

ASSIGNED

Name W-4 RanchBy Howard Gable

Address _____

Kimberly, OR 97848Change in PODDate filed March 20, 1978Date of hearing May 24, 1978Place of hearing Canyon CityDate of order 5-30-78 Vol. 30, page 683Date for application of water 10-1-79Proof mailed MAY 25 1990

Proof received _____

Certificate issued JUL 7 1978 38, page 46043AUG 14 199064725OK Cert

Notation made on record by _____

FPS IN MAP FILE E-44-11

3906

DESCRIPTION OF WATER RIGHT

Name of stream John Day RiverTrib. of _____ County of Grant

Use _____

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority 1891

In name of _____

John Day River Adjudication, Vol. 10, page 512App. No. _____ Per. No. _____ Cert. No. 25244

Certificate cancelled _____

REMARKS

FEES PAID

Date	Amount	Receipt No.
<u>3-20-78</u>	<u>35-</u>	<u>1676</u>
<u>5-1-78</u>	<u>10.17</u>	<u>2606</u>
TOTAL . . .		
<u>4-24-78</u>	<u>2-</u> Cert. Fee	<u>Trng fr 1676</u>
<u>Blue Mountain Page 28.17 pd 4-24-78 ck 2147 (28.17)</u>		

FEES REFUNDED

Date	Amount	Check No.
Exam	<u>20-</u>	
POD	<u>15-</u>	
	<u>35-</u>	
Cert	<u>2</u>	
	<u>37-</u>	

INDEX CARDS:

TO BE ENTERED WHERE CHECKED	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/> Stream	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/> Pt. of Div.	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/> Calendar	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/> Twp. & Rge.	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/> Decree-vault	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/> Decree-sale	<u>lg</u>	<u>lg</u>
<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	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/> Cross Ref.	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/> Power Claim	<u>lg</u>	<u>lg</u>
<input checked="" type="checkbox"/> Abstracts	<u>lg</u>	<u>lg</u>

W.R.I.S.

Assembled 7-10-89 by PR

Entered _____ by _____

Verified _____ by _____

ASSIGNED To:

6-18-79 Receiv Citrus Co, a Calif Corp, To Austin B Rose, P.O. Box 960 Coronado, CA 92118 Vol. 6 Page 562

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF W-4 RANCH BY HOWARD GABLE FOR)
APPROVAL OF CHANGES IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3906

On March 20, 1978, an application was filed in the office of the Water Resources Director by W-4 Ranch, by Howard Gable, for approval of changes in point of diversion from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate issued to Stewart Grant, et. al., and recorded at page 25244, Volume 17, State Record of Water Right Certificates, describes a right which includes the use of water from John Day River, with a priority date of 1891, for irrigation of a certain 72.1 acres of land, being:

1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$
29.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 6
32.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
1.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
3.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
3.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 7
T 10S, R 26E, W.M.

The authorized diversion of water is through the Templeton Ditch from a point located 300 feet South and 690 feet West from the North Quarter Corner of Section 18, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 10 South, Range 26 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 the following:

Pump Station No. 4A: 750 feet North and 1700 feet East from the Southwest Corner of Section 7, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 10 South, Range 26 East, W.M.

Pump Station No. 5: 175 feet South and 1500 feet East from the Northwest Corner of Section 7, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 10 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 March 30; April 6 and 13, 1978.

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

No objections having been filed and it appearing that the proposed changes 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 changes in point of diversion of water from John Day River, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points 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:

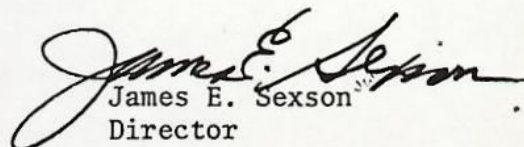
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 changes 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 Stewart Grant, et. al., and recorded at page 25244, Volume 17, 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 30th day of May, 1978.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR FOR OREGON

GRANT COUNTY

IN THE MATTER OF CANCELLATION)
OF A WATER RIGHT IN THE NAME)
OF JAMES W. BALES)

O R D E R

On March 20, 1978, Howard Gable, acting as authorized agent for W-4 Ranch, a corporation, submitted an affidavit that W-4 Ranch, a corporation, is the owner of a certain water right and the lands to which the water right is appurtenant; that W-4 Ranch, a corporation, has abandoned any and all interest in and to the said water right and requests the same be canceled.

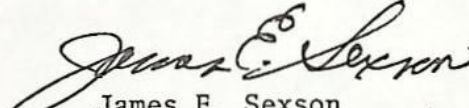
The water right in question is described by the certificate recorded at page 1151, Volume 2, State Record of Water Right Certificates, in the name of James W. Bales, and is for the use of not to exceed 1.13 cubic feet per second of water from John Day River, with a date of priority of August 13, 1910, for the irrigation of 2.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25; 22.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 13.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 10 South, Range 25 East, W.M.; 10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 8.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30; 9.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 9.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 10 South, Range 26 East, W.M.; and 8.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 11 South, Range 26 East, W.M.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, described by the certificate recorded at page 1151, Volume 2, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that the said certificate of water right is canceled.

Dated at Salem, Oregon this 30th day of May, 1978.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

STEWART GRANT, MRS. ELLEN GRANT,
MRS. CHALMERS, MRS. JOAN KENNEDY &
MISS MARY GRANTof Kimberly, State of Oregon, 97848, has
a right to the use of the waters of three springsa tributary of John Day River for the purpose of
domestic and stock

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 1891

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 0.1 cubic foot per second for each one thousand head of stock measured at the place of use

The point of diversion is located in the two springs in SE $\frac{1}{4}$ SW $\frac{1}{4}$ one spring in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, T. 10 S., R. 26 E., W. M.

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

SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 6
T. 10 S., R. 26 E., W. M.

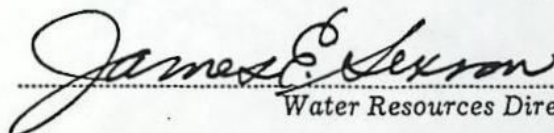
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 25244, Volume 17, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on May 30, 1978, approving transfer application No. 3906.

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

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 July 7, 1978.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 38, page 46043

STATE OF OREGON

COUNTY OF GRANT

SUPERSEDED

CERTIFICATE NO. 46043

CERTIFICATE OF WATER RIGHT

This Is to Certify, That STEWART GRANT, MRS. ELLEN GRANT, MRS. CHALMERS,
MRS. JOAN KENNEDY AND MISS MARY GRANT

of Kimberly 97848, State of Oregon, has a right to the use of

the waters of Springs (2 in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 1 in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T. 10 S., R. 26 E., W. M.,
and John Day River

for the purpose of Irrigation, Domestic and Stock

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 1891

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

See Below

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:

1.0 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$
29.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 6,
32.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
1.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
3.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
3.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 7,
T. 10 S., R. 26 E., W. M.

Springs: 1/40 cubic foot per second per acre irrigated to June 1 and 1/80
cubic foot per second per acre thereafter; further limited to one
acre-foot per calendar month to June 1 and four acre-feet per acre
during season April 1 to Sept. 30, measured at point of diversion.

John Day River: 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; total of five acre-feet per acre for season, measured
at point of diversion.

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 25244

7-3706