

3689

Change in POU & POD
Date filed
Date of hearing Occ. 21, 1977
Place of hearing She Qalles
Date of order 1-3-78 Vol. 30 , page 216
Date for application of water
Proof mailed
Proof received
Re Certificate issued N 3 1 1978 Vol. , page 45229

Confirm " MAY 0 4 2007 83294

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

Name of stream John Day River
Trib. of County of Wasco
Use irrigation
Quantity of water
Name of ditch
Date of priority
In name of Hugh D. Mc Greet
John Day Adjudication, Vol. 10 , page 554
App. No. 11557 Per. No. 8072 Cert. No. 7369
Certificate cancelled
Notation made on record by

FEES PAID

5/31/77	Amount # 8500	Receipt No. 60872	
12-12-77	25,87	212	
TOTAL	70.0		
12-7-77	#2 Cert. Fee	trass Sion 60872 40864	

The Dalles Chronicle \$61.87 on 13/8/77 CK#1820

FEES REFUNDED

Date		Amount	Check No.
	Recd		85 -
	Exam	20-	
	PoU(19)	12-	
	POD	15-	
	Cert	2-	
	PON	6187	
		\$110.87	
			need 25.87

to survey 11/19

REMARKS

W.R.1 S.
Assembled 7-12-89 by 500
Enteredby
Verifiedby

Entered Checked INDEX CARDS: Name Stream ___ Pt. of Div. Calendar CHECKED TO RECOEDS: Calendar Two. & Rge. - Decree-vault / Decree-safe Cort. of W/R Per. Folder Chaindex Cross Raf. Power Claim
Abstracts

This is a final 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.

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ART MCGREER ANTELOPE, OREGON 97001

confirms the right to use the waters of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 33.8 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for GRANT COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15 at page 461. The date of priority is 1907.

The amount of water to which this right is entitled is limited to an amount actually beneficially used 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 CALENDAR MONTH; TOTAL OF FIVE ACRE FEET PER ACRE FOR THE SEASON, if available at the original point of diversion located in the SE¼ NE¼, SECTION 9, T 8 S, R 19 E, WM; 2750 FEET NORTH AND 500 FEET WEST FROM THE SE CORNER, SECTION 9, measured at the point of diversion.

The point of diversion is located as follows:

SEW NWW, SECTION 4, T 8 S, R 19 E, WM; 2430 FEET NORTH AND 3000 FEET WEST FROM THE SE CORNER, SECTION 4.

Certificate Number 83272

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

 SW4 NE4
 20.2 ACRES

 SE4 NE4
 5.0 ACRES

 SE4 NW4
 4.1 ACRES

 NE4 SW4
 4.0 ACRES

 NW4 SE4
 0.5 ACRE

SECTION 4
TOWNSHIP 8 SOUTH, RANGE 19 EAST, W.M.

When in the judgement 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 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.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the original point of diversion under the subject right.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered on JANUARY 3, 1978, and together with Certificate 45229 supersedes Certificate 40864, State Record of Water Right Certificates.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed

MAY 0 4 2007

Phillip C. Ward, Director Water Resources Department

Recorded in State Record of Water Right Certificates numbered 83272

T-3689A.LHN

This is a final 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.

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ART MCGREER ANTELOPE, OREGON 97001

confirms the right to use the waters of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 33.0 ACRES.

This right was perfected under Permit 8072. The date of priority is JUNE 18, 1927. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.41 CUBIC FOOT PER SECOND, if available at the original point of diversion located in the NE¼ NE¼, SECTION 4, T 8 S, R 19 E, WM; 900 FEET SOUTH AND 800 FEET WEST FROM THE NE CORNER, SECTION 4.

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 or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE% NW%, SECTION 4, T 8 S, R 19 E, WM; 2430 FEET NORTH AND 3000 FEET WEST FROM THE SE CORNER, SECTION 4.

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

 SW4 NE4
 8.9 ACRES

 SE4 NE4
 3.4 ACRES

 SE4 NW4
 0.1 ACRE

 NE4 SW4
 7.4 ACRES

 NE4 SE4
 1.0 ACRE

 NW4 SE4
 12.2 ACRES

SECTION 4

TOWNSHIP 8 SOUTH, RANGE 19 EAST, W.M.

When in the judgement 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 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.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the original point of diversion under the subject right.

This certificate is issued to confirm a change in POINT OF DIVERSION AND PLACE OF USE approved by an order of the Water Resources Director entered on JANUARY 3, 1978, and together with Certificate 45229 supersedes Certificate 7369, State Record of Water Right Certificates.

