

3744

STATUS OF APPLICATION

Change in USE  
Date filed July 29, 1977  
Date of hearing October 6, 1977  
Place of hearing Canyon City, OR.  
Date of order 10-10-77 Vol. 29, page 448  
Date for application of water 10-1-79  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued Sept 27, 1980 Vol. 54, page 57726

DESCRIPTION OF WATER RIGHT

Name of stream Canyon Creek  
Trib. of \_\_\_\_\_ County of Grant  
Use From Mining (Ore Mill) to Irr.  
Quantity of water 0.01 No. of acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
Date of priority \_\_\_\_\_  
In name of \_\_\_\_\_  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 30636 Per. No. 24135 Cert. No. 24362 V.17  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>7-29-77</u>	<u>75.00</u>	<u>62828</u>
<u>(9-2-77) 7-27-77</u>	<u>10.00</u>	<u>62764 (P-6)</u>
TOTAL . . .		
No. Cert. Fee		
<u>PR. 9/6/77 Blue Mt. Eagle (\$30.92) Ch. #1499</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>9-6-77</u>	<u>\$19.08</u>	<u>1498</u>
Rec'd		<u>85 -</u>
Exam 20		
Δ Use 15		
PoN 30 <sup>92</sup>		<u>65<sup>92</sup></u>
		<u>\$19.08</u> ✓

REMARKS

to survey 1/80

CARD FOR C DEC 26 1979

W.R.I.S.  
Assembled 7-11-84 by S.O.B.  
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>	_____
CHECKED TO RECORDS:		
✓ Twp. & Rge.	<u>lig</u>	_____
Decree-vault	_____	_____
Decree-safe	_____	_____
✓ Cert. of W/R	_____	_____
✓ Per. Folder	_____	_____
Chainindex	_____	_____
Cross Ref.	_____	_____
Power Claim	_____	_____
✓ Abstracts	<u>lig</u>	_____

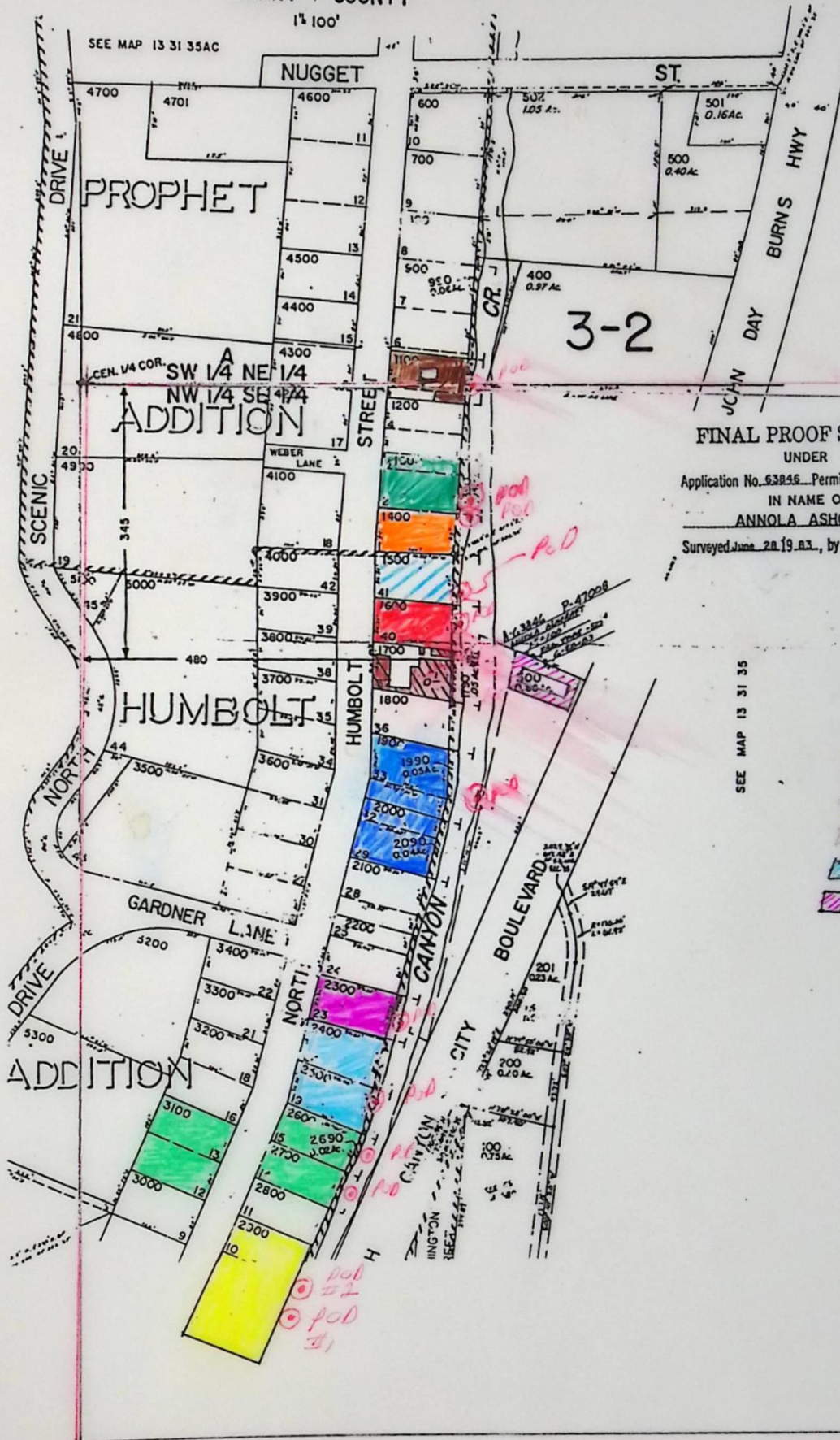
220



NW1/4 SE1/4 SEC. 35 T13S. R31 E. W.M.  
GRANT COUNTY

1" = 100'

