

3954 Thompson  
McKern

Name Elmer Thompson & Derrol McKern

3954

DESCRIPTION OF WATER RIGHT

By \_\_\_\_\_

Address Star Route West  
MT. Vernon, OR 97865

Change in POU & POD

Date filed May 5, 1978

Date of hearing \_\_\_\_\_

Place of hearing \_\_\_\_\_

Date of order 7-14-78 Vol. 31, page 48

Date for application of water 10-1-79

Proof mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Certificate issued AUG 10 1978 Vol. 38, page 46175

DVA Notification  
APR 14 1989

Name of stream John Day River

Trib. of \_\_\_\_\_ County of Grant

Use \_\_\_\_\_

Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_

Name of ditch Panama

Date of priority Mar 6, 1911

In name of MT. Vernon Irr. & Power Co.

\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_

App. No. 1289 Per. No. E-88 Cert. No. 2397

Certificate cancelled \_\_\_\_\_

Notation made on record by In DB

FEES PAID

Date	Amount	Receipt No.
5-5-78	30 <sup>00</sup>	2710
5-31-78	15 <sup>00</sup>	3238
TOTAL . . .		
7-3-78	\$2 Cert. Fee	4597

FEES REFUNDED

Date	Amount	Check No.

REMARKS

finis

W.R.I.S.

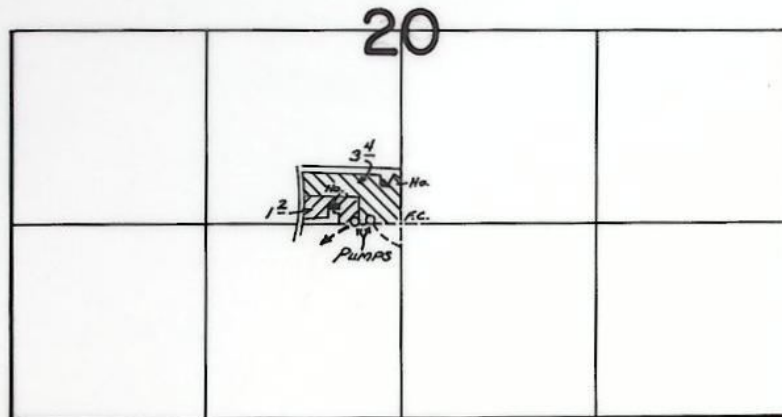
Assembled 7-6-89 by SBA

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

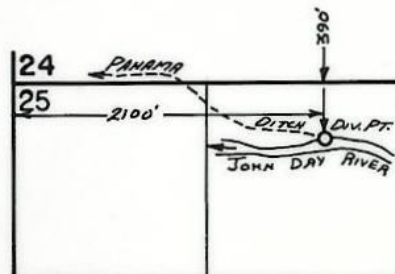
Verified \_\_\_\_\_ by \_\_\_\_\_

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

T.13S.,R.30E.,W.M.



 - THOMPSON  
 - MCKERN



# FINAL PROOF SURVEY UNDER

Transfer No. 3954

Application No. .... Permit No. ....

IN NAME OF  
 ELMER THOMPSON &  
 DERROL MCKERN

Surveyed Sept. 6, 1983, by R. W. Cettel



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION )  
OF ELMER THOMPSON & DERROL McKERN )  
FOR APPROVAL OF CHANGES IN PLACE )  
OF USE AND POINT OF DIVERSION OF )  
WATER FROM JOHN DAY RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3954

On May 5, 1978, an application was filed in the office of the Water Resources Director by Elmer Thompson and Derrol McKern for approval of a change in point of diversion from John Day River and a change in place of use from John Day River and Beech Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2397, Volume 3, State Record of Water Right Certificates, in the name of Mt. Vernon Irrigation and Power Company, describes a right which includes the use of not to exceed 0.07 cubic foot per second from John Day River and Beech Creek for irrigation of 5.23 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 13 South, Range 30 East, W.M., with a date of priority of March 6, 1911.

The authorized points of diversion of record for said right are located: (John Day River)\* South 72 degrees East, 2705 feet from the Northwest Corner of Section 25, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, Township 13 South, Range 30 East, W.M.; and (Beech Creek) South 31 degrees West, 2244 feet from the Northeast Corner of Section 21, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, Township 13 South, Range 30 East, W.M. (Panama Ditch).

The applicants herein propose to change the place of use of the above described water right, without loss of priority, and to irrigate in lieu thereof a certain 5.23 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 13 South, Range 30 East, W.M. The applicants herein also propose to change the point of diversion of water from John Day River, without loss of priority, to a point located 520 feet South and 2080 feet East from the Northwest Corner of Section 25, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, Township 13 South, Range 30 East, W.M. (Panama Ditch).

Mr. Jerry Rodgers, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and point of diversion may be made without injury to existing rights,

\* old map locates div. pt. 380 ft. S. & 1600 ft. E from NW corner of Sec 25



the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as described herein, without loss of priority, are 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, and shall not exceed 0.07 cubic foot per second.

