

EVANS

3686

STATUS OF APPLICATION

Change in POU & POD
 Date filed 5-26-77
 Date of hearing Dec. 20, 1977
 Place of hearing Canyon City
 Date of order 2-9-78 Vol. 30, page 405
 Date for application of water completed
 Proof mailed 4-10-81
 Proof received _____
 Certificate issued Jan. 14, 2010 Vol. _____ page 85990
3/26/2010 86122

to survey 2/78

5-11-81 TS
 has transfer appl. been received?

DESCRIPTION OF WATER RIGHT

Name of stream John Day River
 Trib. of _____ County of Wheeler
 Use irrigation
 Quantity of water _____ No. of acres 20
 Name of ditch _____
 Date of priority _____
 In name of _____
 _____ Adjudication, Vol. _____, page _____
 App. No. 11514 Per. No. 7961 Cert. No. 10952
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
5-26-77	55.00	60820
5-31-77	135.00	60870
TOTAL . . .		
No Cert. Fee		

The Times-Journal #32.25 p.e. 11/8/77 ck#1806

FEES REFUNDED

Date	Amount	Check No.
11-18-77	102.45	1807
Exam	20	
POU	20	
POD	15	
PON	32.55	
	87.55	

REMARKS

T-4752 Δ POU 29.3 ac
 T-5295 Δ POD

WOLF 1980 A-7

PROOF TO SATISFACTION PER SD VOL 37, PAGE 560, 11/3/1983

W.R.T.S.	
Assembled	6-12-81 by 215
Entered	_____ by _____
Verified	_____ by _____

TO BE ENTERED WHERE CHECKED

INDEX CARDS:	Entered	Checked
✓ Name	ly	
✓ Stream	ly	
✓ Pt. of Div.	ly	
✓ Calendar	ly	
✓ Twp. & Rge.	ly	
Decree-vault		
Decree-safe		
✓ Cert. of W/R	✓	
✓ Per. Folder	✓	
Chainer		
Cross Ref.		
Power Claim		
✓ Abstracts	ly	

T 3686

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM J BOWERMAN JR
PO BOX 4248
SUNRIVER OR 97701

confirms the right to use the waters of JOHN DAY RIVER, tributary to COLUMBIA RIVER for IRRIGATION of 70.0 ACRES.

This right was perfected under Permit 7961. The date of priority is MAY 28, 1927. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.0 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
7 S	19 E	WM	32	NW NE			50 FEET SOUTH & 1630 FEET WEST FROM NE CORNER, SECTION 32

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
7 S	19 E	WM	32	NE NE			35.8
7 S	19 E	WM	32	NW NE			9.2
7 S	19 E	WM	32	SW NE			3.8
7 S	19 E	WM	32	SE NE			4.8
7 S	19 E	WM	33	NW NW			12.5
7 S	19 E	WM	33	SW NW			3.9

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the original point of diversion under the subject right, and shall not exceed 1.15 cubic foot per second.

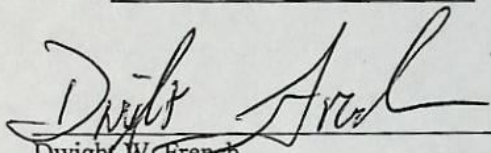
When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices, the diversion works shall include an in-line flow meter, a weir or other suitable device for measuring the water to which the water user is entitled. The type and plans of the measuring device must be approved by the Watermaster before beginning of construction and the weir or measuring device be installed under the general supervision of the Watermaster.

This certificate is issued to correct an error in the location of place of use under Certificate 86075 and confirm a change in CHANGE IN POINT OF DIVERSION, approved by an order of the Water Resources Director entered NOVEMBER 3, 1983, at Special Order Volume 37, Page 560, approving Transfer Application 5295, as amended by an order of the Water Resources Director entered November 21, 1983, at Special Order Volume 37, Page 690, and supersedes Certificates 10952 and 86075, State record of Water Right Certificates.

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.

