

3504

## STATUS OF APPLICATION

Change in point of diversion  
 Date filed 1-7-77  
 Date of hearing 3-29-77  
 Place of hearing Canyon City  
 Date of order 3-30-77 Vol. 28, page 423  
 Correcting Order 9-12-77 Vol. 29, page 282  
 Date for application of water 10-1-78  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued 9/8/2006 Vol. \_\_\_\_\_, page \_\_\_\_\_

1-17-80 TCS

Summary  
2-79

## DESCRIPTION OF WATER RIGHT

Name of stream John Day River  
 Trib. of \_\_\_\_\_ County of Grant  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
 Name of ditch Martin Clark  
 Date of priority \_\_\_\_\_  
 In name of Sarah A. Moore  
John Day Adjudication, Vol. 10, page 562  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. T# C-176  
 (Cert 25581)  
 Certificate cancelled 82304  
 Notation made on record by \_\_\_\_\_

DVA Notification

## FEES PAID

Date	Amount	Receipt No.
<u>11/2/77</u>	<u>\$ 79.91</u>	<u>57493</u>
TOTAL . . .		
No Cert. Fee		
The Blue Mt. Eagle P.O. # <u>3267</u> Ch. # <u>1176</u> 3/4/77		

## FEES REFUNDED

Date	Amount	Check No.
<u>3-4-77</u>	<u>\$ 12.24</u>	<u>1177</u>

Fees

Exam 20-  
 P.O. 15-  
\$ 35-

## REMARKS

See T#3746 re balance of lands under Cert 25581 (T# C-176) not involved in this Transfer.

ORA is Benise Newman  
 Rt. 1, Box 303, Mt Vernon, Or. 97865

Field Form to Survey - 5/1/87

W.R.I.S.

Assembled 7-11-87 by SPK

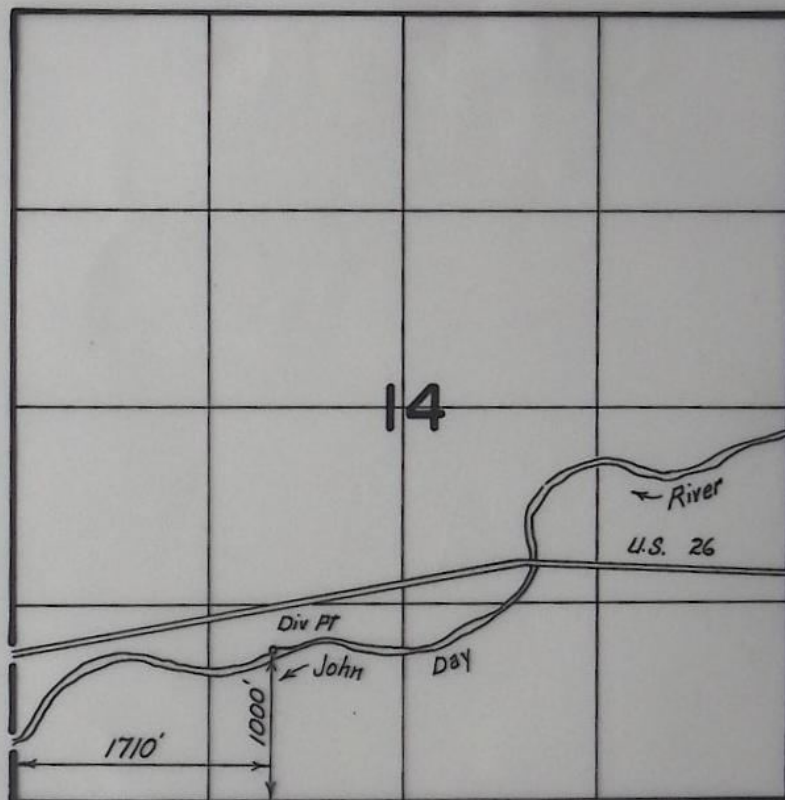
Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

