

STATUS OF APPLICATION

DESCRIPTION OF WATER RIGHT

FEES PAID

Change in POU & POD
 Date filed Aug 5, 1977
 Date of hearing _____
 Place of hearing _____
 Date of order 11-16-77 Vol. 30, page 57
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued 11/27/2006 Vol. _____, page 82739
 5-26-86 SKA

Name of stream John Day River
 Trib. of _____ County of Grant
 Use _____
 Quantity of water _____ No. of acres _____
 Name of ditch _____
 Date of priority _____
 In name of (Martin A. Clark) Sarah A. Moore
John Day Adjudication, Vol. 10, page 562
 App. No. _____ Per. No. _____ Cert. No. 25581 (T#C-176)
 Certificate cancelled _____
 Notation made on record by _____
 2008

Date	Amount	Receipt No.
<u>8-5-77</u>	<u>35.00</u>	<u>63010</u>
<u>9-19-77</u>	<u>10.00</u>	<u>63932</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

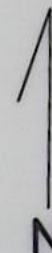
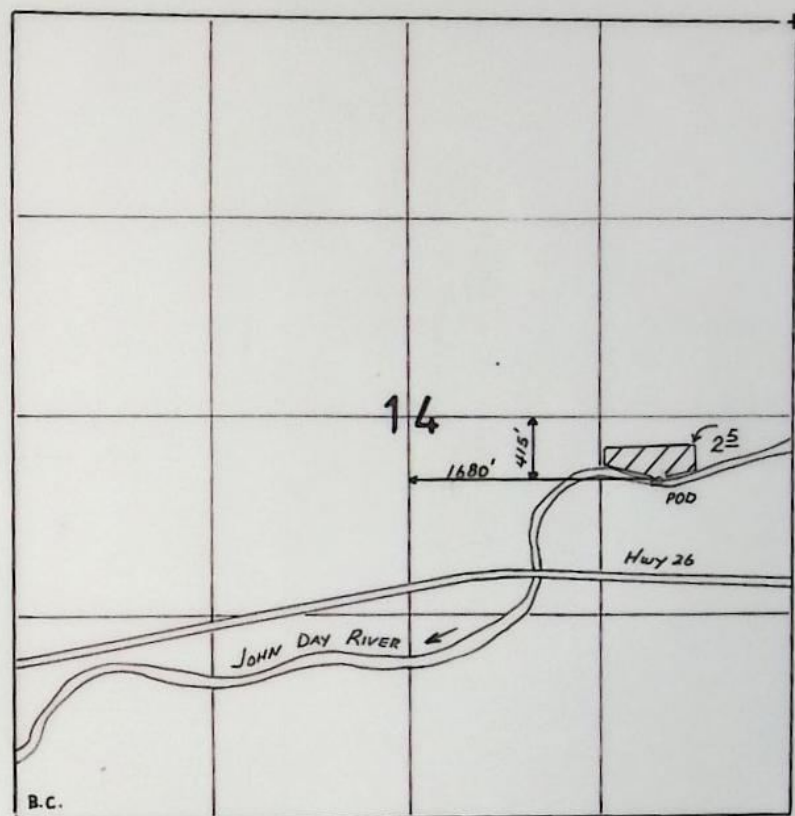
Cert 25581 canceled per T#C-176 & POD entire right. Provided for new certificate
T#3504 changes POD for all lands not in T#3746

1 CARD FOR C DEC 26 1979

W.R.I.S.	
Assembled <u>7-11-89</u> by <u>SKA</u>	
Entered _____ by _____	
Verified _____ by _____	

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

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



1" = 1320'

FINAL PROOF SURVEY

UNDER
TRANSFER 3746
IN NAME OF

HANS C. AND MARY B. ESKILDSON

Surveyed AUGUST 14, 1991, by I. MILLER

RECEIVED

MAY - 2 1996

WATER RESOURCES DEPT.
SALEM, OREGON

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

HANS C. AND MARY B. ESKILDSON
STAR ROUTE WEST
MT VERNON OR 97865

confirms the right to use the waters of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 2.5 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 3/4 acre-foot per acre thereafter; total five acre-feet per season, measured at the point of diversion ORIGINAL POINT OF DIVERSION: NE 1/4 SE 1/4, SECTION 14, T 13 S, R 28 E, W.M.; 280 FEET NORTH AND 480 FEET WEST FROM THE E 1/4 CORNER, SECTION 14).

