

Name A.D. Fleming & Theo. Budke

By _____

Address _____

Kimberly, Or 97848

Change in P.O.D.

Date filed Nov 3, 1978

Date of hearing May 17, 1979

Place of hearing Canyon City

✓ Date of order 5-25-79 Vol. 32, page 155

Date for application of water completed

Proof mailed _____

Proof received _____

Certificate issued JUL 3 1979 Vol. 41, page 48237

OCT 25 1979 42 48658

to survey 5/79

4091

DESCRIPTION OF WATER RIGHT

Name of stream North Fork of John Day River

Trib. of _____ County of Grant

Use irrigation

Quantity of water _____ No. of acres _____

Name of ditch _____

Date of priority _____

In name of _____

_____ Adjudication, Vol. _____, page _____

App. No. 6398 Per. No. 4036 Cert. No. 46174

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>11-3-78</u>	<u>85 -</u>	<u>7194</u>
<u>4-18-79</u>	<u>15 ³⁷</u>	<u>10402</u>
	<u>22.00 ></u>	
TOTAL . . .	\$2 Cert. Fee	Transf. fee 7194
<u>4-30-79</u>	<u>Blue Mt. Eagle \$63.37 pd 4-30-79 CH# 3366</u>	

FEES REFUNDED

Date	Amount	Check No.

Ex 20 -
POD 15 -
CERT 2 -
PON 6337
100 37

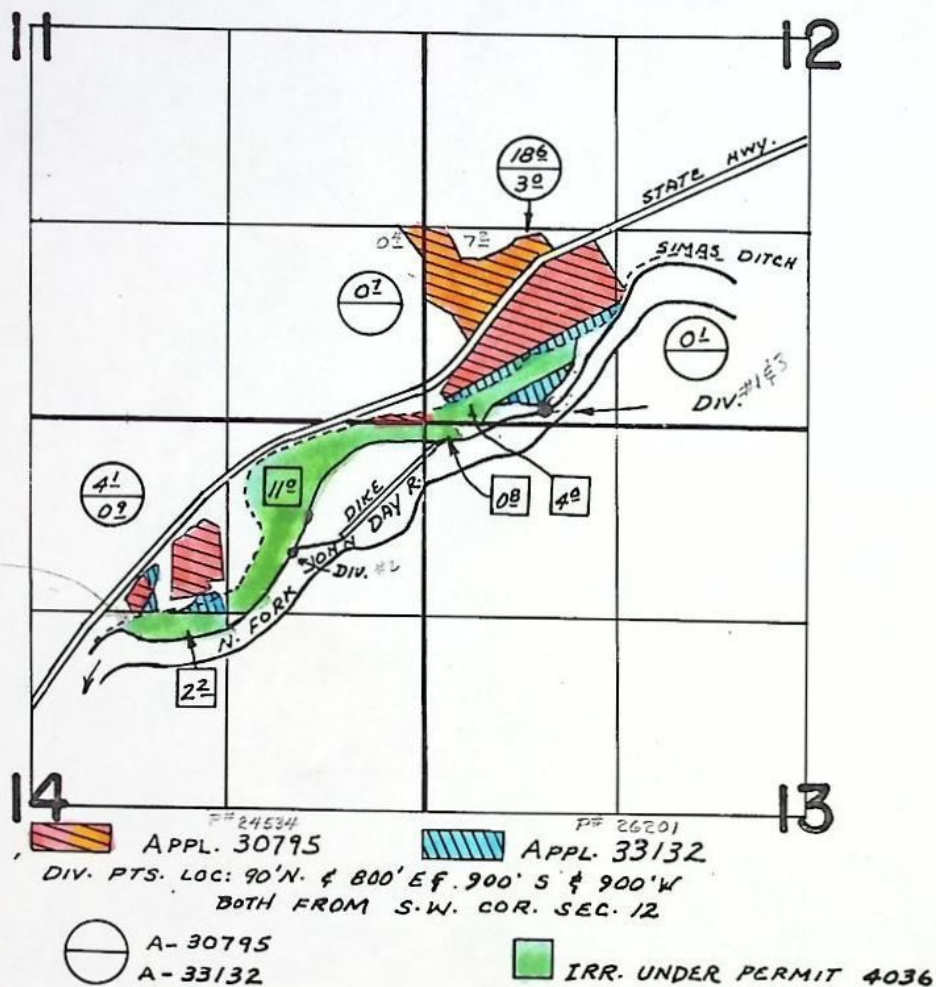
REMARKS

W.R.I.S.

Assembled 7-5-87 by SDH
Entered _____ by _____
Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
✓ Name	<u>lg</u>	_____
✓ Stream	<u>lg</u>	_____
✓ Pt. of Div.	<u>lg</u>	_____
✓ Calendar	<u>lg</u>	_____
✓ Twp. & Rgn.	<u>sd</u>	_____
✓ Decree-vault	_____	_____
✓ Decree-safe	_____	_____
✓ Cert. of W/R	<u>WJO</u>	_____
✓ Per. Folder	<u>WJO</u>	_____
✓ Chainindex	_____	_____
✓ Cross Ref.	_____	_____
✓ Power Claim	<u>lg</u>	_____
✓ Abstracts	_____	_____

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



FINAL PROOF SURVEY UNDER

Application No. 30795 Permit No. 24534
33132 26201
 IN NAME OF

A. D. FLEMING & THEO BUDKE

Surveyed JULY 15, 1957 by R. H. WHITBY
AUG. 22, 1961 R. JACKSON
OCT. 16, 1972 R. MUCKEN
OCT. 1978 J. RODGERS

RECEIVED

JAN 5 1979

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF

GRANT

Proof of Appropriation of Water

A. D. FLEMING & THEO BUDKE

of Kimberly
has applied beneficially the waters of
North Fork John Day River

, State of Oregon, 97848 ,

a tributary of John Day River
irrigation of 23.5 acres

for the purpose of

under Permit No. 24534 and that the use of said waters has been completed under the
terms of said permit; that the priority of the right dates from

November 16, 1956

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of

0.59 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14,
T. 9 S., R. 26 E., W. M., 90 feet North and 800 feet East and 900 feet South
and 900 feet West, both from the SW Corner, Section 12

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 for each acre irrigated and shall be further limited
to a diversion of not to exceed 5 acre feet per acre for each acre irrigated
during the irrigation season 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, and to which such right is appurtenant, is
as follows:

	Budke	Fleming
0.7 acre SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11	0 $\frac{1}{2}$	0 $\frac{3}{4}$
18.6 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$	7 $\frac{3}{4}$	11 $\frac{1}{2}$
0.1 acre SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12		0 $\frac{1}{2}$
4.1 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14		4 $\frac{1}{2}$
T. 9 S., R. 26 E., W. M.		

