

NOTICE IS GIVEN HEREBY that Elmwood Ranch, by Eugene Ricco, President, has filed an application for the approval of a change in point of diversion and an additional point of diversion of water from the John Day River.

Certificate of water right issued to Eugene Ricco and recorded at Page 39817, Vol. 31, State Record of Water Right Certificates, confirms a right to the use of 1.46 cubic feet per second from John Day River for the irrigation of 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 37.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 10, T. 13 S., R. 33 E., W.M., with a date of priority of April 18, 1916.

Certificate of water right issued to Eugene Ricco and recorded at Page 23611, Vol. 17, State Record of Water Right Certificates, confirms a right to the use of 1.0 cubic foot per second from John Day River for the irrigation of 10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 8.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 16.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 2.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.9 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.4 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 13 S., R. 33 E., W.M., with a date of priority of August 18, 1952.

These lands are irrigated by means of the Power ditch from a point of diversion located 2150 ft. N. and 3300 ft. E. from the SW corner of Sec. 7, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 13 S., R. 34 E., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate 19.0 acres of the lands above described in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 10 by means of the Galbraith-Olp-Hall Ditch from a point of diversion located 2,690 ft. N. and 380 ft. W. from the SE corner of Sec. 10, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 10, T. 13 S., R. 33 E., and to irrigate the balance of the lands above described by means of the Power Ditch from a point of diversion located 2020 ft. N. and 1330 ft. W. from the SE corner of Sec. 7, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 7, T. 13 S., R. 34 E., W.M., and by means of the aforementioned Galbraith-Olp-Hall Ditch from the point of diversion as located above.

All persons interested are notified hereby that a hearing will be held at the County Courthouse at Canyon City, Oregon, on August 2, 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 Elmwood Ranch, by Eugene Ricco, President, Prairie City, Oregon 97869, 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 25th day of May, 1976.

JAMES E. SEXSON
Director
24-28