The use of water allowed herein may be regulated only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued MAR 26 2010



Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Certificate of
Water Right Number 85990

) RECONSIDERATION OF FINAL
) ORDER AND WITHDRAWAL OF
) CERTIFICATE 85990

William J. Bowerman, Jr.
PO Box 4248
Sunriver, Oregon 97701

FINDINGS OF FACT:

1. On January 15, 2010, the Water Resources Department issued a Final Order in other than a Contested Case described as Certificate of Water Right Number 85990. The Certificate described the extent of use of water, to the satisfaction of the Department, perfected under the terms of Transfer Application T-5295.
2. Transfer Application T-5295 was received June 17, 1983.
3. Special Order Volume 37, Pages 560 to 561, was issued on November 3, 1983, approving application T-5295.
4. Special Order Volume 37, Page 690 was issued on November 21, 1983, amending T-5295, to include lands confirmed by the Final Proof for application T-3686.
5. Water Right Certificate 85990 was dated and mailed to William J Bowerman, Jr, on January 15, 2010.
6. Certificate 85990 references Certificate 85992 which is being withdrawn by the Department.
7. Within 60 calendar days after the date of the order, the agency may, on its own initiative, reconsider a final order.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

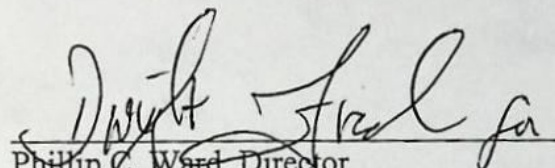
CONCLUSIONS OF LAW

Oregon Administrative Rule 137-004-0080 allows the Department to file Requests for Reconsideration of Final Orders in Other than Contested Case and to grant reconsideration of the Final Order.

Now, therefore, it is ORDERED:

Water Right Certificate Number 85990 is withdrawn and is of no further force or effect.

Issued FEB 19 2010



Phillip C. Ward, Director
Water Resources Department

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Certificate of
Water Right Number 85992

) RECONSIDERATION OF FINAL
) ORDER AND WITHDRAWAL OF
) CERTIFICATE 85992

William J. Bowerman, Jr.
PO Box 4248
Sunriver, Oregon 97701

FINDINGS OF FACT:

1. On January 15, 2010, the Water Resources Department issued a Final Order in other than a Contested Case described as Certificate of Water Right Number 85992. The Certificate described the extent of use of water, to the satisfaction of the Department, perfected under the terms of Transfer Application T-4752.
2. Transfer Application T-4752 was received April 22, 1981.
3. Special Order Volume 36, Pages 42 to 43, was issued on March 12, 1982, approving application T-4752.
4. Special Order Volume 37, Page 690 was issued on November 3, 1983, for Transfer Application T-5295, both confirming the change under application T-4752 and approving a change in point of diversion for the confirmed lands.
5. Water Right Certificate 85992 was dated and mailed to William J Bowerman, Jr, on January 15, 2010.
6. Within 60 calendar days after the date of the order, the agency may, on its own initiative, reconsider a final order.
7. Certificate 85992 was issued in error. The right was previously confirmed by a final order approving Transfer Application T-5295.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

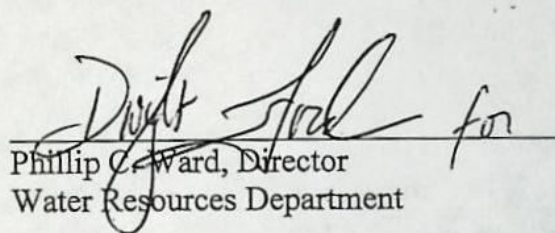
CONCLUSIONS OF LAW

Oregon Administrative Rule 137-004-0080 allows the Department to file Requests for Reconsideration of Final Orders in Other than Contested Case and to grant reconsideration of the Final Order.

Now, therefore, it is ORDERED:

Water Right Certificate Number 85992 is withdrawn and is of no further force or effect.