0.40 cfs

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of Jan.,

1977.

A. D. Fleming
Theo M. Budke

RECEIVED

JAN 5 1979

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF

GRANT

Proof of Appropriation of Water

A. D. FLEMING

of Kimberly
has applied beneficially the waters of
North Fork John Day River

, State of Oregon, 97848 ,

a tributary of John Day River
irrigation of 3.9 acres

for the purpose of

under Permit No. 26201 and that the use of said waters has been completed under the
terms of said permit; that the priority of the right dates from
May 28, 1959

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of

0.10 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14,
T. 9 S., R. 26 E., W. M., 90 feet North and 800 feet East; 900 feet South and
900 feet West, both from the SW Corner, Section 12

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 for each acre irrigated and shall be further limited
to a diversion of not to exceed 5 acre feet per acre for each acre irrigated
during the irrigation season 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, and to which such right is appurtenant, is
as follows:

3.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 12
0.9 acre NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 14
T. 9 S., R. 26 E., W. M.

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of Jan.,

1979

A. D. Fleming

REPORT ON INSPECTION UNDER TRANSFER
OF WATER RIGHT FOR CHANGE IN:

POD
POU
USE
Add'l POD

Transfer NO. 4091

County GRANT

Old Certificate NO. 46174 (permits: 24534, 26201)

1. Name A. D. Fleming
Address Kimberly, OR 97848
2. Source of Supply North Fork John Day River, Trib of _____
3. Use irrigation
4. Amount of Water 0.23 cfs, 0.4cfs, 0.1 cfs Priority Date 2/3/1919; 11/16/1956; 5/28/1956
5. Proposed Point of Diversion (1) 110 ft N & 790 ft E from SW Cor of Sec 12, within SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 12 & (2) 1340 ft S & 2010 ft W from SW Cor of Sec 12, within SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 14, all T 9S, R 26E, WM
6. Completion Date COMPLETED
7. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made

Lots & Dicks

INSPECTION
7-13-79
SC Brown

July 13, 1979

INTRO: MR FREEMING
Source: NORTH FORK JOHN DAY RIVER
USE: IRRIGATION
CROP: LAWN GARDEN PASTURE, Alfalfa

Pump DIVERSION #2, GE 5 hp @ 3500 RPM
CORNELL DDC 2x1 1/2"

Pump DIVERSION #1, GE 25 hp @ 3540 RPM
RAINFLOW Model EY-20 DDC 3x2

heads : $\left. \begin{array}{l} \text{DIV \#2} \\ 5 - \text{RB } 30\text{'s} \quad 11/64 \times 3/32 \\ 11 - \text{RB } 30\text{'s} \quad 5/32 \times 0 \\ \text{LAWN sprinklers} \end{array} \right\} \text{said 12 MAX and good.}$

Pipe DIV #1, 40 - RB 30's 11/64 x 0 ALLMAX

Pipe : 2400 # 3" LATERAL
400 # 3" MAIN

Lift : Div #2 suction 5' discharge +5 to +15
Div #1 - suction 10' discharge 0 to +30

tie: INSPECTION OF MAP.

Pump #2: $\frac{5(6.6)}{139.3} = 0.25 \text{ cfs @ } 45 \text{ psi.}$

Heads: $\frac{5(7.4)}{448.8} = 0.08 \text{ cfs @ } 45; \frac{7(4.7)}{448.8} = 0.07 \text{ cfs @ } 45 \text{ psi.}$