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:

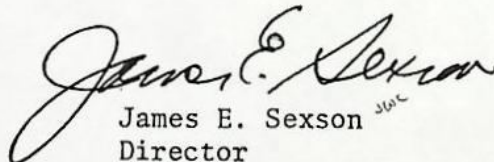
That the diversion works shall include an in line flow meter, a weir, or other device suitable for measuring the water to which the applicant is entitled;

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 and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Mt. Vernon Irrigation and Power Company and recorded at page 2397, Volume 3, 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 applicants herein.

Dated at Salem, Oregon this 14th day of July, 1978.

  
James E. Sexson  
Director



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STATE OF OREGON.  
WATER DIVISION NO. 2, COUNTY OF GRANT.

CERTIFICATE OF WATER RIGHT  
(For rights perfected under original or secondary permits)

THIS IS TO CERTIFY, That MT VERNON IRRIGATION AND POWER COMPANY, of Mt. Vernon, State of Oregon, has made proof to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the waters of John Day River and Beach Creek, <sup>Columbia</sup> a tributary of John Day River, for the purposes of the irrigation of 490 acres of land, and domestic use, under Enlargement Permit No. 638 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon and duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered of record in the Record of Proceedings of said Board, at Salem, in Volume 1, at Page 329, on the 28th day of July, 1919; that the priority of the right hereby confirmed dates from March 8, 1911; 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 6.23 cubic feet per second.

489.77

See attached sheet

A description of the lands under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: 15 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; 20 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; 15 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; of Section 23; 7 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; 15 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 20 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 22; 8 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; 20 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; 24 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 21; 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 20; 2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 25 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30; 38 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; 5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; 25 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; 38 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 35 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; 10 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; 20 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29; 26 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; 35 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; 17 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; 10 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ ; of Section 28 and 10 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 27, all in Township Thirteen South, Range Thirty East of Willamette Meridian, in Grant County, Oregon.

52301  
7-3954  
6.07.19

The use for irrigation purposes hereunder shall be limited to one-eightieth of one cubic foot per second for each acre irrigated, or its equivalent in case of rotation; balance for domestic use. The use for irrigation purposes shall conform to any reasonable rotation system ordered by the proper State Officer.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 2397, Volume 3, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 14, 1978, approving transfer application No. 3954.

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

(SEAL OF STATE WATER BOARD)

STATE WATER BOARD  
By: PERCY A. CUPPER,  
State Engineer, President.

Attest:

R. W. POTTER,  
Secretary.

POD: NENW Sec 25, SENE Sec 21 T13S R30EWM  
River - South 72° East, 2705' from the NW cor Sec 25  
Creek (Panama Ditch) - South 31° West, 2244' from the NE cor Sec 21

Recorded in State Record of Water Right Certificates, Volume 3, Page 2397.

60834  
T-3954



4 15.00 acres in  $SE\frac{1}{4} SE\frac{1}{4}$   
20.00  $SW\frac{1}{4} SE\frac{1}{4}$   
15.00  $SE\frac{1}{4} SW\frac{1}{4}$   
5.00  $SW\frac{1}{4} SW\frac{1}{4}$

of Section 23,

3 7.00 acres in  $SW\frac{1}{4} SE\frac{1}{4}$   
15.00  $SE\frac{1}{4} SW\frac{1}{4}$   
20.00  $SW\frac{1}{4} SW\frac{1}{4}$

of Section 22

2<sup>nd</sup> 8.00 acres in  $SE\frac{1}{4} SE\frac{1}{4}$   
20.00  $SW\frac{1}{4} SE\frac{1}{4}$   
24.00  $NW\frac{1}{4} SE\frac{1}{4}$

of Section 21

1<sup>st</sup> 40.00 acres in  $SW\frac{1}{4} SW\frac{1}{4}$   
of Section 20

8 2.00 acres in  $NW\frac{1}{4} NE\frac{1}{4}$   
25.00  $NE\frac{1}{4} NE\frac{1}{4}$

of Section 30

7 38.00 acres in  $NW\frac{1}{4} NW\frac{1}{4}$   
5.00 acres in  $SW\frac{1}{4} NW\frac{1}{4}$   
25.00 acres in  $NE\frac{1}{4} NW\frac{1}{4}$   
38.00 acres in  $NW\frac{1}{4} NE\frac{1}{4}$

34.77 ~~40.00~~ acres in  $NE\frac{1}{4} NE\frac{1}{4}$  - (T-3954 PDU & PDD  $\Delta$  5.23 ac. <sup>0.07 of</sup>)  
10.00 acres in  $SW\frac{1}{4} NE\frac{1}{4}$   
20.00 acres in  $SE\frac{1}{4} NE\frac{1}{4}$

of Section 29

6 26.00 acres in  $SW\frac{1}{4} NW\frac{1}{4}$   
35.00 acres in  $SE\frac{1}{4} NW\frac{1}{4}$   
17.00 acres in  $NE\frac{1}{4} NW\frac{1}{4}$   
10.00 acres in  $NW\frac{1}{4} NE\frac{1}{4}$

of Section 28

5 10.00 acres in  $NW\frac{1}{4} NW\frac{1}{4}$   
of Section 27

Tp. 13 S., R. 30 E., W. 1 M.