

CORRESPONDENCE
% R. W. WADE & ASSOC.
2514 NE FIRST ST
BEND, OR 97701
STATUS OF APPLICATION

Change in POD
Date filed 5-10-77
Date of hearing Fossil
Place of hearing 8-9-77
Date of order 9-12-77 Vol. 29, page 289
Date for application of water 10-1-79
Proof mailed OCT 1 1982 NOV 1 1982
Proof received DEC 19 1977 Vol. 37, page 45124
RR Certificate issued JUN 7 1983 Vol. 46, page 51616
Confirming DEC 31 1985 Vol. 48, page 53669

3667
EVANS

3667
DESCRIPTION OF WATER RIGHT

Name of stream John Day River
Trib. of _____ County of Wheeler
Use irrigation
Quantity of water _____ No. of acres _____
Name of ditch _____
Date of priority 1890
In name of _____
Adjudication, Vol. 10, page 584
App. No. _____ Per. No. _____ Cert. No. 25711
Certificate cancelled _____
Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-10-77</u>	<u>85.00</u>	<u>60403</u>
<u>6-16-77</u>	<u>65.00</u>	<u>61621</u>
TOTAL . . .		
<u>8-31-77</u>	<u>\$2 Cert. Fee</u>	<u>60403</u>
<u>Pub. The Times-Journal Ch. # 1459 (29.50)</u> <u>8/31/77</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>8-31-77</u>	<u>\$83.50</u>	<u>1458</u>
Recd		<u>150-</u>
Exam	<u>20</u>	
POD	<u>15</u>	<u>(35-)</u>
Cert		<u>(2-)</u>
PON		<u>(29.50)</u>
Refund		<u>\$83.50</u> ✓

REMARKS

SEE T-5262 A POD (C-45124)

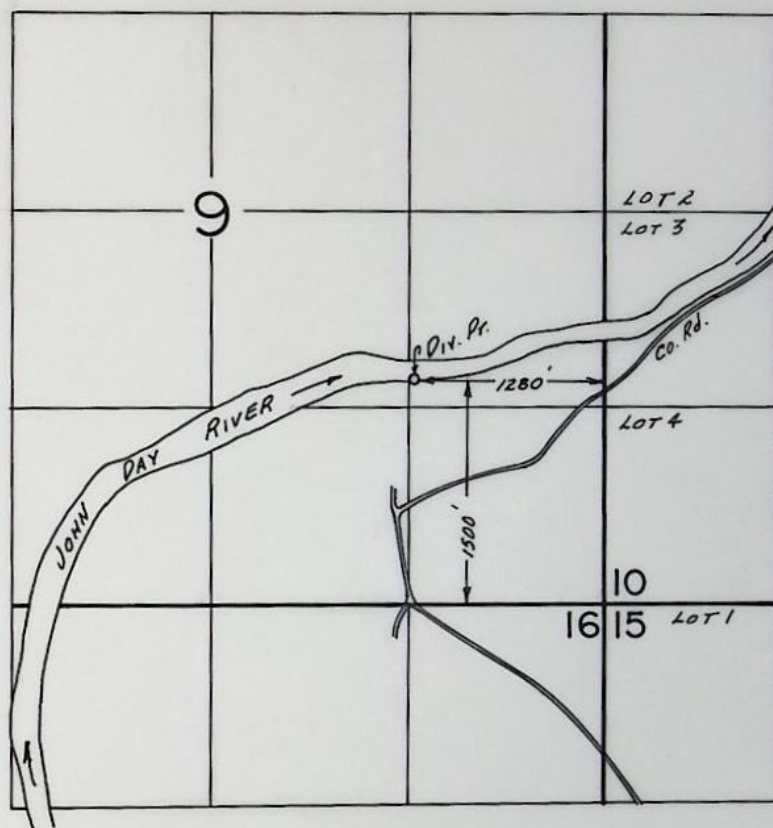
CARD FOR C DEC 26 1979

Assigned to - William J. & Barbara Bowerman
2300 Oakmont Way, No. 204
Eugene, Or. 97401

W.R. I.S. ;
Assembled 6-13-84 by SRB
Entered _____ by _____
Verified _____ by _____