Pump #1: $\frac{25(6.6)}{154.3} = 1.07 \text{ cfs @ } 45 \text{ psi.}$

Heads: $\frac{40(5.7)}{448.8} = 0.51 \text{ cfs @ } 45 \text{ psi.}$

F. H. [Signature]
FIELD ENGINEER

T-4091

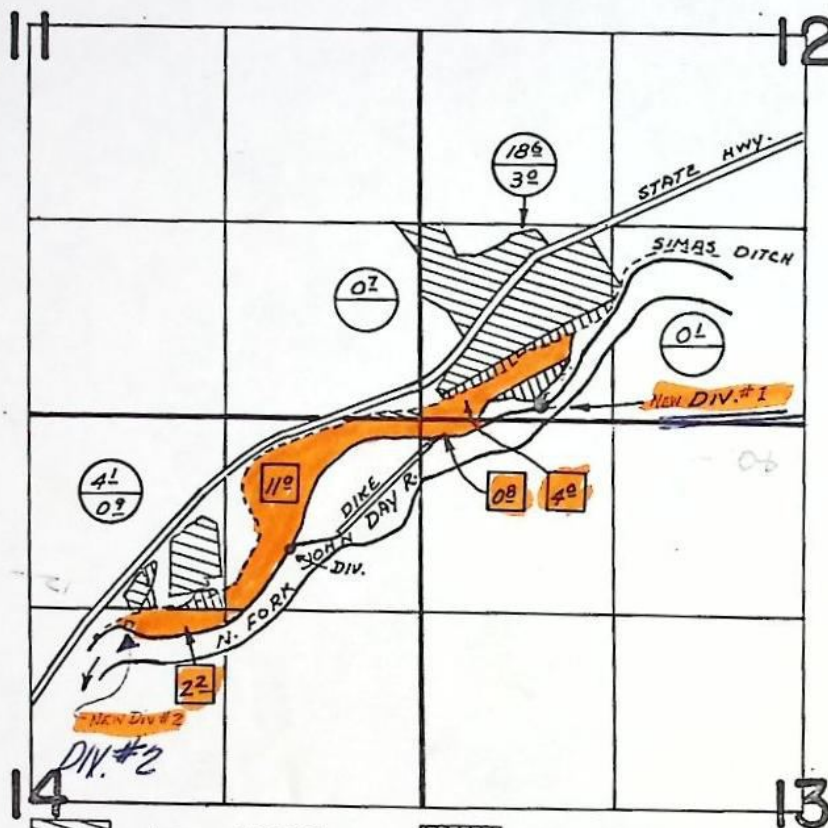
RECEIVED

MAR 9 1979

WATER RESOURCES DEPT.
SALEM, OREGON

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

6220 170 3540
Rain Flow Model 2420
3" x 2"
40 psi
35 mph



DESCRIBED AS
90' N. & 800' E.
SW COR. SEC. 12

APPL. 30795 APPL. 33132
DIV. PTS. LOC: 90' N. & 800' E. & 900' S. & 900' W.
BOTH FROM S.W. COR. SEC. 12

A-30795
A-33132

IRR. UNDER PERMIT 4036

FINAL PROOF SURVEY UNDER

Application No. 30795 24534
33132 Permit No. 26201
IN NAME OF

A. D. FLEMING & THEO BUDKE

Surveyed JULY 15, 1957, by R. H. WHITBY
AUG. 22, 1961 R. JACKSON
OCT. 16, 1972 R. MUCKEN
OCT. 1978 J. RODGERS

R.G.M.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF A. D. FLEMING FOR APPROVAL)
OF CHANGES IN POINTS OF)
DIVERSION OF WATER _ _ _ _ _)

ORDER APPROVING
TRANSFER NO. 4091

On November 3, 1978, an application was filed in the office of the Water Resources Director by A. D. Fleming for approval of changes in point of diversion from North Fork John Day River, pursuant to the provisions of ORS 540.510 to 540.530 for the following described rights:

(a) for the appropriation of not to exceed 0.23 cubic foot per second under a date of priority of February 3, 1919, for irrigation of a certain 4.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12; 0.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13; 11.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 9 South, Range 26 East, W. M., being a portion of the right described by the certificate issued in the name of J. M. Simas and recorded at page 46174, Volume 38, State Record of Water Right Certificates.

(b) for the appropriation of not to exceed 0.40 cubic foot per second under a date of priority of November 16, 1956, for irrigation of a certain 0.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11; 11.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12; and 4.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 9 South, Range 26 East, W. M., being a portion of the right established under permit No. 24534 in the name of A. D. Fleming, proof having been made to the satisfaction of the Water Resources Director under the provision of ORS 537.260(2).

(c) for the appropriation of not to exceed 0.10 cubic foot per second under a date of priority of May 28, 1959, for irrigation of a certain 3.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12 and 0.9 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 9 South, Range 26 East, W. M., being established under permit No. 26201 in the name of A. D. Fleming, proof having been made to the satisfaction of the Water Resources Director under the provisions of ORS 537.260(2).

The authorized diversion of water for the right described in paragraph (a) above is through the Simas Ditch from a point 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.

The authorized diversions of water for the rights described in paragraphs (b) and (c) above are located at a point 110 feet North and 790 feet East from the Southwest Corner of Section 12, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 9 South, Range 26 East, W. M., and at a point 900 feet South and 900 feet West from the Southwest Corner of Section 12, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14 of said Township and Range.

The applicant herein, owner of the lands above described, proposes changes from the above described points of diversion to irrigate all of the above described lands from two common points of diversion located:

(1) 110 feet North and 790 feet East from the Southwest Corner of Section 12, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 9 South, Range 26 East, W. M.

(2) 1340 feet South and 2010 feet West from the Southwest Corner of Section 12, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 9 South, Range 26 East, W. M.

Notice of the application, pursuant to ORS 540.520(2), 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 22 and 29; and April 5, 1979.

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

No objections having been filed and it appearing that the proposed changes 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 changes in points of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water at the new points of diversion shall not exceed the quantity of water available at the old points of diversion under the subject right, and shall not exceed 1.16 cubic feet 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 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 changes in points of diversion are completed.

The order of the Water Resources Director entered May 25, 1979, provided for cancellation of a portion of the right described by certificate of water right recorded at Page 46174, Volume 38, State Record of Water Right Certificates; therefore,

It is FURTHER ORDERED that the certificate of water right recorded at page 46174, Volume 38, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT canceled and NOT involved in this proceeding.

It is FURTHER ORDERED that a certificate be issued covering the balance of the water right established under permit No. 24534 NOT involved in this proceeding.

It is FURTHER ORDERED that 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, certificates of water right shall be issued to describe the rights to the use of water involved herein, confirming the changes authorized herein.

Dated at Salem, Oregon, this 25th day of May, 1979.


James E. Sexson
Director

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
GRANT COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF J. M. SIMAS,)
TRUSTEE _ _ _ _ _)

O R D E R

On January 5, 1979, A. D. Fleming submitted an affidavit that he is the owner of a certain water right and the lands to which the water right is appurtenant; that he has abandoned any and all interest in and to the said water right and request the same be canceled.

The water right in question is a portion of the right described by the certificate recorded at Page 46174, Volume 38, State Record of Water Right Certificates, in the name of J. M. Simas, Trustee, and is for the use of not to exceed 0.06 cubic foot per second of water from North Fork John Day River, with a date of priority of February 3, 1919, for irrigation of 2.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13; 0.8 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$; and 2.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 9 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, being a portion of the right described by the certificate recorded at Page 46174, Volume 38, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon, this 25th day of May, 1979.