INDEX CARDS:	Entered	Checked
<u>WH</u> Name	<u>✓</u>	<u>lg</u>
<u>WH</u> Stream	<u>✓</u>	<u>lg</u>
<u>WH</u> Pt. of Div.	<u>✓</u>	<u>lg</u>
<u>WH</u> Calendar	<u>✓</u>	<u>lg</u>
CHECKED TO RECORDS:		
<u>OX</u> Twp. & Rge.	<u>✓</u>	<u>lg</u>
<u>✓</u> Decree-vault	<u>✓</u>	<u>lg</u>
<u>✓</u> Decree-sale	<u>✓</u>	<u>lg</u>
<u>✓</u> Cert. of W/R	<u>✓</u>	<u>lg</u>
<u>✓</u> Per. Folder	<u>✓</u>	<u>lg</u>
<u>✓</u> Chainindex	<u>✓</u>	<u>lg</u>
<u>✓</u> Cross Ref.	<u>✓</u>	<u>lg</u>
<u>✓</u> Power Claim	<u>✓</u>	<u>lg</u>
<u>✓</u> Abstracts	<u>✓</u>	<u>lg</u>



T.13S., R.28E., W.M.



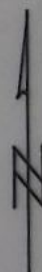
**FINAL PROOF SURVEY**  
UNDER

**TRANSFER 3504**

IN NAME OF

DEAN B. ROGERS

Surveyed 7-8 1987, by Vern Church



Scale: 1" = 1320'

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 GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ORA & BENISE NEWMAN  
RT 1, BOX 303  
MT VERNON, OREGON 97863

confirms the right to use the waters of JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION of 19.7 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 of Record of the WATER RESOURCES DIRECTOR, in Volume 15, at Page 461. The date of priority is 1890.

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 per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month to July 1 and  $\frac{3}{4}$  acre-foot per acre thereafter; total five acre-feet per season, measured at the point of diversion, (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION: NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SECTION 14, T 13 S, R 28 E, W.M.; 280 FEET NORTH AND 480 FEET WEST FROM THE E  $\frac{1}{4}$  CORNER, SECTION 14).

The point of diversion is located as follows:

SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SECTION 14, T 13 S, R 28 E, W.M.; 1000 FEET NORTH AND 1710 FEET EAST FROM THE SW CORNER, SECTION 14.



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.

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

NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.6 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	13.1 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.5 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	3.5 ACRES

SECTION 14

TOWNSHIP 13 SOUTH, RANGE 28 EAST, W.M.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

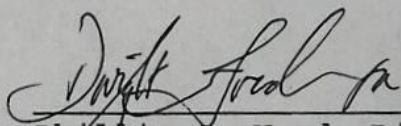
the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the wateruser is entitled;

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 a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered on March 30, 1977, and as amended by an order of the Water Resources Director entered on September 12, 1977, approving Transfer Application T-3504, and together with Transfer 3746 supersedes Certificate 25581, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, affixed

SEP 08 2006



Phillip C. Ward, Director  
Water Resources Department



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION )  
OF DEAN B. ROGERS FOR APPROVAL OF )  
A CHANGE IN POINT OF DIVERSION OF )  
WATER FROM JOHN DAY RIVER )  
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ORDER CORRECTING  
ORDER APPROVING  
TRANSFER NO. 3504

The administrative order of the Water Resources Director entered on March 30, 1977, at page 423, Volume 28, Special Order Record, approving water right transfer application No. 3504, in the name of Dean B. Rogers, contained an error in the acreage listing in the second paragraph.

Due to a mapping error reflected in said application for a change in point of diversion of water from John Day River, the application and the approving order read: "2.2 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ ...of Section 14, Township 13 South, Range 28 East, W.M., with a date of priority of 1890."

The portion of the subject water right actually appurtenant to the applicant's lands within the said NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 14 is 1.6 acres.

NOW, THEREFORE, it is hereby ORDERED that the second paragraph of the administrative order of the Water Resources Director entered on March 30, 1977, approving transfer application No. 3504 is corrected to read:

"By Decree of the Circuit Court of the State of Oregon for Grant County, Oregon, entered November 16, 1956, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the John Day River and its Tributaries, a water right was allowed in the name of Sarah A. Moore for the irrigation of, among other lands, 1.6 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 13.1 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 3.5 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 14, Township 13 South, Range 28 East, W.M., with a date of priority of 1890."

Dated at Salem, Oregon, this 12th day of September, 1977.

