

Name Roy Howard

DESCRIPTION OF WATER RIGHT

FEES PAID

By _____

Address Box 942
Mt. Vernon Or. 97865

Name of stream John Day River

Date	Amount	Receipt No.
<u>2-17-78</u>	<u>85.00</u>	<u>1187</u>

Trib. of _____ County of Grant

Use irrigation

Quantity of water _____ No. of acres 0.8

Date	Amount	Receipt No.
<u>3-29-78</u>	<u>\$2.00</u>	<u>Cert. Fee</u>
		<u>Trans from 1187</u>

Name of ditch Enterprise

The Blue Mountain Eagle #30.92 CK#2088 3/29/78

Date of priority 1876

FEES REFUNDED

In name of Frank N. Noble

Date	Amount	Check No.
<u>3-29-78</u>	<u>\$17.08</u>	<u>2087</u>

John Day River Adjudication, Vol. 10, page 571

App. No. _____ Per. No. _____ Cert. No. 38646

Certificate cancelled _____

Notation made on record by _____

Exam	20 -
POD	15 -
cert	2 -
PON	30.92
	67.92

in DB
to survey 6/78

REMARKS

Assigned 8-18-80
DANIEL & SUSAN KOMNING PO Box 231, PRAIRIE CITY, OR 97869 VOL 6 PAGE 753

W.R.I.S.

Assembled 7-11-89 by PK

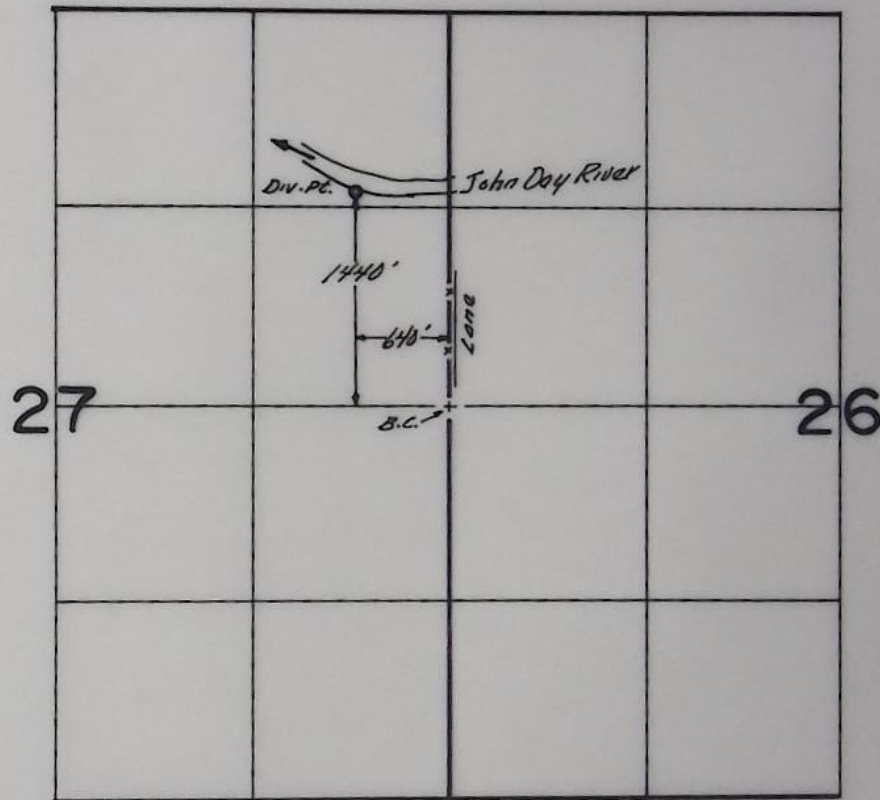
Entered _____ by _____

Verified _____ by _____

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

Certificate issued JUN 9 1978 38, page 45754
JUN 3 1987 51, page 56205

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



FINAL PROOF SURVEY
UNDER

Application No. **TRANSFER NO. 3886** Permit No.
IN NAME OF

..... **ROY HOWARD**

Surveyed **Sept. 15...** 19.7.9, by **S.C. BROWN**.....