James E. Sexson
Director

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. M. SIMAS, TRUSTEE

of Monument, State of Oregon, 97864, 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
irrigation of 183.0 acres and running a ram

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
7.29 cubic feet per second, being 2.29 c.f.s. for irrigation and 5.0 c.f.s.
for ram

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 7, T. 9 S., R. 27 E., W. 11.,
Simas Ditch-1800 feet South and 975 feet East from the NW $\frac{1}{4}$ Corner, Section 7

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

2.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 13

5.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
15.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 14

7.0 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
24.0 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
40.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
7.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
4.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
5.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
28.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 15

14.0 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
4.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 16

T. 9 S., R. 26 E., W. 11.

7.0 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
22.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 7

3.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 18
T. 9 S., R. 27 E., W. 11.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 46174, Volume 38, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on May 25, 1979, approving transfer application No. 4091, and NOT canceled by the provisions of an order of the Water Resources Director entered on May 25, 1979.

The issuance of this super adding 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, July 3, 1979


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 41, page 48237

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That A. D. FLEMING

of Kimberly, State of Oregon, 97840, 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
 irrigation of 18.0 acres

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
 0.23 cubic foot 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., M.M., Simas Ditch - 1800 feet South and 975
 feet East from the NE 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 SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, T. 9
 S., R. 26 E., M.M., 110 feet North and 790 feet East, 1340 feet South and 2010
 feet West, both from the SW Corner, Section 12

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:

4.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 12

11.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
 2.2 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 14

0.8 acre NW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 13

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

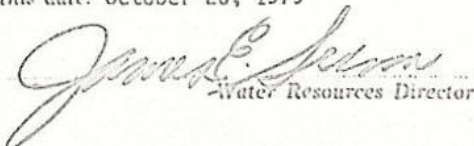
This certificate is issued to confirm a change in point of diversion approved
 by an order of the Water Resources Director entered May 25, 1979, and together
 with certificate of water right recorded at page 48237, Volume 41, State Record
 of Water Right Certificates supersedes certificate of water right recorded at
 page 46174, Volume 38, 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, October 26, 1979


 Water Resources Director

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That A. D. FLEMING

of Kimberly, State of Oregon 97048, 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
irrigation of 3.9 acres

under Permit No. 26201 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
May 25, 1959

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
0.10 cubic foot per second, if available at the original points of diversion;
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, T. 9 S., R. 26 E., M.M., 90 feet North
and 800 feet East; 900 feet South and 900 feet West; both from the SW Corner, *

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, T. 9
S., R. 26 E., M.M.; 110 feet North and 700 feet East; 1340 feet South and 2010
feet West; both from the SW Corner, Section 12

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 for each acre irrigated and shall be further limited
to a diversion of not to exceed 5 acre feet per acre for each acre irrigated
during the irrigation season 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:

3.0 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 12

0.9 acre NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 14

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

This certificate is issued to confirm changes in points of diversion approved by
an order of the Water Resources Director entered May 25, 1979, and supersedes
the water right originally established under Permit No. 26201.

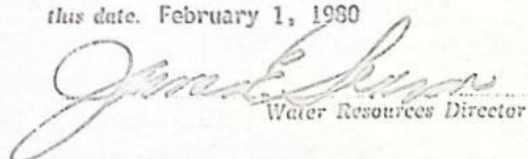
The issuance of this superseding certificate does not confirm the status of the
water right in reference to ORS 540.610.

* Section 12

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, February 1, 1980


Water Resources Director

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That A. D. FLEMING

of 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 15.9 acres

for the purpose of

under Permit No. 24534 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
 November 16, 1956

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
 0.59 cubic foot per second, if available at the original points of diversion;
 SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, T. 9 S., R. 26 E., W.M., 90 feet
 North and 900 feet East, 900 feet South and 900 feet West, both from the SW *

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14,
 T. 9 S., R. 26 E., W.M., 110 feet North and 790 feet East, 1340 feet South and
 2010 feet West, both from the SW Corner, Section 12

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 for each acre irrigated and shall be further limited
 to a diversion of not to exceed 5 acre feet per acre for each acre irrigated
 during the irrigation season 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:

0.3 acre SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 11
 11.4 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
 0.1 acre SE $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 12

4.1 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 14
 T. 9 S., R. 26 E., W.M.

This certificate is issued to confirm changes in points of diversion approved by
 an order of the Water Resources Director entered May 25, 1979, and together with
 certificate of water right recorded at page 49235, Volume 41, State Record of
 Water Right Certificates supersedes the water right originally established under
 permit 24534.

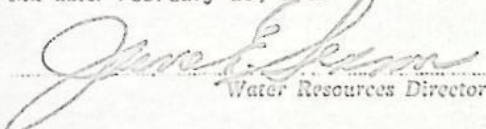
The issuance of this superseding certificate does not confirm the status of the
 water right in reference to ORS 540.610.

*Corner, Section 12

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, February 25, 1980


 Water Resources Director

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That THEO DUDKE

of 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
 irrigation of 7.6 acres

under Permit No. 24534 and that said right to the use of said waters has been perfect, I in
 accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from
 November 16, 1956
 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
 0.19 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the SW₁ SW₁, Section 12, T. 9 S., R. 26 E., W. M.,
 90 feet North and 300 feet East from the SW Corner, Section 12

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 for each acre irrigated and shall be further limited
 to a diversion of not to exceed 5 acre feet per acre for each acre irrigated
 during the irrigation season 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:

0.4 acre SE₁ SE₁

Section 11

7.2 acres SW₁ SW₁

Section 12

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

This certificate describes that portion of the water right established under
 Permit No. 24534, NOT modified by the provisions of an order of the Water
 Resources Director entered on May 25, 1979 a pending transfer application No.
 4091.

