

3694

STATUS OF APPLICATION

Change in add'l point of diversion
Date filed 6-6-77
Date of hearing _____
Place of hearing _____
Date of order 11-23-77 Vol. 30, page 76
Date for application of water 10-1-79 ^{EXT} 10-1-80
Proof mailed _____
Proof received _____
Certificate issued 9/22/006 Vol. _____, page 82343

DESCRIPTION OF WATER RIGHT

Name of stream Herseshoe Creek
Trib. of _____ County of Wheeler
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch F.M. Chapman Ditches
Date of priority _____
In name of Marion Osborn
John Day River Adjudication, Vol. 10, page 576
App. No. _____ Per. No. _____ Cert. No. 25666
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>6-6-77</u>	<u>35.00</u>	<u>61061</u>
TOTAL . . .		
	No Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

CARD FOR C NOV 4 1980

W.R.I.S.	
Assembled	<u>8-17-87</u> by <u>SRP</u>
Entered	_____ by _____
Verified	_____ by _____

	INDEX CARDS:	
	Entered	Checked
✓ Name	<u>lig</u>	_____
✓ Stream	<u>lig</u>	_____
✓ Pt. of Div.	<u>lig</u>	_____
✓ Calendar	<u>lig</u>	_____
0 CHECKED TO RECORDE:		
✓ Twp. & Rge.	<u>lig</u>	_____
✓ Decees-mult	<u>lig</u>	_____
✓ Decees-safe	<u>lig</u>	_____
✓ Cert. of W/R	<u>lig</u>	_____
Per. folder	_____	_____
Chaindex	_____	_____
Cross Ref.	_____	_____
Power Claim	_____	_____
✓ Abstracts	<u>lig</u>	_____

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 WHEELER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

D. R. JOHNSON LUMBER COMPANY
P. O. BOX 66
RIDDLE, OREGON 97469

confirms the right to use the waters of HORSE SHOE CREEK, a tributary of the JOHN DAY RIVER, for IRRIGATION OF 75.8 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 1880.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 1.9 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION (I.M. CHAPMAN DITCH): NE 1/4 NW 1/4, SECTION 36, T 9 S, R 23 E, W.M.; 320 FEET SOUTH AND 430 FEET WEST FROM THE N 1/4 CORNER, SECTION 36).

The points of diversion (POD) are located as follows:

I.M. CHAPMAN DITCH (ORIGINAL POD): NE 1/4 NW 1/4, SECTION 36, T 9 S, R 23 E, W.M.; 320 FEET SOUTH AND 430 FEET WEST FROM THE N 1/4 CORNER, SECTION 36.

HORSE SHOE CREEK (ADDITIONAL POD): NE 1/4 NW 1/4, SECTION 36, T 9 S, R 23 E, W.M.; 1141 FEET SOUTH AND 519 FEET WEST FROM N 1/4 CORNER, SECTION 36.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-FORTIETH cubic foot per second per acre irrigated to June 1 and ONE-EIGHTIETH cubic foot per second per acre thereafter; further limited to 1.0 acre-foot per calendar month to June 1 and 4.0 acre-feet per acre during the irrigation season April 1 to September 30, measured at the point of diversion.

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

SE 1/4 SW 1/4	6.2 ACRES
SW 1/4 SE 1/4	3.2 ACRES

SECTION 24

NE 1/4 NW 1/4	16.3 ACRES
SW 1/4 NW 1/4	3.0 ACRES
SE 1/4 NW 1/4	22.2 ACRES
NE 1/4 SW 1/4	15.7 ACRES
NW 1/4 SW 1/4	0.9 ACRE
SE 1/4 SW 1/4	8.3 ACRES

SECTION 25

TOWNSHIP 9 SOUTH, RANGE 23 EAST, W.M.

The quantity of water diverted at the new points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water at the old point of diversion under the subject right.