INDEX CARDS:	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lg</u>	
<input checked="" type="checkbox"/> Stream	<u>lg</u>	
<input checked="" type="checkbox"/> Pt. of Div.		
<input checked="" type="checkbox"/> Calendar	<u>lg</u>	
CHECKED TO RECORD		
<input checked="" type="checkbox"/> Twp. & Rge.		
<input checked="" type="checkbox"/> Decree-vault		
<input checked="" type="checkbox"/> Decree-safe	<u>lg</u>	
<input checked="" type="checkbox"/> Cert. of W/R	<u>lg</u>	
<input checked="" type="checkbox"/> Per. Folder		
<input checked="" type="checkbox"/> Chainindex		
<input checked="" type="checkbox"/> Cross Ref.		
<input checked="" type="checkbox"/> Power Claim		
<input checked="" type="checkbox"/> Abstracts	<u>lg</u>	

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



FINAL PROOF SURVEY
UNDER

Transfer No. 3667
Application No. Permit No.
IN NAME OF

RUBE W. & SARGIE JONES EVANS.....

Surveyed JUNE 26, 1980, by S.C. BROWN.....

STATE OF OREGON
COUNTY OF Wheeler

CERTIFICATE OF WATER RIGHT

This Is to Certify, that William and Barbara Bowerman
33707 McKenzie View Drive
of Indigo Eugene State of Oregon 97401, has a right to the use of
the waters of John Day River
for the purpose of Irrigation of 12.1 acres

and that said right has been confirmed by decrees of the Circuit Court of the State of Oregon for
Grant County, and the said decrees entered of record at Salem, in the Order Record of
the STATE ENGINEER, in Volume 15-4 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 2 1/2 cubic feet per
second per acre irrigated from April 1 to Sept. 30; further limited to one acre-
foot per acre per calendar month total of five acre-feet per acre for 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:

4.5 acres 2
4.5 acres 2
Section 9
3.5 acres 1 Lot 3 (NW 4 SW 4)
Section 10
2.5 acres 1
2.5 acres 1
2.5 acres 1
2.5 acres 1
Section 11
T. 6 S., R. 12 E., W. 1 E.

75762
Δ P O D

And said right shall be subject to all other conditions and limitations contained in said decrees.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

This certificate is issued to confirm ^a ~~change~~ in ~~place of use and point of~~
diversion approved by ~~man~~ orders of the Water Resources Director
entered Sept 12, 1977 and together with certificate of water right
recorded at page 45124, Volume 37, State Record of Water
Right Certificates, supersedes certificate 25711.

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.

51616

T-3667

107

STATE OF OREGON

COUNTY OF

WHEELER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

WILLIAM and BARBARA BOWERMAN

of 33707 McKenzie View Drive, Eugene,
a right to the use of the waters of John Day River

, State of Oregon 97401 , has

a tributary of Columbia River
irrigation of 12.1 acres

for the purpose of

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 WATER RESOURCES DIRECTOR, 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 September 30; further limited to one acre-foot per calendar month; total of 5 acre-feet per acre for season, measured at point of diversion.

The point of diversion is located in the NE 1/4 SE 1/4, Section 9, T8S, R19E, WM; 1500 feet North and 1280 feet West from SE Corner of Section 9
1380 1200

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

6.7 acres ad	6.7 acres ad
0.2 bd	0.2 bd
1.4 cd	0.1 cd
0.1 dd	1.4 dd
4.5 acres NE 1/4 SE 1/4	
4.6 acres SE 1/4 SE 1/4	
Section 9	

3.7

3.0 acres Lot 3 (NW 1/4 SW 1/4)

Section 10

Township 8 South, Range 19 East, WM

This certificate is issued so as to correctly describe the pod & pou & supersedes certificate by an order of the Water Resources Director entered September 12, 1977, and right recorded together with certificate of water right recorded at page 45124, Volume 37, at page 51616 State Record of Water Right Certificates, supersedes Certificate 25711. Vol 46 SRWRC

