

3674

STATUS OF APPLICATION

Change in POD
Date filed 5-16-77
Date of hearing Dec 20, 1977
Place of hearing Canyon City
Date of order 12-20-77 Vol. 30, page 201
Date for application of water 10-1-79
Proof mailed _____
Proof received _____
Certificate issued Sept 27, 1988 Vol. 54, page 57727

to survey 9/79

DESCRIPTION OF WATER RIGHT

Name of stream John Day Riv.
Trib. of _____ County of Grant
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority _____
In name of _____
_____ Adjudication, Vol. _____, page _____
App. No. 23738 Per. No. 18742 Cert. No. 21918
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-16-77</u>	<u>\$ 85.00</u>	<u>60533</u>
TOTAL . . .		
	No. Cert. Fee	
<u>Blue Mt. Eagle \$32.08 pt 11/18/77 CR# 1802</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>11-18-77</u>	<u>\$ 17.92</u>	<u>1803</u>
Exam	20	
POD	15	
POU	32.08	
	<u>67.08</u>	

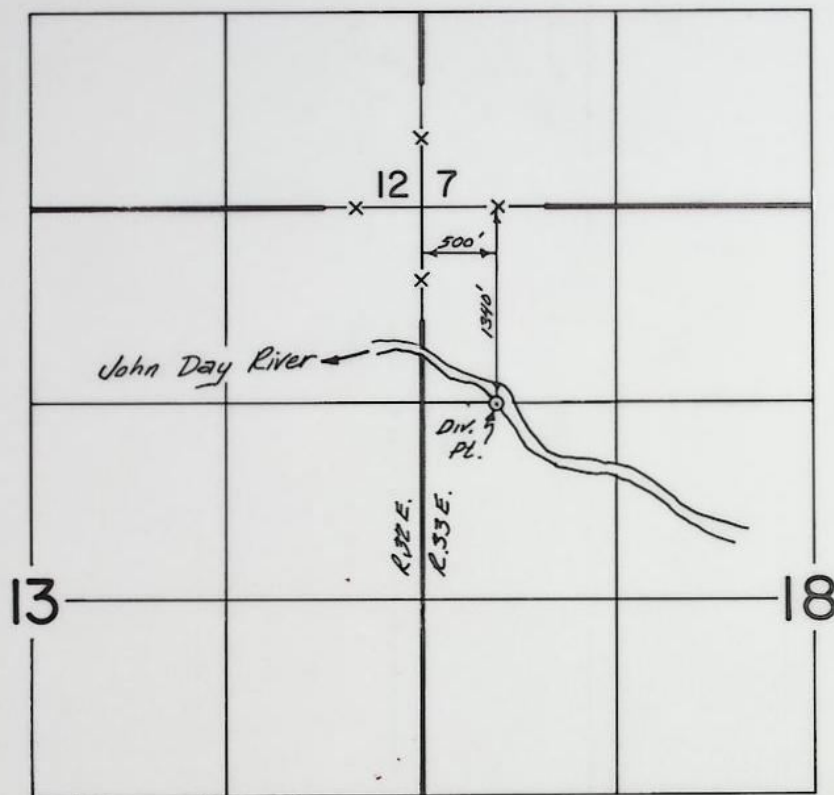
REMARKS

Old POD established under T# R-72

W.R.I.S.	
Assembled <u>7-12-84</u> by <u>SJA</u>	
Entered _____ by _____	
Verified _____ by _____	

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>leg</u>	
<input checked="" type="checkbox"/> Stream	<u>leg</u>	
<input checked="" type="checkbox"/> Pt. of Dis.		
<input checked="" type="checkbox"/> Calendar	<u>leg</u>	
CHECKED TO RECORD		
<input checked="" type="checkbox"/> Term. & Rec.	<u>leg</u>	
<input checked="" type="checkbox"/> Deed-rec'd		
<input checked="" type="checkbox"/> Deed-rec'd		
<input checked="" type="checkbox"/> Cert. of W/R	<u>leg</u>	
<input checked="" type="checkbox"/> Per. Index	<u>leg</u>	
<input checked="" type="checkbox"/> Abstract	<u>leg</u>	
<input checked="" type="checkbox"/> Abstract	<u>leg</u>	

T.13S., R.32 & 33E., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 3674

IN NAME OF

BYRON L. RUDISHAUSER

Surveyed JUNE 12, 1980, by *Stephen Brown*

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF BYRON L. RUDISHAUSER FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3674

On May 16, 1977, an application was filed in the office of the Water Resources Director by Byron L. Rudishauser for approval of a change in point of diversion from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 21918, Volume 16, State Record of Water Right Certificates, in the name of Herbert Ricco, describes a right for the use of not to exceed 2.07 cubic feet per second from John Day River for irrigation of 0.5 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; and supplemental irrigation of 12.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 16.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 24.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 1.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 21.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 13, Township 13 South, Range 32 East, W.M., with a date of priority of April 25, 1949.