/s/ James E. Sexson  
Director

V29  
2577



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION )  
OF DEAN B. ROGERS FOR APPROVAL OF )  
A CHANGE IN POINT OF DIVERSION OF )  
WATER FROM JOHN DAY RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. 3504

On January 7, 1977, Dean B. Rogers filed an application in the office of the Water Resources Director for approval of a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court of the State of Oregon for Grant County, Oregon, entered November 16, 1956, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the John Day River and its Tributaries, a water right was allowed in the name of Sarah A. Moore for the irrigation of, among other lands, 2.2<sup>\*</sup> acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 13.1 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.5 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 3.5 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 14, Township 13 South, Range 28 East, W.M., with a date of priority of 1890.

These lands are irrigated from a point of diversion located 280 feet North and 480 feet West from the East quarter-corner of Section 14, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 14, Township 13 South, Range 28 East, W.M.

The applicant herein proposes to change the point of diversion, without loss of priority, to a point located 950 feet North and 3425 feet West from the Southeast corner of Section 14, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 14, Township 13 South, Range 28 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 February 3, 10 and 17, 1977.

\* See T# 3746 Should read 1 $\frac{1}{2}$  ac., neighbor has 4 $\frac{1}{2}$  of the 6 $\frac{1}{2}$  ac in NE SW of Sec 14.



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 objection 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 change in point of diversion from John Day River 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 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 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, 1978.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered June 26, 1967, approving transfer application No. C-176, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein,



a certificate of water right shall be issued to Dean B. Rogers confirming the change in point of diversion.

Dated at Salem, Oregon, this 30th day of March, 1977.

/s/ JAMES E. SEXSON  
Director



## STATE OF OREGON

COUNTY OF GRANT

Superseded by

Cert. No.

Yes. Sp. Or. v. 16 p. 146

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That SARAH A. MOORE

of Mt. Vernon, State of Oregon, has a right to the use of  
the waters of John Day River  
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 1890

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 from April 1 to Sept. 30; further limited to one acre-foot per acre per calendar month to July 1, and 3/4 acre-foot per acre thereafter; total five acre-feet per season, 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 NE 1/4 SW 1/4  
13.1 acres in NW 1/4 SW 1/4  
1.5 acres in SW 1/4 SW 1/4  
3.5 acres in SE 1/4 SW 1/4  
Section 14,  
T. 13 S., R. 28 E., W. 4 M.

ch. pt. of div. for 511  
Sp. Or. v. 16 p. 146  
T# C-176

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, 19 59.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25581



# 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 Water Right Transfer Application No. 3504 for Change in Point of Diversion 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: \_\_\_\_\_

February 3, February 10  
and February 17, 1977

Subscribed and sworn to before me this 26<sup>th</sup> day of February, 1977.

Donna E. Moreau  
Notary Public for Oregon

My commission expires May 20, 1977.

Cost of this publication was \$ 32.67.

(Seal)

RECEIVED

MAR - 1 1977

WATER RESOURCES DEPT  
SALEM, OREGON

## Public Notices

### NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3504 FOR CHANGE IN POINT OF DIVERSION

Notice is given hereby that Dean B. Rogers has filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from John Day River.

By decree of the Circuit Court of the State of Oregon for Grant County, Oregon, entered Nov. 16, 1956, in the Matter of the Determination of the Relative Rights to the Use of the Waters of the John Day River and its Tributaries, a water right was allowed in the name of Sarah A. Moore for the irrigation of, among other lands, 2.2 acres in NE 1/4 SW 1/4, 13.1 acres in NW 1/4 SW 1/4, 1.5 acres in SW 1/4 SW 1/4 and 3.5 acres in SE 1/4 SW 1/4 of Sec. 14, T. 13 S., R. 28 E., W. M., with a date of priority of 1890.

These lands are irrigated from a point of diversion located 280 ft. N. and 480 ft. W. from the E. 1/4 corner of Sec. 14, being within the NE 1/4 SE 1/4 of Sec. 14, T. 13 S., R. 28 E., W. M.

The applicant herein proposes to change the point of diversion, without loss of priority, to a point located 950 ft. N. and 3425 ft. W. from the SE corner of Sec. 14, being within the SE 1/4 SW 1/4 of Sec. 14, T. 13 S., R. 28 E., W. M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon, on Mar. 29, 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 Dean B. Rogers, Highway 26, Mt. Vernon, Oregon 97865, 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 19th day of January, 1977.

JAMES E. SEXSON  
Director

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