

3901 Powell

Name Eldon G. + Denna L. Powell

By _____

Address Star RouteKimberly, OR. 97848Change in PODDate filed 3-14-78Date of hearing June 7, 1978Place of hearing Canyon CityDate of order 6-19-78 Vol. 30, page 748Date for application of water completed

Proof mailed _____

Proof received _____ 46174Certificate issued AUG 10 1978 38, page 43 43445SEP 4 198049446to survey 6/78

3901

DESCRIPTION OF WATER RIGHT

Name of stream No. Fork John Day RiverTrib. of _____ County of Grant

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 2-3-1919In name of J. M. Simes

_____ Adjudication, Vol. _____, page _____

App. No. 6398 Per. No. 4036 Cert. No. 3970
22347 17695 28069

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>3-14-78</u>	<u>85-</u>	<u>1592</u>
TOTAL . . .		
<u>5-10-78</u>	<u>\$2 Cert. Fee</u>	<u>Transferred fr 1592</u>
<u>The Blue Mountain Eagle #42.58 p2 5/10/78 Ch #2201</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>5-10-78</u>	<u>\$5.42</u>	<u>2200</u>
<u>Exam 2000</u>	<u>Refund 522</u>	
<u>PON 1500</u>		
<u>Cert Fee 200</u>		
<u>PON 42.58</u>		
<u>79.58</u>		

REMARKS

W.R.I.S.

Assembled 7-6-89 by SK

Entered _____ by _____

Verified _____ by _____

INDEX CARDS:

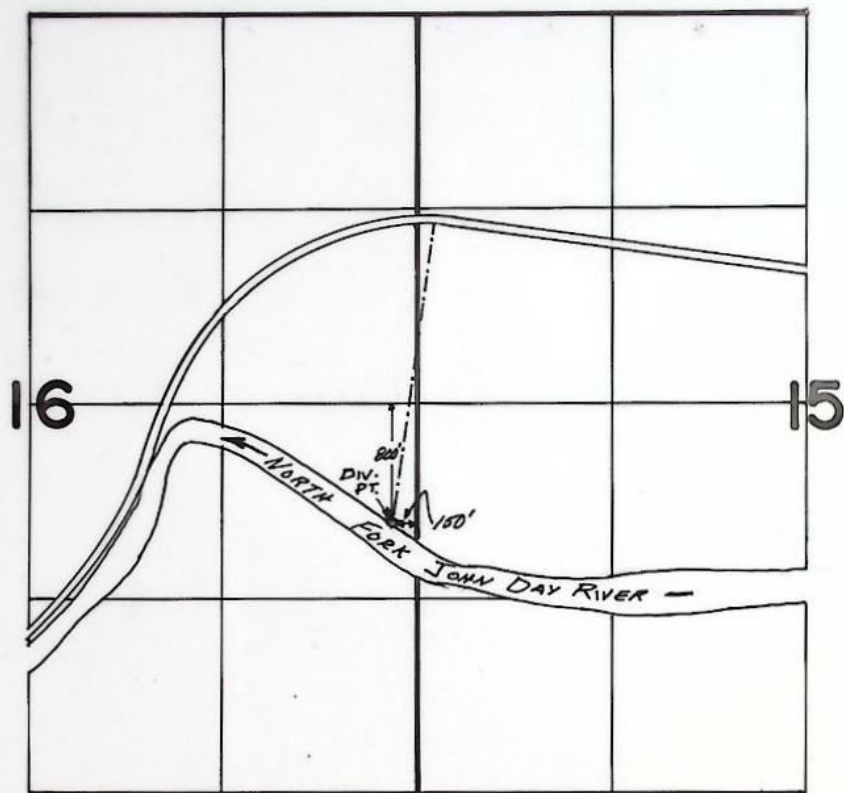
Entered

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>	_____
<input checked="" type="checkbox"/>	Checked to Records:	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Twp. & Rgs.	<u>lg</u>	_____
<input checked="" type="checkbox"/>	Decree-vault	_____	_____
<input checked="" type="checkbox"/>	Decree-aide	_____	_____
<input checked="" type="checkbox"/>	Cert. of W/R	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Per. Folder	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/>	Chaindex	_____	_____
<input checked="" type="checkbox"/>	Cross Ref.	_____	_____
<input checked="" type="checkbox"/>	Power Claim	_____	_____
<input checked="" type="checkbox"/>	Abstracts	<u>lg</u>	_____