Issued FEB 19 2010


Phillip C. Ward, Director
Water Resources Department

T-3686

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM J BOWERMAN JR
PO BOX 4248
SUNRIVER OR 97701

confirms the right to use the waters of JOHN DAY RIVER, tributary to COLUMBIA RIVER for IRRIGATION of 70.0 ACRES.

This right was perfected under Permit 7961. The date of priority is MAY 28, 1927. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.0 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
7 S	19 E	WM	32	NW NE			50 FEET SOUTH & 1630 FEET WEST FROM NE CORNER, SECTION 32

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
7 S	19 E	WM	32	NE NE			35.8
7 S	19 E	WM	32	NW NE			9.2
7 S	19 E	WM	32	SW NE			3.8
7 S	19 E	WM	32	SE NE			4.8
7 S	19 E	WM	32	NW NW			12.5
7 S	19 E	WM	32	SW NW			3.9

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the original point of diversion under the subject right, and shall not exceed 1.15 cubic foot per second.

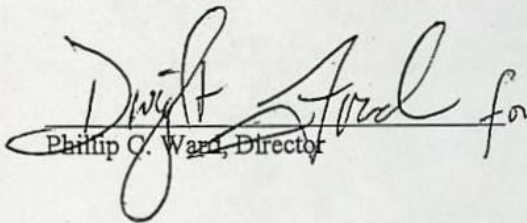
When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices, the diversion works shall include an in-line flow meter, a weir or other suitable device for measuring the water to which the water user is entitled. The type and plans of the measuring device must be approved by the Watermaster before beginning of construction and the weir or measuring device be installed under the general supervision of the Watermaster.

This certificate is issued to confirm a change in CHANGE IN POINT OF DIVERSION, approved by an order of the Water Resources Director entered NOVEMBER 3, 1983, at Special Order Volume 37, Page 560, approving Transfer Application 5295, as amended by an order of the Water Resources Director entered November 21, 1983, at Special Order Volume 37, Page 690, and supersedes Certificate 10952, State record of Water Right Certificates.

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.

The use of water allowed herein may be regulated only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued FEB 19 2010


Philip C. Ward, Director

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM J BOWERMAN JR
PO BOX 4248
SUNRIVER OR 97701

confirms the right to use the waters of JOHN DAY RIVER, tributary to COLUMBIA RIVER for IRRIGATION of 70.0 ACRES.

This right was perfected under Permit 7961. The date of priority is MAY 28, 1927. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.0 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
7 S	19 E	WM	32	NW NE			50 FEET SOUTH & 1630 FEET WEST FROM NE CORNER, SECTION 32

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
7 S	19 E	WM	32	NE NE			36.0
7 S	19 E	WM	32	NW NE			9.2
7 S	19 E	WM	32	SW NE			3.8
7 S	19 E	WM	32	SE NE			4.2
7 S	19 E	WM	32	NE NW			1.0
7 S	19 E	WM	32	NW NW			14.2
7 S	19 E	WM	32	SW NW			1.6

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the original point of diversion under the subject right, and shall not exceed 1.15 cubic foot per second.

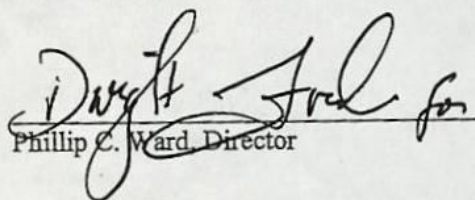
When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices, the diversion works shall include an in-line flow meter, a weir or other suitable device for measuring the water to which the water user is entitled. The type and plans of the measuring device must be approved by the Watermaster before beginning of construction and the weir or measuring device be installed under the general supervision of the Watermaster.

This certificate is issued to confirm a change in CHANGE IN PLACE OF USE AND POINT OF DIVERSION, approved by an order of the Water Resources Director, entered February 9, 1978, at Special Order Volume 30, Page 405, approving Transfer Application 3686, and confirm a CHANGE IN POINT OF DIVERSION, approved by an order of the Water Resources Director entered NOVEMBER 3, 1983, at Special Order Volume 37, Page 560, approving Transfer Application 5295, and together with Certificate 85992 supersedes Certificate 10952, State record of Water Right Certificates.