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 wateruser is entitled;

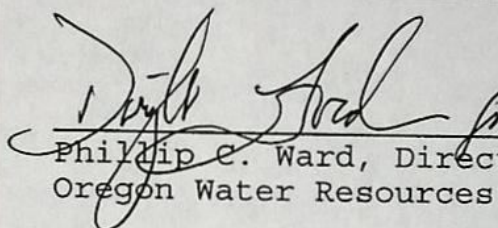
the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

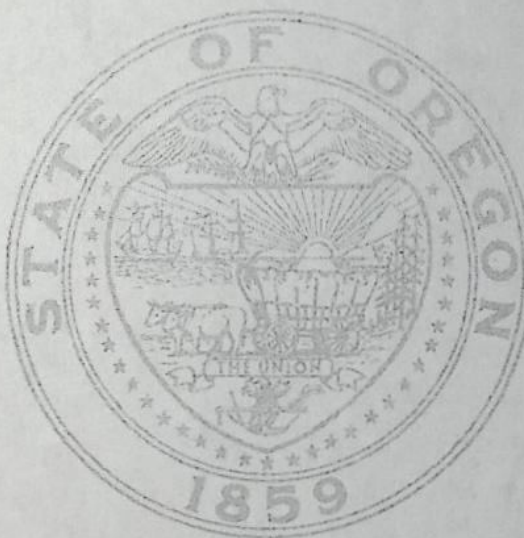
This certificate is issued to confirm AN ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered on NOVEMBER 23, 1977, approving Transfer Application 3694, and supersedes Certificate 25666, State Record of Water Right Certificates.

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 and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed

SEP 22 2006


Phillip C. Ward, Director
Oregon Water Resources Department



Recorded in State Record of Water Right Certificates Number 82343

T-3694.JWG

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WHEELER COUNTY

IN THE MATTER OF THE APPLICATION)
OF D. R. JOHNSON LUMBER CO. FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3694

On June 6, 1977, an application was filed in the office of the Water Resources Director by D. R. Johnson Lumber Co. for approval of an additional point of diversion from Horse Shoe Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 25666, Volume 17, State Record of Water Right Certificates, in the name of Marion Osborn, describes a right for the use of water from Horse Shoe Creek for irrigation of 6.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 3.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24; 16.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 22.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 15.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.9 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 8.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 9 South, Range 23 East, W.M., with a date of priority of 1880.

Water for the said right is diverted, through the I. M. Chapman Ditch, from a point located 320 feet South and 430 feet West from the North Quarter Corner of Section 36, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 9 South, Range 23 East, W.M.

The applicant herein proposes to establish, without loss of priority, an additional point of diversion from Horse Shoe Creek at a point located 1500 feet South and 480 feet West from the North Quarter Corner of Section 36, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 36.

Mr. Robert F. Main, Jr., 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 requested additional point of diversion from Horse Shoe Creek, 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, together with that diverted at the old 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 judgement of the watermaster it becomes necessary to install headgates and measuring devices:

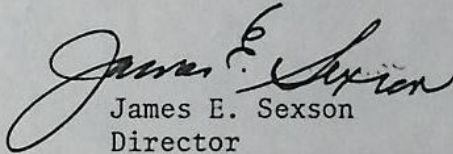
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the additional point of diversion shall be in use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right recorded at page 25666, Volume 17, 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 23rd day of November, 1977.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That MARION OSBORN

of Richmond, State of Oregon, has a right to the use of
the waters of Horse Shoe Creek
for the purpose of Irrigation

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 1880

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 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

6.2 acres in SE 1/4 SW 1/4
3.2 acres in SW 1/4 SE 1/4
Section 24,
16.3 acres in NE 1/4 NW 1/4
3.0 acres in SW 1/4 NW 1/4
22.2 acres in SE 1/4 NW 1/4
15.7 acres in NE 1/4 SW 1/4
0.9 acre in NW 1/4 SW 1/4
8.3 acres in SE 1/4 SW 1/4
Section 25,
T. 9 S., R. 23 E., W. M.

A POD ALL (Add'l POD) NORR

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 1st day of May, 1959.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25666

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