*Print
cut & bc*

[Handwritten initials]

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ~~Ray Howard~~ DANIEL & SUSAN KOMNING
~~FRANK N. NOBLE~~
of ~~Box 942~~ P.O. Box 231
~~Mr. Vernon~~ PRAIRIE CITY,
to the use of the waters of John Day River, State of Oregon ~~97865~~ 97869

a tributary of Columbia River for the purpose of
irrigation of ~~91.8 acres~~ 0.8 acre
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 ~~1866 - Tract #1~~
1876 - Tract #2

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 acre for season, measured at point of diversion. *if available at*
the original point of diversion; Enterprise Ditch - 1700' N & 650' E from
the SW cor Sec 20 T13S
R31E WM, 1700' N & 650' E from SW cor Sec 20

The point of diversion is located in the NE 1/4 NE 1/4, Section 26, T. 13 S., R. 30 E. WM, 1440' N &
NW 1/4 SW 1/4, Section 20, T. 13 S., R. 31 E. 640' W from E 1/4 cor Sec 27

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

Tract #1	Tract #2
17.1 acres in NE 1/4 NE 1/4	5.0 ^{0.2} acres in NE 1/4 NE 1/4
5.0 acres in NW 1/4 NE 1/4	8.0 acres in NW 1/4 NE 1/4
Section 27	30.8 acres in SW 1/4 NE 1/4
T. 13 S., R. 30 E., W. M.	0.6 acres in SE 1/4 NE 1/4
	5.3 acres in NW 1/4 SE 1/4
	Section 27
	T. 13 S., R. 30 E., W. M.

Certificate of water right issued to Frank N. Noble and recorded at page 25633, Volume 17, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 103.0 acres. The right to the use of water appurtenant to 11.2 acres was canceled by order of the State Engineer entered March 30, 1972. This certificate is issued to confirm the remaining right to the use of water for irrigation and supersedes the certificate heretofore issued to Frank N. Noble.

This certificate is issued to confirm a change in point of diversion approved by an order of the WRD entered April 24 '78 and together with certificate of water right recorded at page 45754 Vol. 38 SRWRC supersedes certificate of water right recorded at page 38646 Vol. 30 SRWRC.

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

98981D

CHRIS L. WHEELER
State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 38646

56205

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROY HOWARD FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM JOHN DAY RIVER)

ORDER APPROVING
TRANSFER NO. 3886

On February 17, 1978, an application was filed in the office of the Water Resources Director by Roy Howard 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 38646, Volume 30, State Record of Water Right Certificates, in the name of Frank N. Noble, describes a right which includes the use of water from John Day River for irrigation of a certain 0.2 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.6 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 13 South, Range 30 East, W.M., with a date of priority of 1876.

Water for the said right is diverted, through the Enterprise Ditch, from a point located 1700 feet North and 650 feet East from the Southwest Corner of Section 20, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 13 South, Range 31 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 1225 feet South and 600 feet West from the Northeast Corner of Section 27, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 13 South, Range 30 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 March 2, 9 and 16, 1978.

Mr. Jerry Rodgers, 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:

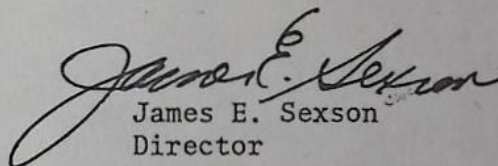
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 Frank N. Noble and recorded at page 38646, Volume 30, 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 24th day of April, 1978.


James E. Sexson
Director

896

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRANK H. HOWLE

of El. 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 42; that the priority of the right thereby confirmed dates from 1866 - Tract A, 1876 - Tract B

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 1/10 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-foot 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:

112 ac. divided
T. 29 S., R. 30 E.

Tract A

21.5 acres in NE 1/4
22.8 acres in NW 1/4
Section 27,
T. 29 S., R. 30 E., W. N.

Tract B

5.0 acres in NE 1/4
0.0 acres in NW 1/4
30.0 acres in SW 1/4
20.6 acres in SE 1/4
5.2 acres in NW 1/4
Section 27,
T. 29 S., R. 30 E., W. N.

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 57.