125

T. 9S. R.26E. W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER No. 3901
Application No. Permit No.
IN NAME OF

ELDON G. & DONNA L. POWELL

Surveyed Aug. 30 1978, by J.S. Donaldson

RECEIVED

STATE OF OREGON

NOV 07 2003

COUNTY OF

GRANT

WATER RESOURCES DEPT
SALEM OREGON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ELDON G. AND DONNA L. POWELL

of Star Route, Kimberly, State of Oregon 97848, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of North Fork John Day River

a tributary of John Day River
irrigation of 121.0 acres

for the purpose of

under Permit No. 4036 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 February 3, 1919

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 1.51 cubic feet per second, if available at the original point of diversion; SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, T. 9 S., R. 27 E., W.M.; 1800 feet South and 975 feet East from NE $\frac{1}{4}$ Corner, Section 7

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, T. 9 S., R. 26 E., W.M.; 800 feet South and 150 feet West from E $\frac{1}{4}$ Corner, Section 16

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 one-eightieth of one cubic foot per second per acre,

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:

SEE NEXT PAGE

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WATER RESOURCES DEPT
SALEM OREGON

28.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
33.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 15

8.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
38.0 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
13.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$

G.5 \pm ✓ 1.0 acre NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 16
T. 9 S., R. 26 E., W.M.

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered on June 19, 1978 and together with certificates of water right recorded at pages 48237, Volume 41 and 48658, Volume 42, State Record of Water Right Certificates, supersedes certificate recorded at page 3970, Volume 5, State Record of Water Right Certificates.

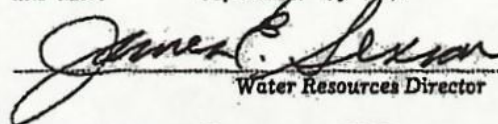
The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date.

September 4, 1980


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43, page 49446.

RECEIVED

NOV 07 2003

WATER RESOURCES DEPT
SALEM OREGON

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ELDON G. AND DONNA L. POWELL

of Star Route, Kimberly, State of Oregon 97848, has made
proof to the satisfaction of the Water Resources Director of a right to the use of the waters of
North Fork John Day River

a tributary of John Day River for the purpose of
supplemental irrigation of 50.0 acres

under Permit No. 17695 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
April 25, 1947

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
0.63 cubic foot per second, if available at the original point of diversion;
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, T. 9 S., R. 26 E., W.M.; Simas Ditch - 200 feet South and
1420 feet East from C $\frac{1}{4}$ Corner, Section 15

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, T. 9 S., R. 26 E., W.M.;
800 feet South and 150 feet West from E $\frac{1}{4}$ Corner, Section 16

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 one-fortieth of one cubic foot per second
per acre, or its equivalent of each acre irrigated and shall be further limited
to a diversion of not to exceed 1 acre foot per acre for each acre irrigated
during any month and shall be further limited to a total diversion of not to
exceed 5 acre feet per acre for each acre irrigated during the irrigation
season from April 1st to September 30th of each year

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:

20.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
30.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 15
T. 9 S., R. 26 E., W.M.

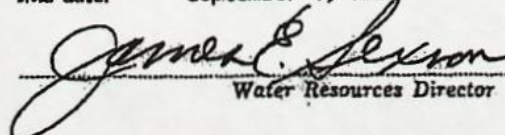
This certificate is issued to confirm a change in point of diversion approved
by an order of the Water Resources Director entered on June 19, 1978 and
supersedes certificate of water right recorded at page 28069, Volume 20, State
Record of Water Right Certificates.

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

The right to the use of the water for the purposes aforesaid is restricted to the lands or place
of use herein described and is subject to the existing minimum flow policies established by the
Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. September 4, 1980


Water Resources Director

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Grant

ss.

I, James, 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. 3901 - Eldon G and Donna L Powell, 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: April 13, April 20,

and April 27, 1978.

Subscribed and sworn to before me this 27th day of April, 1978.

Donna E. Marcus
Notary Public for Oregon

My commission expires May 20, 1981.

Cost of this publication was \$ 42.58.