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, July 3, 1979,


 Water Resources Director

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 97040, 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., U.M.; 1000 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., U.M.; 800 feet South and 150 feet West from E $\frac{1}{2}$ 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-eighth 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

20.0 acres SW₁ NW₄
33.0 acres NW₁ SW₄
Section 15

8.0 acres SW₁ NE₄
30.0 acres SE₁ NE₄
13.0 acres NE₁ SE₄
1.0 acre NW₁ SE₄
Section 16

T. 9 S., R. 26 E., N.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, 1970 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

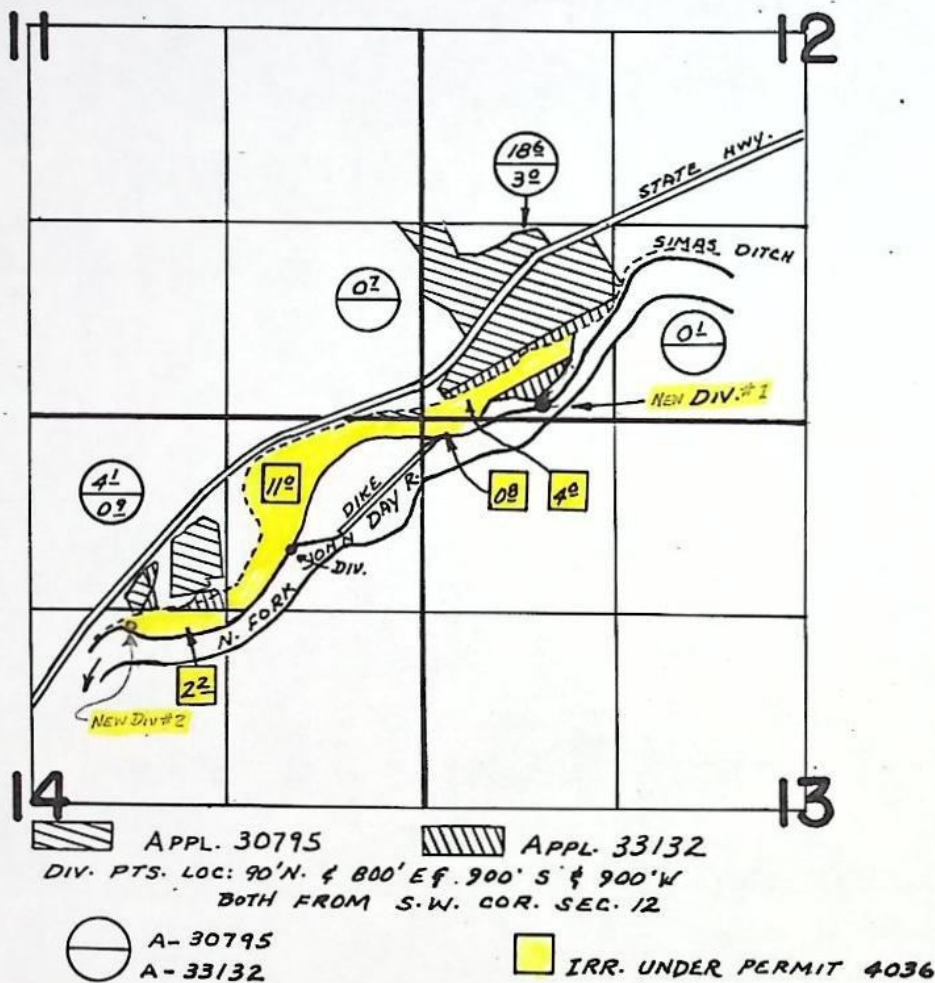
T-4091

RECEIVED

MAR 9 1979

WATER RESOURCES DEPT.
SALEM, OREGON

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



FINAL PROOF SURVEY

UNDER

Application No. ³⁰⁷⁹⁵ ~~33132~~ Permit No. ²⁴⁵³⁴ ~~26201~~
IN NAME OF

..... A. D. FLEMING & THEO BUDKE

Surveyed JULY 15, 1957, by R. H. WHITBY
AUG. 22, 1961 R. JACKSON
OCT. 16, 1972 R. MUCKEN
OCT. 1978 J. RODGERS

R.G.M.

T-4091

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MAR 9 1979

Application for Transfer of Water Right

WATER RESOURCES DEPT.
SALEM, OREGON

To the WATER RESOURCES DIRECTOR OF OREGON:

I, A. D. Fleming

(Name of applicant)

of Kimberly

(Mailing address)

(City)

State of Oregon, 97848, 934-2588, do hereby make application for change s

(Zip Code)

(Phone number)

in point of diversion

(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No. J. M. Simas

(If not, give name)

2. Was your water right determined by Decree of Court? No. If so, give title of proceedings

(Yes or No)

number of certificate

3. Was your water right acquired by Water Right Permit? Yes If so, give number

(Yes or No)

of permit 4036 Number of certificate Vol. 38, page 46174

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is North Fork John Day River5. What is the date of priority of your water right? February 3, 1919 0.66 cfs6. The authorized point of diversion is located 1800 ft. S and 975 ft. E from the N $\frac{1}{4}$

(N. or S.)

(E. or W.)

corner of Sec. 7 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7 Tp. 9 S R. 27 E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Grant The name of the ditch used is Simas

Common Div. Pts.

NOTE: Answer question if the application is for change in point of diversion.

for all rights involved:

7. The proposed point of diversion is located 1340 ft. S and 2010 ft. W from the SW

SW SW

(N. or S.)

12

(E. or W.)

corner of 12 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14 Tp. 9 S R. 26 E W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Grant The name of the ditch to be used is Pumps

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
9 S	26 E	12	SW¼ SW¼	4.0
		13	NW¼ NW¼	0.8
		14	NE¼ NE¼	11.0
			SW¼ NE¼	2.2
(If more space required, attach separate sheet)				18.0

9. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

RECEIVED

MAR 9 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, A. D. Fleming

(Name of applicant)

of

(Mailing address)

(City)

State of

(Zip Code)

(Phone number)

do hereby make application for change

(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? Yes

(If not, give name)

2. Was your water right determined by Decree of Court? If so, give title of proceedings

(Yes or No)

number of certificate 3. Was your water right acquired by Water Right Permit? Yes If so, give number

(Yes or No)

of permit 24534 Number of certificate Proof only
Appl. # 30795

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is North Fork John Day River5. What is the date of priority of your water right? November 16, 1956

0.40 cfs

6. The authorized point of diversion is located 110 ft. N and 790 ft. E
900 ft. S and 900 ft. W from the SW corner of 12 being within the NE 1/4 NE 1/4 of Section 14 Tp. 9 S R. 26 E W. M.,
SW SW (N. or S.) 12 (E. or W.)