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed

MAY 0 4 2007

Phillip C. Ward, Director Water Resources Department

Recorded in State Record of Water Right Certificates numbered 83294

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON WASCO COUNTY

IN THE MATTER OF THE APPLICATION)
OF ART McGREER FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND POINT)
OF DIVERSION OF WATER)

ORDER APPROVING TRANSFER NO. 3689

On May 31, 1977, an application was filed in the office of the Water Resources Director by Art McGreer 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 40864, Volume 32, State Record of Water Right Certificates, in the name of Arthur L. McGreer, describes a right which includes the use of water from John Day River for irrigation of a certain 20.2 acres in SW4 NE4, 5.0 acres in SE4 NE4 and 8.6 acres in SE4 NW4 of Section 4, Township 8 South, Range 19 East, W.M., with a date of priority of 1907.

Water for the said right is diverted from a point located 4440 feet South and 3440 feet West from the Northeast Corner of Section 9, being within the SE4 SW4 of Section 9, Township 8 South, Range 19 East, W.M.

The applicant herein, owner of said lands, proposes to sever the right from a certain 4.5 acres of the lands in SE¹4 NW¹4 of Section 4 and, without loss of priority, to irrigate in lieu thereof, a certain 4.5 acres in NE¹4 SW¹4 of said Section 4. The applicant also proposes to change the point of diversion for these lands and the remainder of the said lands, not involved in the change in place of use, to a point located 2670 feet North and 2820 feet West from the Southeast Corner of Section 4, being within the SE¹4 NW¹4 of Section 4, Township 8 South, Range 19 East, W.M.

The certificate recorded at page 7369, Volume 7, State Record of Water Right Certificates, in the name of T. H. McGreer, describes a right to use not to exceed 0.41 cubic foot per second from John Day River for irrigation of 2.0 acres in SW4 SE4 of Section 33, Township 7 South, Range 19 East, W.M.; 1.8 acres in Lot 1 (NE4 NE4) and 29.2 acres in Lot 2 (NW4 NE4) of Section 4, Township 8 South, Range 19 East, W.M., with a date of priority of June 18, 1927.

Water for the said right is diverted from a point located 900 feet South and 800 feet West from the Northeast Corner of Section 4, being within the NE¼ NE¼

of said Section 4.

The applicant herein, owner of said lands, proposes to change the place of use and point of diversion therefrom, without loss of priority, to irrigate in lieu thereof a certain 16.0 acres in SW4 NE4, 13.0 acres in SE4 NE4 and 4.0 acres in SE4 NW4 of said Section 4, from a point of diversion located 2670 feet North and 2820 feet West from the Southeast Corner of Section 4, being within the SE4 NW4 of said Section 4.

Notice of the application, pursuant to ORS 540.510, was published in The Dalles Chronicle, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of October 31; November 7 and 14, 1977.

Mr. Robert F. Main, 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, as 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 rights.

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 in 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 and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore

issued to Arthur L. McGreer and recorded at page 40864, Volume 32, State Record of Water Right Certificates, is canceled, and in lieu thereof a new 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.

It is FURTHER ORDERED that the certificate of water right heretofore issued to T. H. McGreer and recorded at page 7369, Volume 7, 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 applicant herein.

Dated at Salem, Oregon, this 3rd day of January, 1978.

Director

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This is to Certify, That T. H. McGreer

Olemo , State of to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of John Day River , has made proof

a tributary of Columbia River for the purpose of Irrigation under Permit No. 8072 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 June 18, 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 0.41 cubic foot per second;

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

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, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows: 2 acres in the SWISSI of Section Thirty-three (33), Township Seven South, Range Nineteen East; 29.2 acres in the HEANVI(Lot 2), and 1.8 acres in the HEANVI(Lot 1), Wf Section Four (4), Township Eight South, Range Nineteen East of the Willamette Meridian, in Wasco County, Oregon, being a total of 33 acres.

> 75/19E 33.0
> all charge POU/FOD
>
> 29.2 LZ(NENW)
> 1-8 L1(NENE)
> Sec 4 Sec 4 85/19

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as hereix set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

· WITNESS the signature of the State Engineer,

affixed this

dan

of September

, 192 7.

RHEA LUPER.

State Engineer.

, page 7369 Recorded in State Record of Water Right Certificates, Volume 7

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ARTHUR L. MEGREER

Antelope

97001 Oregon

, State of

, has a right

to the use of the waters of John Day River

a tributary of Columbia irrigation of 89.3 acres Columbia River

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for County, and the said decree entered of record at Salem, in the Order Record of EER, in Volume 15, at page 461; that the priority of the right thereby the STATE ENGINEER, in Volume confirmed dates from 1907

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 percalendar month; total of five acre feet per acre for season, measured at point of diversion,

The point of diversion is located in the SET SWY, Section 9, T. 8 S., R. 19 E., W. M., 4440 feet South and 3440 feet West from NE Corner, Section 9.