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.

The use of water allowed herein may be regulated only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued JAN 15 2010


Phillip C. Ward, Director

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

WILLIAM J BOWERMAN JR
PO BOX 4248
SUNRIVER OR 97701

confirms the right to use the waters of JOHN DAY RIVER, tributary to COLUMBIA RIVER for IRRIGATION of 58.6 ACRES.

This right was perfected under Permit 41937. The date of priority is MAY 26, 1977. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.15 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Measured Distances
7 S	19 E	WM	32	NW NE			50 FEET SOUTH & 1630 FEET WEST FROM NE CORNER, SECTION 32

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall not exceed 5.0 acre feet per acre for each acre irrigated during the irrigation season.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Transfer
7 S	19 E	WM	32	NE NE			12.5	4752
7 S	19 E	WM	32	NW NE			9.2	4752
7 S	19 E	WM	32	SW NE			3.8	4752
7 S	19 E	WM	32	SE NE			3.8	4752
7 S	19 E	WM	33	NE NW			13.7	4751
7 S	19 E	WM	33	NW NW			14.0	4751
7 S	19 E	WM	33	SW NW			1.6	4751

The quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the original point of diversion under the subject right, and shall not exceed 1.15 cubic foot per second.

NOTICE OF RIGHT TO RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

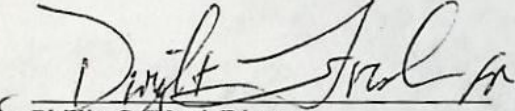
When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices, the diversion works shall include an in-line flow meter, a weir or other suitable device for measuring the water to which the water user is entitled. The type and plans of the measuring device must be approved by the Watermaster before beginning of construction and the weir or measuring device be installed under the general supervision of the Watermaster.

This certificate is issued to confirm a change in CHANGE IN POINT OF DIVERSION, approved by an order of the Water Resources Director, entered NOVEMBER 3, 1983, at Special Order Volume 37, Page 560, approving Transfer Application 5295, and confirm Permit 41937 and Transfer Application 3686.

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.

The use of water allowed herein may be regulated only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued JAN 15 2010


Phillip C. Ward, Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WHEELER COUNTY

IN THE MATTER OF THE APPLICATION OF)
RUBE W. & SARGIE JONES EVANS FOR AP-)
PROVAL OF CHANGES IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3686

On May 26, 1977, an application was filed in the office of the Water Resources Director by Rube W. and Sargie Jones Evans for approval of changes in place of use and point of diversion from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 10952, Volume 10, State Record of Water Right Certificates, in the name of Charles R. Chapman, describes a right for the use of not to exceed 1.0 cubic foot per second from John Day River for irrigation of 30.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 20.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 10.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 7 South, Range 19 East, W.M., with a date of priority of May 28, 1927.

Water for the said right is diverted from a point located 1485 feet South and 825 feet East from the North Quarter Corner of Section 32, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32.

The applicants herein, owners of the lands above described, propose to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 23.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.4 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32; 14.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 28.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 7 South, Range 19 East, W.M., from a point of diversion located 2650 feet South and 990 feet East from the North Quarter Corner of Section 32, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32.

Notice of the application, pursuant to ORS 540.510, was published in the Gilliam-Wheeler Times-Journal, a newspaper having general circulation in Wheeler County, Oregon, for a period of three weeks in the issues of October 27; November 3 and 10, 1977.