(No. N. or S.) (No. E. or W.)

in the county of Grant The name of the ditch used is Pumps

See Page 1

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located ft. and ft. from the corner of being within the 1/4 1/4 of Section Tp. R. W. M.,
 (N. or S.) (E. or W.)
 (No. N. or S.) (No. E. or W.)
in the county of The name of the ditch to be used is

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated
9 S	26 E	11	SE1/4 SE1/4	0.3
		12	SW1/4 SW1/4	11.4
			SE1/4 SW1/4	0.1
		14	NW1/4 NE1/4	4.1

(If more space required, attach separate sheet)

15.9

9. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List 1/4-1/4 of Section	Number Acres To Be Irrigated

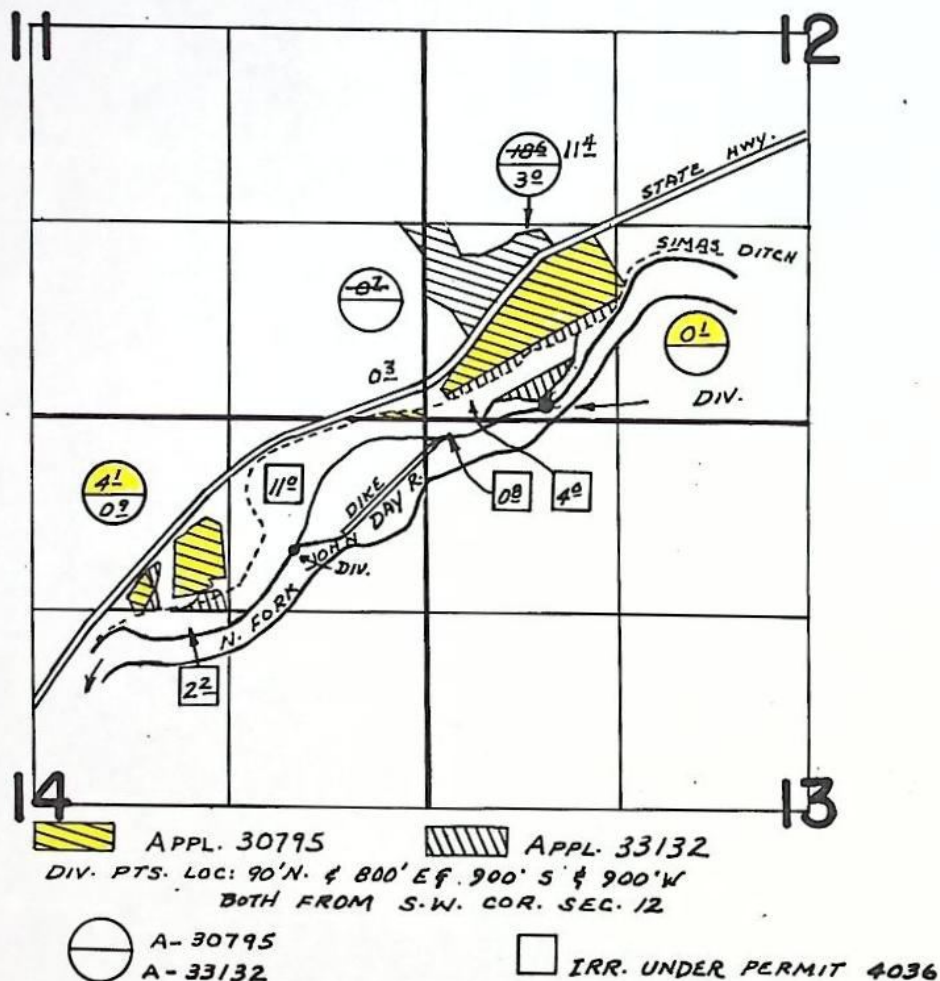
(If more space required, attach separate sheet)

T-4091

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

RECEIVED

MAR 9 1979

WATER RESOURCES DEPT.
SALEM, OREGON

FINAL PROOF SURVEY UNDER

Application No. 30795 33132 Permit No. 24534 26201
IN NAME OF

A. D. FLEMING & THEO BUDKE

Surveyed JULY 15, 1957, by R. H. WHITBY
AUG. 22, 1961 R. JACKSON
OCT. 16, 1972 R. MUCKEN
OCT. 1978 J. RODGERS

R.G.M.

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, A. D. Fleming

(Name of applicant)

of _____, _____

(Mailing address)

(City)

State of _____, _____, do hereby make application for change

(Zip Code)

(Phone number)

(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? Yes

(If not, give name)

2. Was your water right determined by Decree of Court? _____ If so, give title of proceedings

(Yes or No)

number of certificate _____

3. Was your water right acquired by Water Right Permit? Yes If so, give number

(Yes or No)

of permit 26201 Number of certificate Proof only
Appl. # 33132

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is North Fork John Day River

5. What is the date of priority of your water right? May 28, 1959 0.10 cfs

110

N

790

E

6. The authorized point of diversion is located 900 ft. S and 900 ft. W from the SW

SW

SW

(N. or S.)

12

(E. or W.)

corner of Sec. 12 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14 Tp. 9 S R. 26 E W. M.,

(No. N. or S.) (No. E. or W.)

in the county of Grant The name of the ditch used is Pumps

See Page 1

NOTE: Answer question if the application is for change in point of diversion.