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

4.4 acres SWt NW& POD 1.2 acres NE's SW's 3.0 acres Lot 6 (NWt SWt) 3.6 acres SEt SWt Section 3 20-2 acres SW4 NEX - 20-2 11-16.4 acres SE' NE' - 5-0 0.2 acre Lot 5 (SW NW) 8.6 acres SEt NW - 8.6(4. Section 4 21.5 acres NEt NWt 5.0 acres Lot 1 (NWkNWk)

1.2 acres Lot 2 (SWt NWt) 4.0 acres SEt NWt Section 10

T. 8 S., R. 19 E., W. M.

2R 45220

This certificate is issued to confirm a change in point of diversion approved by an order of the State Engineer entered August 9, 1965, and supersedes certificate of water right heretofore issued to Hugh D. McGreer, and recorded at page 25522, Volume 17, State Record of Water Right Certificates.

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

September 3

, 19 74.

Chria La Wheeler

State Engineer

Recorded in State Record of Water Right Certificates, Volume 32

distant

40864

NOTICE OF WATER RIGHT TRANSFER AP-PLICATION NO. 3689

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

The certificate recorded at page 40864, Volume 32, State Record of Water Right Certificates, in the name of Arthur L. McGreer, describes a right which includes the use of water form John DayRiver for irrigation of a certain 20.2 acres in SW1/4 NE1/4, 5.0 acres in SE¼ NE¼ and 8.6 acres in SE44 NW44 of Section 4, Township 8 South, Range 19 Est, WM, with a date of priority of 1907.

Water for the said right is diverted from apoint located 4440 ft S and 3440 ft W from the NE cor of Sec 9, being within the SE14 SW14 of Sec 9, T 8 S,

R 19 E, WM. The applicant herein, owner of said lands, proposes to sever the right from a certain 4.5 acres of the lands in SE1/4 NW1/4 of Sec 4 and, without loss of priority, to irrigate in lieu thereof, a certain 4.5 acres in NE 1/4SW 1/4 of said Sec 4. The applicant also proposes to change the point of diversion for these lands and the remainder of the said lands, not involved in the change in place of use, to a point located 2670 ft N and 2820 Ft W from the SE cor of Sec 4, being within the SE1/4 NW1/4 of Sec 4,

The certificate recorded at page 7369, Volume 7, State Record of Water Right Certificates, in the name of T. H. McGreer, describes a right to use not to exceed 0.41 cubic foot per second fro John Day River for irrigation of 2.0 acres in SW14 SE14 of Sec 33, T 7 S, R 19 E, WM; 1.8 acres in Lot 1 (NE1/4 NE1/4) and 29.2 acres in Lot 2 (NW4 NE4) of Sec 4, T 8 S, R 19 E, WM, with a date of priority of June 18, 1927.

T8S, R19E, WM.

Water for the said right is diverted from a point located 900 ft S and 800 ft W from the NE cor of Sec 4, being within the NE14 NE14 of said Sec 4.

The applicant herein, owner of said lands, proposes to change the place of use and point of diversion therefrom, without loss of priority, to irrigate in lieu thereof a certain 16.0 acres in SW1/4 NE14, 12.5 acres in SE14 NE14 and 4.0 acres in SE1/4 NW1/4 of said Sec 4, from a point of diversion located 2670 ft N and 2820 ft W from the SE cor of Sec 4, being within the SE1/4 NW1/4 of said Sec 4.

All persons interested are notified hereby that a hearing will be held at the county courtnouse at The Dalles, Oregon, on December 21, 1977, 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 Art McGreer, Antelope, OR 97001 and one copy filed 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 21st day of October, 1977. James E. Sexson Director Oct. 31, Nov. 7, 14, 1977

No. 1763

RECEIVED

Affidavit of Publication 1977

STATE OF OREGON, SS. County of Wasco

gay

SALEM, OREGON

I,Klea	Espy		
being first duly s clerk of the publi general circulation 193.020; Oregon lished at The Dal Transfer Appli	worn, depose sher of The D on, as defined Compiled law les, in the afor- cation Notice	and say that I calles Chronicled by sections s, annotated; resaid county a	, a newspaper of
hereto annexed,	was publish	ed in the en	tire issue of said
	Three		weeks
			consecutive issues
in the following	issues:	t. 31, Nov.	7, 14, 1977
			Klea Espy is 14
			Jesas septy
Subscribed	and sworn to	before me th	is
1/1		77	
day of	<i>?V</i> ,	19/) fl	Dublic for Oregon.
Pont.		Hotary	Public for Gregon.
· ·	mann.		
~		My Come	nisalon Expires July 31, 1980