Mr. Jerry Rodgers, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 place of use and point of diversion described herein, without loss of priority, are 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 under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

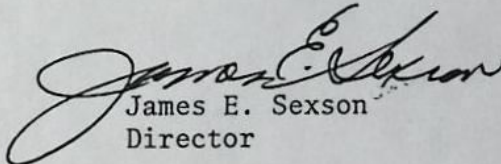
That the diversion works shall include an in line flow meter, a weir or other suitable device for measuring the water to which the applicant is entitled;

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 no time need be fixed for completion as the changes in place of use and point of diversion are completed.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Charles R. Chapman and recorded at page 10952, Volume 10, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon, this 9th day of February, 1978.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WHEELER COUNTY

IN THE MATTER OF THE APPLICATION OF)
WILLIAM J. BOWERMAN, JR., FOR)
APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER)

ORDER APPROVING
TRANSFER 4752

On April 22, 1981, an application was filed in the office of the Water Resources Director by Bruce and Gloria Lighthart for approval of a change in place of use of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530. Said application was subsequently assigned to William J. Bowerman, Jr.

Pursuant to said provisions, proof has been made to the satisfaction of the Water Resources Director that a transfer has been completed under the terms of Transfer 3686 in the names of Bruce and Gloria Lighthart, for the use of not to exceed 0.42 cubic foot per second from John Day River, for irrigation of 13.7 acres in NE 1/4 NW 1/4, 14.0 acres in NW 1/4 NW 1/4 and 1.6 acres in SE 1/4 NW 1/4, Section 33, Township 7 South, Range 19 East, WM, with a date of priority of May 28, 1927.

Water for the said right is diverted from a point located 2,550 feet South and 1,000 feet East from the North Quarter Corner of Section 32, being within the SW 1/4 NE 1/4 of Section 32, Township 7 South, Range 19 East, WM.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof 12.5 acres in NE 1/4 NE 1/4, 9.2 acres in NW 1/4 NE 1/4, 3.8 acres in SW 1/4 NE 1/4 and 3.8 acres in SE 1/4 NE 1/4, Section 32, Township 7 South, Range 19 East, WM.

Jerry S. Rodgers, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

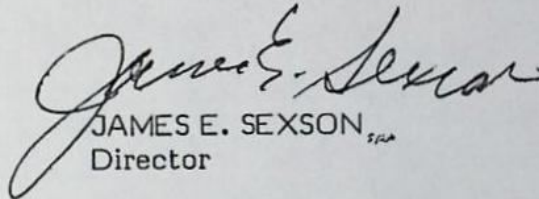
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1983.

It is FURTHER ORDERED that a certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 12th day of March, 1982.


JAMES E. SEXSON
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

9830A

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WHEELER COUNTY

IN THE MATTER OF THE APPLICATION OF)
WILLIAM J. BOWERMAN, JR. FOR)
APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5295

On June 17, 1983, an application was filed in the office of the Water Resources Director by William J. Bowerman, Jr., for 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.

Pursuant to the provisions of ORS 537.260(2), proof has been made to the satisfaction of the Water Resources Director that a right has been perfected under the terms of Permit 41937 in the names of Bruce and Gloria Lighthart, for the use of not to exceed 0.73 cubic foot per second from John Day River, for irrigation of 12.5 acres in NE 1/4 NE 1/4, 9.2 acres in NW 1/4 NE 1/4, 3.8 acres in SW 1/4 NE 1/4, and 3.8 acres in SE 1/4 NE 1/4, Section 32, Township 7 South, Range 19 East, WM, with a date of priority of May 26, 1977.

Water for the said right is diverted from a point located 2550 feet South and 1000 feet East from the North Quarter Corner of Section 32, being within the SW 1/4 NE 1/4 of Section 32, Township 7 South, Range 19 East, WM.

Water Right Transfer 4751 subsequently changed the place of use to 13.7 acres in NE 1/4 NW 1/4, 14.0 acres in NW 1/4 NW 1/4 and 1.6 acres in SE 1/4 NW 1/4, Section 33, Township 7 South, Range 19 East, WM.