JAMES A. STANLEY

State Engineer

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRANK H. NOBLE

of Mt. Vernon
to the use of the waters of John Day River, State of Oregon, has a righta tributary of Columbia River
irrigation of 91.8 acres for the purpose ofand 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 431; that the priority of the right thereby
confirmed dates from 1886 - Tract 01
1876 - Tract 02

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-foot per acre for season, measured at point of diversion.

The point of diversion is located in the NW 1/4 NE 1/4, Section 26, T. 13 S., R. 30 E.
NW 1/4 SW 1/4, Section 20, T. 13 S., R. 31 E.

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

Tract 01	Tract 02
17.1 acres in NW 1/4 NE 1/4	5.0 acres in NW 1/4 NE 1/4
5.0 acres in NW 1/4 NE 1/4	8.0 acres in NW 1/4 NE 1/4
Section 27	30.8 acres in SW 1/4 NE 1/4
T. 13 S., R. 30 E., W. M.	20.6 acres in SE 1/4 NE 1/4
	5.3 acres in NW 1/4 SW 1/4
	Section 27
	T. 13 S., R. 30 E., W. M.

Certificate of water right issued to Frank H. Noble and recorded at page 28633, Volume 17, State Record of Water Right Certificates, confirms the right to the use of water for irrigation of 103.0 acres. The right to the use of water appurtenant to 11.2 acres was annulled by order of the State Engineer entered March 30, 1972. This certificate is issued to confirm the remaining right to the use of water for irrigation and supercedes the certificate heretofore issued to Frank H. Noble.

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.

WITNESS the signature of the State Engineer, affixed

this date November 3, 1972.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 30, page 30646

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

DANIEL AND SUSAN KOMNING

of PO Box 231, Prairie City, State of OR 97869, has
a right to the use of the waters of John Day River

a tributary of Columbia River for the purpose of
irrigation of 0.8 acre

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 1876

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 acre per calendar month to July 1 and 3/4 acre-foot per acre
thereafter; total five acre-feet per acre for season, if available at the *

The point of diversion is located in the NE 1/4 NE 1/4, Section 27, T13S, R30E, WM;
1440 feet North and 640 feet West from E 1/4 corner Section 27.

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

*original point of diversion; Enterprise Ditch - NW 1/4 SW 1/4, Section 20,
T13S, R31E, WM; 1700 feet North and 650 feet East from SW corner Section 20.

0.2 acre NE 1/4 NE 1/4
0.6 acre SE 1/4 NE 1/4
Section 27
Township 13 South, Range 30 East, WM

This certificate is issued to confirm a change in point of diversion approved
by an order of the Water Resources Director entered April 24, 1978, and
together with certificate of water right recorded at page 45754, Volume 38,
State Record of Water Right Certificates, supersedes certificate 38646,
Volume 30, 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.

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 3, 19 87 .

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51, page 56205

RECEIVED

MAR 22 1978

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. 3886 - Roy Howard

....., 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:

March 2, March 9 and
March 16, 1978

Moreau

Subscribed and sworn to before me this 21st day of March
1978.

Donna E. Moreau
Notary Public for Oregon

My commission expires 4 May 20, 1981

Cost of this publication was \$ 30.92

(Seal)



Public Notices

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3886

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Roy Howard 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 38646, Volume 30, State Record of Water Right Certificates, in the name of Frank N. Noble, describes a right which includes the use of water from John Day River for irrigation of a certain 0.2 acre in NE 1/4 NE 1/4 and 0.6 acre in SE 1/4 NE 1/4 of Sec. 27, T 13 S, R 30 E, WM, with a date of priority of 1876.

Water for the said right is diverted, through the Enterprise Ditch, from a point located 1700 ft N & 650 ft E from the SW Corner of Sec. 20, being within the NW 1/4 SW 1/4 of Sec. 20, T 13 S, R 31 E, WM.

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 1225 ft S & 600 ft W from the NE Corner of Sec. 27, being within the NE 1/4 NE 1/4 of Sec. 27, T 13 S, R 30 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon, on April 25, 1978, at 9:30 a. m. All objections to the proposed change, of 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 Roy Howard, Box 942, Mt. Vernon, OR 97865; 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. Instructions regarding the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 21st day of February, 1978.

JAMES E. SEXSON
Director