Water for the said right is diverted from a point located 480 feet North and 2050 feet East from the West Quarter Corner of Section 18, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 13 South, Range 33 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1100 feet North and 660 feet East from the West Quarter Corner of Section 18, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 18.

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 October 27; November 3 and 19, 1977.

Mr. Robert F. Main, 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 change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion 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:

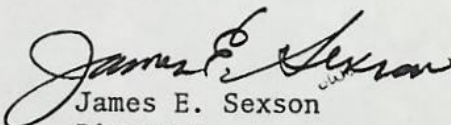
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Herbert Ricco and recorded at page 21918, Volume 16, 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 20th day of December, 1977.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~HERBERT RICCO~~

Byron L. Rudishauser

East Star Route
 of ~~Box 185~~, John Day, State of Oregon 97845, 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 ~~the~~ Columbia River for the purpose of irrigation & supplemental irrigation of *74.9 acres* under Permit No. 18742 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 April 25, 1949

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 2.07 cubic foot per second *if available at the original point of diversion; SEE NV 14 Section 18, T. 13S, R. 33E, U.M.*

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the ~~SE 1/4~~ NW 1/4, Section 18, Township 13 South, Range 33 East, W. M. *1340'S & 500'E from NW corner of section 18.*

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-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5 acre feet per acre for each acre irrigated during the irrigation season of each year,

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:

Primary

0.5 acres in the NE 1/4 NE 1/4
 7.6 acres in the SE 1/4 NE 1/4

Supplementary

12.6 acres in the SW 1/4 NE 1/4
 16.0 acres in the SE 1/4 NE 1/4
 24.1 acres in the NE 1/4 SW 1/4
 21.0 acres in the NW 1/4 SE 1/4
 1.2 acres in the NE 1/4 SE 1/4

All in Section 13
 Township 13 South, Range 32 East, W. M.

ch. p. 10 of Div.
 5, Or. Vol. 12, 516

3 Clause

This certificate is issued to confirm a change in *point of diversion* approved by an order of the Water Resources Director entered Dec 20, 1977 and supersedes certificate 21918, 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.

Recorded in State Record of Water Right Certificates, Volume 16, page 21918.

T-3674

T# 3674

RECEIVED

NOV 14 1977

WATER RESOURCES DEPT
SALEM, OREGON

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Grant

ss.

I, 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. 3674 - Byron L. Rudishauser, a printed copy of which is hereto attached, was

published in the entire issue of said newspaper for three

successive and consecutive weeks in the following issues: October 27, November 3 and November 10, 1977

Subscribed and sworn to before me this 10th day of November, 1977.

Donna E. Moreau
Notary Public for Oregon

My commission expires May 20, 1981

Cost of this publication was \$ 32.08

(Seal)

Public Notice

NOTICE OF WATER RIGHT
TRANSFER APPLICATION NO. 3674

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Byron L. Rudishauser for approval of a change in point of diversion from John Day River.

The certificate recorded at page 21918, Volume 16, State Record of Water Right Certificates, in the name of Herbert Rizzo, describes a right for the use of not to exceed 2.07 cubic feet per second from John Day River for irrigation of 0.5 acre in NE 1/4 NE 1/4, 7.6 acres in SE 1/4 NE 1/4; and supplemental irrigation of 12.6 acres in SW 1/4 NE 1/4, 16.0 acres in SE 1/4 NE 1/4, 24.1 acres in NE 1/4 SW 1/4, 1.2 acres in NE 1/4 SE 1/4 and 21.0 acres in NW 1/4 SE 1/4, all in Section 13, Township 13 South, Range 32 East, WM, with a date of priority of April 25, 1949.

Water for the said right is diverted from a point located 480 ft N and 660 ft E from the W 1/4 corner of Sec 18, being within SE 1/4 NW 1/4 of Sec 18, T 13 S, R 33 E, WM.

The applicant herein, owner of the lands above described, proposed to change the point of diversion therefrom, without loss of priority, to a point located 1100 ft N and 660 ft E from the W 1/4 cor of Sec 18, being within the SW 1/4 NW 1/4 of said Sec 18.

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 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 Byron L. Rudishauser, Star Route, John Day, OR 97845, 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 17th day of October, 1977.

JAMES E. SEXSON
Director

43-45