7. The proposed point of diversion is located _____ ft. _____ and _____ ft. _____ from the _____
(N. or S.) (E. or W.)
corner of _____ being within the _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ of Section _____ Tp. _____ R. _____ W. M.,
(No. N. or S.) (No. E. or W.)
in the county of _____ The name of the ditch to be used is _____

8. The use to which the water is applied is Irrigation
(Irrigation, Mining, Power, Manufacturing, etc.)

Location of area irrigated, or place of use if other than irrigation:

Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated
9 S	26 E	12	SW¼ SW¼	3.0
		14	NW¼ NE¼	0.9

(If more space required, attach separate sheet)

3.9 acres

9. Are you the legal owner of the above described lands? Yes
(If not owner, explain your interest)

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

11. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.?
(Answer Yes or No)

12. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

Location of area to be irrigated, or place of use if other than irrigation:

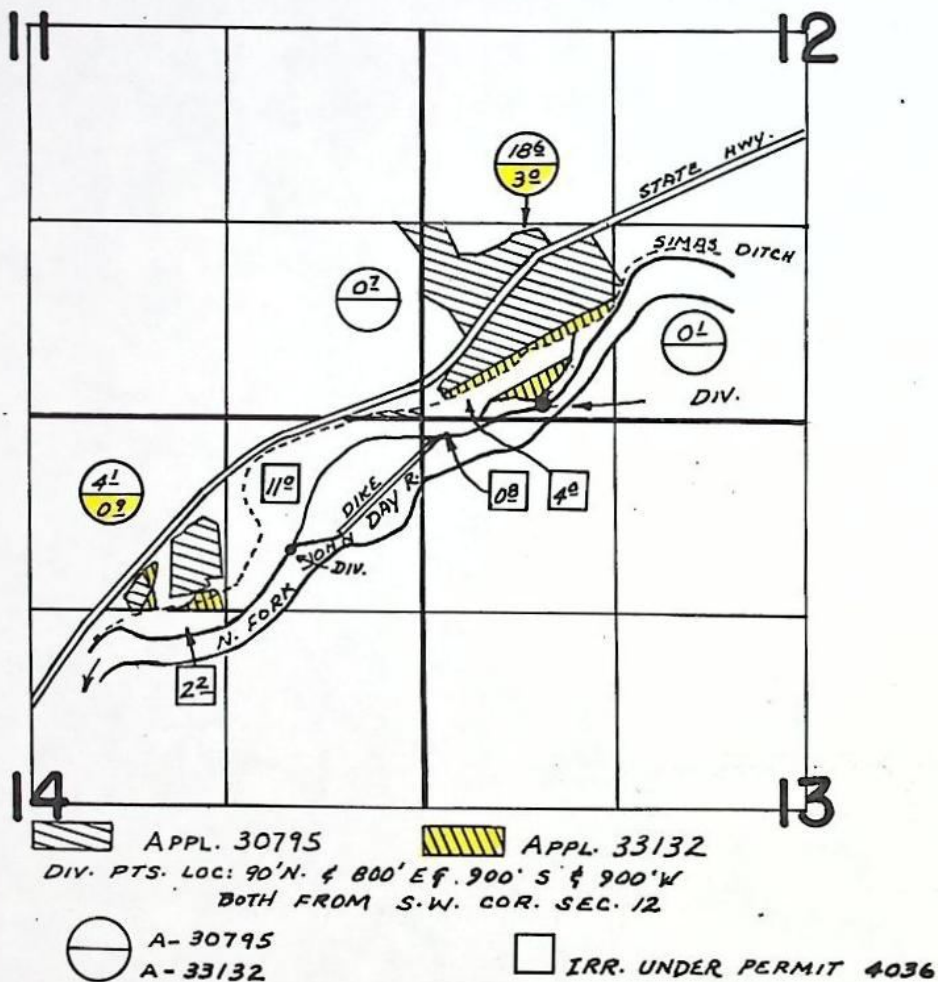
Township North or South	Range E. or W. of Willamette Meridian	Section	List ¼-¼ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

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

RECEIVED

MAR 9 1979

WATER RESOURCES DEPT.
SALEM, OREGON

FINAL PROOF SURVEY

UNDER

Application No. 30795 33132 Permit No. 24534 26201
IN NAME OF

A. D. FLEMING & THEO BUDKE

Surveyed JULY 15, 1957, by R. H. WHITBY
AUG. 22, 1961 R. JACKSON
OCT. 16, 1972 R. MUCKEN
OCT. 1978 J. RODGERS

14. Reasons for the proposed changes are Simas Ditch is in disrepair and no longer
feasible to use. Proposed changes will allow for more convenient use of water.

15. Construction work will be completed on or before Completed

16. The water will be completely applied to the proposed use on or before _____

Remarks _____

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY A MAP OR MAPS SHOWING THE BEFORE AND AFTER LOCATIONS OF THE POINT OF DIVERSION AND/OR PLACE OF USE, AS THE CASE MAY BE.

AFFIDAVIT OF APPLICANT

I, A. D. Fleming, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 7th day of MARCH, 1979...

A. D. Fleming
(Name of applicant)

Subscribed and sworn to before me this 7th day of MARCH, 1979...

[Notarial Seal]

Jay S. Shuford
NOTARY PUBLIC FOR OREGON

My commission expires 4-6-82



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 3-19, 1979

FROM: ** Jerry Rodgers, Watermaster

RECEIVED

MAR 21 1979

WATER RESOURCES DEPT.
SALEM, OREGON

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4091

IN THE NAME OF A. D. Fleming

In my opinion the proposed change in point of diversion from North Fork John Day River
MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which
serves this right.

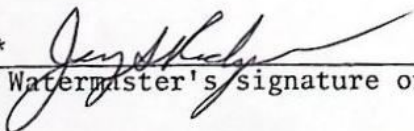
If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? YES
(yes or no)

In my opinion, the order approving the subject transfer application should include
the following in regard to the appropriator installing suitable measuring devices
in the diversion works:

- ____ (1) PRIOR to the diverting of water at the new point of diversion . . .
X (2) When in the judgment of the watermaster it becomes necessary . . .

* The approval of this transfer application would result in injury to other water
rights because _____

**


Watermaster's signature or initials

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Grant

ss.

I, John D. Gaterud, 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 Appl. #1091

....., 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 22, 29 and April 5, 1979

Subscribed and sworn to before me this 6th day of April, 19 79.