(Seal)

Public Notices

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 3901

Notice is given hereby that an application has been filed in the office of the Water Resources Director by Eldon G. & Donna L. Powell for approval of a change in points of diversion from N Fk John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 3970, Volume 5, State Record of Water Right Certificates, in the name of J. M. Simas, Trustee, describes a right which includes the use of not to exceed 1.51 cubic feet per second from N Fk John Day River, with a date of priority of February 3, 1919, for irrigation of a certain 28.0 ac in SW 1/4 NW 1/4, 33.0 ac in NW 1/4 SW 1/4 of Sec 15; 8.0 ac in SW 1/4 NE 1/4, 38.0 ac in SE 1/4 NE 1/4, 13.0 ac in NE 1/4 SE 1/4 and 1.0 ac in NW 1/4 SE 1/4 of Sec 16, T 9 S, R 26 E, WM.

The certificate recorded at page 28069, Volume 20, State Record of Water Right Certificates, in the name of Richard Rex Dick, describes a right for the use of not to exceed 0.63 cfs from N Fk John Day River, with a date of priority of April 25, 1947, for supplemental irrigation of part of the above described lands, being a certain 20.0 ac in SW 1/4 NW 1/4 & 30.0 ac in NW 1/4 SW 1/4 of said Sec 15.

The authorized point of diversion for said right with a date of priority of February 3, 1919, is located 1800 ft S & 975 ft E from the N 1/4 Corner of Sec 7, being within the SW 1/4 NE 1/4 of Sec 7, T 9 S, R 27 E, WM; and the authorized point of diversion for said right with the date of priority of April 25, 1947, is located 200 ft S & 1420 ft E from the Center Corner of Sec 15, being within the NE 1/4 SE 1/4 of Sec 15, T 9 S, R 26 E, WM. (Simas Ditch).

The applicant herein, owner of the lands above described, proposes to change from the above described points of diversion, without loss of priority, and to divert water for said rights from a point located 750 ft S & 200 ft W from the E 1/4 Corner of Sec 16, being within the NE 1/4 SE 1/4 of Sec 16, T 9 S, R 26 E, WM.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon, on June 7, 1978, 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 Eldon G. & Donna L. Powell, Star Route, Kimberly, OR 97848; 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 Director upon request.

Dated at Salem, Oregon, this 4th day of April, 1978.

JAMES E. SEXSON, Director

15-17

ok li

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF ELDON G. & DONNA L. POWELL FOR)
APPROVAL OF A CHANGE IN POINTS OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3901

On March 14, 1978, an application was filed in the office of the Water Resources Director by Eldon G. and Donna L. Powell for approval of a change in point of diversion from North Fork John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 3970, Volume 5, State Record of Water Right Certificates, in the name of J. M. Simas, Trustee, describes a right which includes the use of not to exceed 1.51 cubic feet per second from North Fork John Day River, with a date of priority of February 3, 1919, for irrigation of a certain 28.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 33.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15; 8.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 38.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 13.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.0 acre in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 9 South, Range 26 East, W.M.

The certificate recorded at page 28069, Volume 20, State Record of Water Right Certificates, in the name of Richard Rex Dick, describes a right for the use of not to exceed 0.63 cubic foot per second from North Fork John Day River, with a date of priority of April 25, 1947, for supplemental irrigation of part of the above described lands, being a certain 20.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 30.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 15.

The authorized point of diversion for said right with a date of priority of February 3, 1919, is located 1800 feet South and 975 feet East from the North Quarter Corner of Section 7, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 9 South, Range 27 East, W.M.; and the authorized point of diversion for said right with the date of priority of April 25, 1947, is located 200 feet South and 1420 feet East from the Center Corner of Section 15, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 9 South, Range 26 East, W.M. (Simas Ditch).

The applicants herein, owners of the lands above described, propose to change from the above described points of diversion, without loss of priority, and to divert water for said rights from a point located 750 feet South and 200 feet

West from the East Quarter Corner of Section 16, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 9 South, Range 26 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 April 13, 20 and 27, 1978.

Mr. Jerry Rodgers, Watermaster, has filed a statement to the effect that the proposed change in points of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in points 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 points 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 points of diversion under the subject rights.

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.

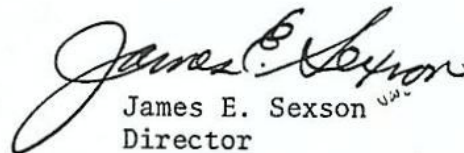
It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 3970, Volume 5, 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 excluding that portion of the right described in the certificate of water right issued to Mary G. Green and recorded at page 7355, Volume 7, State Record of Water Right Certificates; 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.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Richard Rex Dick and recorded at page 28069, Volume 20, 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 applicants herein.

Dated at Salem, Oregon this 19th day of June, 1978.


James E. Sexson
Director