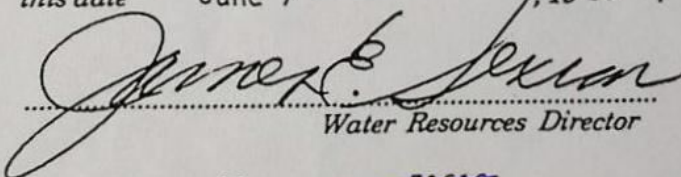
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 Water Resources Director, affixed

this date June 7

1983


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51618

53669

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That PRINEVILLE LAND AND LIVESTOCK COMPANY
BY JAMES SCOTT, SUPERINTENDENT

of Antelope, State of Oregon, has a right to the use of

the waters of John Day River *trib Columbia River*

for the purpose of *the* Irrigation of *31.2 acres*

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; total of five acre-feet per acre for 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:

T# 3667

~~4.5 acres in NE 1/4 SE 1/4~~ *45*
~~4.6 acres in SE 1/4 SE 1/4~~ *46*
Section 9,
~~3.0 acres in NW 1/4 SW 1/4 (Lot 3)~~ *30*
Section 10,
12.7 acres in SW 1/4 NE 1/4
1.7 acres in SE 1/4 NE 1/4
3.0 acres in NE 1/4 SE 1/4
13.8 acres in NW 1/4 SE 1/4
Section 16,
T. 8 S., R. 19 E., W. M.

POD Located 260' S & 1090' E from the NW Cor of Sec 22,
~~being within the NW 1/4 NW 1/4 of Sec 22, T8S, R19E, W.M.~~

This certificate describes that portion of the water right confirmed by the prior
certificate recorded at page 25711, Volume 17, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered on Sept 12, 1977, approving transfer application No. 3667.

The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 1977

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25711

T# 3667

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WHEELER COUNTY

IN THE MATTER OF THE APPLICATION OF)
RUBE W. AND SARGIE JONES EVANS FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM JOHN DAY)
RIVER)

ORDER APPROVING
TRANSFER NO. 3667

On May 10, 1977, an application was filed in the office of the Water Resources Director by Rube W. and Sargie Jones Evans for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 25711, Volume 17, State Record of Water Right Certificates, in the name of Prineville Land & Livestock Co., describes a right which includes the use of water from John Day River for irrigation of 4.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9; and 3.0 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 10, Township 8 South, Range 19 East, W.M., with a date of priority of 1890.

Water for the said right is diverted from a point located 260 feet South and 1090 feet East from the Northwest corner of Section 22, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 8 South, Range 19 East, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 1432 feet North and 1090 feet West from the Southeast corner of Section 9, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 8 South, Range 19 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Gilliam-Wheeler Times-Journal, a newspaper printed and having general circulation in Wheeler County, Oregon, for a period of three weeks in the issues of June 23 and 30 and July 7, 1977.

037
p389-271

Mr. Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed change in point of diversion maybe 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 is hereby 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 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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Prineville Land & Livestock Co. and recorded at page 25711, Volume 17, 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.

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

/s/ James E. Sexson
Director

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 Transfer Application, 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:

June 23, 30 and July 7, 1977

McLaren Stinchfield

Subscribed and sworn to before me this 30th

day of June, 1977.

Jeffrey W. Kane
Notary Public for Oregon

(My commission expires Jan 2, 1981)

Legal Notice

NOTICE
OF WATER RIGHT
TRANSFER APPLICATION
NO. 3667

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 a change in point of diversion from John Day River.

The certificate recorded at Page 25711, Vol. 17, State Record of Water Right Certificates, in the name of Prineville Land & Livestock Co., describes a right which includes the use of water from John Day River for irrigation of 4.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9; and 3.0 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Sec. 10, T. 8 S., R. 19 E., W.M., with a date of priority of 1890.

Water for the said right is diverted from a point located 260 ft. S. and 1090 ft. E from the NW corner of Sec. 22, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 22, T. 8 S., R. 19 E., W.M.

The applicants herein, owners of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1432 ft. N and 1090 ft. W from the SE corner of Sec. 9, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9, T. 8 S., R. 19 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Fossil, Oregon, on August 9, 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 Rube W. and Sargie Jones Evans, Ashwood, Oregon 97711, 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 6th day of June, 1977.

JAMES E. SEXSON
Director

Published June 23, 30 and July 7, 1977 TJ/150

Wheeler

Transfer No. 3667

Name Rube W. and Sargie Jones Evans

Expiration date for completion 10-1-79

Extended to

Proof to Survey 1/80

O. K. for certificate

Ditch company or irrigation district involved is