SEE MAP 13 31 35AC



FINAL PROOF SUI

UNDER

Application No. 63846 Permit No.

IN NAME OF

ANNOLA ASHCRAI

Surveyed June 28 19 83, by R.W.

- 43818
- 43830
- 43871
- 43883
- 45186
- 45163
- 49013
- 50581
- 57514
- 63846
- 65135
- 3744

Line up on Red stid



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
GRANT COUNTY

IN THE MATTER OF THE APPLICATION )  
OF ALBERT DUNN FOR APPROVAL OF A )  
CHANGE IN USE OF WATER FROM )  
CANYON CREEK )  
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ORDER APPROVING  
TRANSFER NO. 3744

On July 29, 1977, an application was filed in the office of the Water Resources Director by Albert Dunn for a change in use heretofore made of water under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24362, Volume 17, State Record of Water Right Certificates, in the name of Albert Dunn, describes a right for the use of not to exceed 0.25 cubic foot per second from Canyon Creek for mining (chrome concentrate mill) in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35, Township 13 South, Range 31 East, W.M., with a date of priority of March 29, 1956.

Water for the said right is diverted from a point located 2147 feet North and 537 feet East from the South quarter corner of Section 35, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 35.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made of 0.01 cubic foot per second, without loss of priority to irrigate 0.25 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 35.

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 August 11, 18 and 25, 1977.

Mr. Robert F. Main, Jr., Watermaster, has filed a statement to the effect

1127  
pudg. aug



that the proposed change in use heretofore made may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in use heretofore made may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in use heretofore made of water from Canyon Creek, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

The applicant herein, as owner of the balance of the water right and the lands to which it is appurtenant, has submitted an affidavit that he has abandoned the balance of the said water right. Therefore,

It is FURTHER ORDERED that the water right for appropriation of not to exceed 0.24 cubic foot per second of water from Canyon Creek, with a date of priority of March 29, 1956, for mining (chrome concentrate mill) within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35, Township 13 South, Range 31 East, W.M., is hereby canceled.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Albert Dunn and recorded at page 34362, 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 10th day of October, 1977.

/s/ James E. Sexson  
Director



Proposed cont  
OE

STATE OF OREGON  
COUNTY OF GRANT

Proposed  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That ALBERT DUNN

of <sup>395 John Day</sup> Box 214, Canyon City, 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 Canyon Creek a tributary of John Day River for the purpose of ~~mining (chrome concentrate mill)~~ irrigating 0.1 acre under Permit No. 24135 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 March 22, 1956,

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 0.25 cubic foot per second,  
0.01

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 SE 1/4, Section 35, Township 13 South, Range 31 East, W.M.; 350' S & 510' E from center 1/4 corner of section 35.

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 - - - 1.40 - - - of one cubic foot per second per acre,  
4 ac ft

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:

0.1 acre NW 1/4 SE 1/4  
Section 35  
Township 13 South, Range 31 East, W.M.

### 3 Clause

This certificate is issued to confirm a change in type of use approved by an order of the Water Resources Director entered Oct 19, 1977 and supersedes certificate 24362, 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.

LEWIS A. STANLEY

State Engineer



RECEIVED

AUG 30 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. 3744 - Albert Dunn

....., 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: .....

August 11, August 18 and August 25, 1977

Subscribed and sworn to before me this 29<sup>th</sup> day of August, 19 77.

Donna E. Moreau  
Notary Public for Oregon

My commission expires May 20, 19 81

Cost of this publication was \$ 30.92

(Seal)



## NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3744

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Albert Dunn for approval of a change in use heretofore made of water from Canyon Creek.

The certificate recorded at page 24362, Volume 17, State Record of Water Right Certificates, in the name of Albert Dunn, describes a right for the use of not to exceed 0.25 cubic foot per second from Canyon Creek for Mining (chrome concentrate mill) in NW 1/4 SE 1/4 of Section 35, Township 13 South, Range 31 East, WM, with a date of priority of March 29, 1956.

Water for the said right is diverted from a point located 2147 ft. North and 537 ft. East from the S 1/4 corner of Sec. 35, being within the NW 1/4 SE 1/4 of said Sec. 35.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made of 0.01 cubic foot per second, without loss of priority, to irrigate 0.25 acre in NW 1/4 SE 1/4 of said Sec. 35. (The balance of the right is to be cancelled.)

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon on October 6, 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 Albert Dunn, Box 395, 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 1st day of August, 1977.

JAMES E. SEXTON  
Director  
32-34