Karla Dalto
Notary Public for Oregon

My commission expires Feb 77

Cost of this publication was \$ 65

(Seal)

RECEIVED
APR 10 1979
WATER RESOURCES
SALEM, OREGON

to the satisfaction of the Water Resources Director under the provisions of ORS 537.260(2).

The authorized diversion of water for the right described in paragraph (a) above is through the Simas Ditch from a point located 1800 ft. S and 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., W.M.

The authorized diversion of water for the rights described in paragraphs (b) and (c) above are located at a point 110 ft. N and 790 ft. E from the SW Corner of Sec. 12, being within the SW 1/4 SW 1/4 of Sec. 12, T. 9 S., R. 26 E., W.M., and at a point 900 ft. S and 900 ft. W from the SW Corner of Sec. 12, being within the NE 1/4 NE 1/4 of Sec. 14 of said township and range.

The applicant herein, owner of the lands above described, proposes changes from the above described points of diversion to irrigate all of the above described lands from two common points of diversion located:

(1) 110 ft. N and 790 ft. E from the SW Corner of Sec. 12, being within the SW 1/4 SW 1/4 of Sec. 12, T. 9 S., R. 26 E., W.M.

(2) 1340 ft. S and 2010 ft. W from the SW Corner of Sec. 12, being within the SW 1/4 NE 1/4 of Sec. 14, T. 9 S., R. 26 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon, on May 17, 1979, at 9:30 a.m. All objections to the proposed changes, 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 A. D. Fleming, 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. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 14th day of March, 1979.

JAMES E. SEXSON
Director
12

roof having been made



ant fluorescent 5 1/2" egg
clear plastic top, fill with
rises to thrill the kiddies
aster

77RHT N.

\$77



103

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Grant

ss.

I, John D. Gaterud, 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 Appl. #1091

_____, 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 22, 29 and April 5, 1979

Subscribed and sworn to before me this 6th day of April, 19 79

Karla Dalton
Notary Public for Oregon

My commission expires Feb 1 1980

Cost of this publication was \$ 6

(Seal)

RECEIVED
APR 10 1979
WATER RESOURCES
SALEM, OREGON

Public Notices

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4091

Notice is given hereby that an application has been filed in the office of the Water Resources Director by A. D. Fleming for approval of changes in point of diversion from North Fork John Day River, pursuant to the provisions of ORS 540.510 to 540.530 for the following described rights:

(a) for the appropriation of not to exceed 0.66 cubic foot per second under a date of priority of Feb. 3, 1919, for irrigation of a certain 4.0 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12; 0.8 ac in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 13; 11.0 ac in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.2 ac in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 14, T. 9 S., R. 26 E., W.M., being a portion of the right described by the certificate issued in the name of J. M. Simas and recorded at page 46174, Volume 38, State Record of Water Right Certificates.

(b) for the appropriation of not to exceed 0.40 cfs under a date of priority of Nov. 16, 1956, for irrigation of a certain 0.3 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 11; 11.4 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.1 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12; and 4.1 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 14, T. 9 S., R. 26 E., W.M., being a portion of the right established under permit No. 24534 in the name of A. D. Fleming, proof having been made to the satisfaction of the Water Resources Director under the provisions of ORS 537.260(2).

(c) for the appropriation of not to exceed 0.9 cfs under a date of priority of Nov. 16, 1956, for irrigation of a certain 0.3 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 11; 11.4 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.1 ac in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12; and 4.1 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 14, T. 9 S., R. 26 E., W.M., being established

to the satisfaction of the Water Resources Director under the provisions of ORS 537.260(2).

The authorized diversion of water for the right described in paragraph (a) above is through the Simas Ditch from a point located 1800 ft. S and 975 ft. E from the N $\frac{1}{4}$ Corner of Sec. 7, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 7, T. 9 S., R. 27 E., W.M.

The authorized diversion of water for the rights described in paragraphs (b) and (c) above are located at a point 110 ft. N and 790 ft. E from the SW Corner of Sec. 12, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12, T. 9 S., R. 26 E., W.M., and at a point 900 ft. S and 900 ft. W from the SW Corner of Sec. 12, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 14 of said township and range.

The applicant herein, owner of the lands above described, proposes changes from the above described points of diversion to irrigate all of the above described lands from two common points of diversion located:

(1) 110 ft. N and 790 ft. E from the SW Corner of Sec. 12, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12, T. 9 S., R. 26 E., W.M.

(2) 1340 ft. S and 2010 ft. W from the SW Corner of Sec. 12, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 14, T. 9 S., R. 26 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon, on May 17, 1979, at 9:30 a.m. All objections to the proposed changes, 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 A. D. Fleming, 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. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 14th day of March, 1979.

JAMES E. SEXSON
Director
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STATE OF OREGON

INTEROFFICE MEMO

RECEIVED

TO: Jim Carver

DATE: Feb. 20, 1979

FEB 22 1979

FROM: Jerry S. Rodgers
Watermaster Dist. # 4WATER RESOURCES DEPT.
SALEM, OREGON

SUBJECT: Concerning our phone conversation of 2-20-79 on the A.D. Fleming transfer application T-4091---- The main part of the transfer is P-4036 from the Simas Ditch to POD #1 & #2 on A.D. Fleming property. \$85.00 was received as fees. Lands under P-24534 & P-26201 are irrigated from these same points, however by a survey in 1957 POD #2 was upstream from the point I found in 1978. By talking with Mr. Fleming I found it was moved in 1963. Since the right was not certificated, perhaps a transfer is not needed for these lands or perhaps it could be included on T-4091, in any case I do not feel the department needs another transfer application as Mr. Fleming has co-operated by canceling part of P-4036 not now irrigated, and agreeing to file for new rights on lands he thought were covered (A-58223) also most of the fault is ours, as we allowed this to drag on for over 20 years.

The part of the application for an additional POD (POD#3) could be put on a separate transfer as that point was established in the last few years when Mrs Budke bought the property. (POD#3 irrigates all lands North of Hwy)

Thank you for your consideration in this matter.

Jerry