Pursuant to the provisions of ORS 540.510 to 540.530, proof has been made to the satisfaction of the Water Resources Director that a transfer has been completed under the terms of Transfer 3686 in the names of Bruce and Gloria Lighthart, for the use of not to exceed 0.42 cubic foot per second from John Day River, for irrigation of 13.7 acres in NE 1/4 NW 1/4, 14.0 acres in NW 1/4 NW 1/4 and 1.6 acres in SE 1/4 NW 1/4, Section 33, Township 7 South, Range 19 East, WM, with a date of priority of May 28, 1927.

Water for the said right is diverted from a point located 2550 feet South and 1000 feet East from the North Quarter Corner of Section 32, being within the SW 1/4 NE 1/4 of Section 32, Township 7 South, Range 19 East, WM.

Water Right Transfer 4752 subsequently changed the place of use to 12.5 acres in NE 1/4 NE 1/4, 9.2 acres in NW 1/4 NE 1/4, 3.8 acres in SW 1/4 NE 1/4 and 3.8 acres in SE 1/4 NE 1/4, Section 32, Township 7 South, Range 19 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 70 feet South and 990 feet East from the North Quarter Corner of Section 32, being within the NW 1/4 NE 1/4 of Section 32, Township 7 South, Range 19 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Times-Journal, a newspaper printed and having general circulation in Wheeler County, Oregon, for a period of three weeks in the issues of July 14, 21 and 28, 1983.

Jerry S. Rodgers, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 proposed change in point of diversion is approved, without loss of priority.

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 under the subject right, and shall not exceed 1.15 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

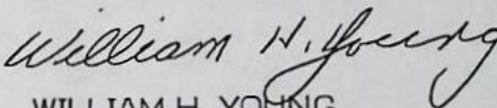
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and water used from the proposed point of diversion on or before October 1, 1985.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

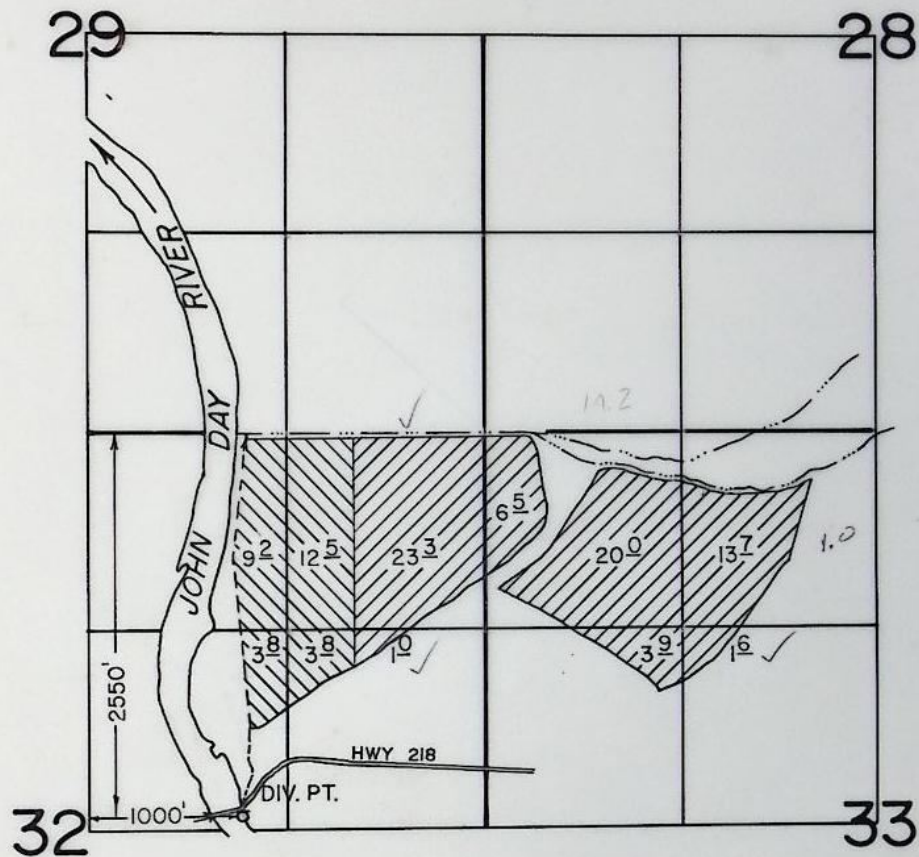
Dated at Salem, Oregon this 3rd day of November, 1983.