The point of diversion is located as follows:

NE 1/4 SE 1/4, SECTION 14, T 13 S, R 28 E, W.M.; 415 FEET SOUTH AND 1680 FEET EAST FROM THE C 1/4 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 1/4 SE 1/4 2.5 ACRES
SECTION 14
TOWNSHIP 13 SOUTH, RANGE 28 EAST, W.M.

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. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

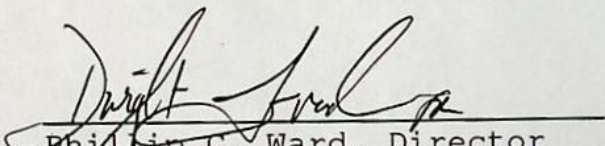
When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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 AND PLACE OF USE approved by an order of the Water Resources Director entered on November 16, 1977, approving Transfer Application T-3746, and together with Certificate 82304 supersedes Certificate 25581, Volume 17, State Record of Water Right Certificates.

WITNESS the signature of the Water Resources Director, **NOV 27 2006.**


Phillip C. Ward, Director
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates numbered 82739.

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION }
OF MARTIN A. CLARK FOR THE }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION OF WATER FROM JOHN DAY }
RIVER }

ORDER APPROVING
TRANSFER NO. C-176

On April 17, 1967, Martin A. Clark filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court of Grant County, Oregon, entered November 16, 1956, In the Matter of the Determination of the Relative Rights to the Use of the Waters of John Day River and its Tributaries, a water right was established in the name of Sarah A. Moore for the irrigation of 6.2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 13.1 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 1.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 3.5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 13 South, Range 28 East, W.M., with a date of priority of 1890. This right was confirmed by certificate recorded at page 25581, Volume 18, State Record of Water Right Certificates. These lands are irrigated from a point of diversion located 2160 feet north and 1575 feet west from the SE 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, owner of the lands above described, proposes to irrigate said lands from a point of diversion to be located 2220 feet north and 600 feet west from the SE 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.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Wayne J. Overcash, Watermaster of District No. 4, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from John Day River, to-wit:

From a point located 2160 feet north and 1575 feet west from the SE corner of Section 14, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 13 South, Range 28 East, W.M.

To a point to be located 2220 feet north and 600 feet west from the SE 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.

for the irrigation of 6.2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 13.1 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 1.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 3.5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 13 South, Range 28 East, W.M., with a date of priority of 1890, is approved.

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, 1968.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion, and shall not exceed 1/40 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 3/4 acre-foot per acre thereafter; total five acre-feet per season, measured at the point of diversion.

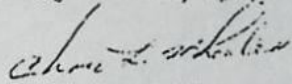
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 certificate of water right heretofore issued to Sarah A. Moore and recorded at page 25581, Volume 18, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion of water, certificate of water right shall be issued to Martin A. Clark confirming said change in point of diversion of water.

Dated at Salem, Oregon, this 26th day of June, 1967.


CHRIS L. WHEELER
State Engineer

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 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.

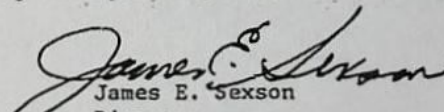
Due to a mapping error reflected in said application for a change in point of diversion of water from John Day River, the application and the approving order read: "2.2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$... of Section 14, Township 13 South, Range 28 East. W.M., with a date of priority of 1890."

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.


James E. Sexson
Director

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, ^{1.6} ~~2.2~~ 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.

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 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;

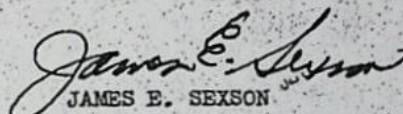
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 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.


JAMES E. SEXSON
Director

ALSO REFER TO:

T C-176

AND

T 3504

C-176 CHANGES

POD only, while

T 3746 CHANGES

POD For 4.6 AC

AND A POD.

STATE OF OREGON

COUNTY OF GRANT

Superseded by

Cert. No.

Trs. 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. 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