WILLIAM H. YOUNG
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

9101B

T. 7S., R. 19E., W.M.



FINAL PROOF SURVEY

UNDER

TR. 3686
PER. 41937

Application No. TR. 3686 55986..... Permit No. 41937.....
IN NAME OF

BRUCE & GLORIA A. LIGHTHART

Surveyed JUNE 26.... 19.80., by S.C. BROWN.....

STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

This Is to Certify, That CHARLES R. CHAPMAN
of Clarno, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
John Day River
a tributary of Columbia River for the purpose of
Irrigation
under Permit No. 7961 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from May 28, 1927;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
1.0 cubic foot per second,

The point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 7 South, Range
19 East, W. M. or its equivalent in case of rotation.

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-eightieth of one cubic foot per second
per acre,

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

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

30 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
20 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$,
10 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$,
10 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Section 32,
Township 7 South, Range 19 East, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or
place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of
any federal power license issued in connection with this right, and after not less than two years'
notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have
the right to take over the dams, plants and other structures and all appurtenances thereto which
have been constructed for the purpose of devoting to beneficial use the water rights specified
herein, upon condition that before taking possession the State or municipality shall pay not to
exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable,
serviceable and dependable property of the holder of this certificate, not taken over, as may be
caused by the severance therefrom of the property taken in accordance with the provisions of section
47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer, affixed

this 5th day of December, 1934.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 10, page 10952

AFFIDAVIT OF PUBLICATION

STATE OF OREGON, COUNTY OF GILLIAM, ss:

I, McLaren Stinchfield
being first duly sworn, depose and say that I am the
Publisher/Editor..... of the
GILLIAM-WHEELER TIMES-JOURNAL, a newspa-
per of general circulation as defined by Sections 1-509,
1-510, Oregon Code; printed and published at Condon in
the aforesaid county and state; that the Notice of
Water Right Application #3686....., a printed
copy of which is hereto annexed, was published in the
entire issue of said newspaper for three
successive and consecutive weeks in the following is-
sues:

October 27, 1977

November 3 and 10, 1977

Subscribed and sworn to before me this 2ND
day of November, 1977.

Jeffrey W. Hale
Notary Public for Oregon

(My commission expires 1-2-81, 1981.)

RECEIVED

NOV 15 1977

WATER RESOURCES DEPT.
SALEM, OREGON

Legal Notice

**NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3686**

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Rube W. and Sargie Jones Evans for approval of changes in place of use and point of diversion from John Day River.

The certificate recorded at page 10952, Volume 10, State Record of Water Right Certificates, in the name of Charles R. Chapman, describes a right for the use of not to exceed 1.0 cubic foot per second from John Day River for irrigation of 30.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 20.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 10.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 10.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 7 South, Range 19 East, WM, with a date of priority of May 28, 1927.

Water for the said right is diverted from a point located 1485 ft. S and 825 ft. E from the N $\frac{1}{4}$ corner of Sec. 32, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 32.

The applicants herein, owners of the lands above described, propose to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 23.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.4 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 32; 14.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 28.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 1.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.6 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 33, T 7 S, R 19 E, WM, from a point of diversion located 2650 ft. S and 990 ft. E from the N $\frac{1}{4}$ cor. of Sec 32, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 32.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon, on December 20, 1977, at 9:30 a.m. All objections to the proposed changes, 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 Rube W. and Sargie Jones Evans, Ashwood, Or 97711 and one copy file with the Water Resources Department, Salem, OR 97310, together with a \$10 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 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 20th day of October, 1977.

James E. Sexson
Director

Published October 27, November 3, 1977