

4224

Name Marilyn Smith  
By HCR 56, Box 572  
Address West Highway  
John Day, OR 97845

Change in POD  
Date filed May 21, 1979  
Date of hearing April 19, 1980  
Place of hearing Canyon City  
Date of order 7-9-80 Vol. 33, page 409  
Date for application of water 10-1-81  
Proof mailed APR 29 1998  
Proof received \_\_\_\_\_  
Certificate issued OCT 28 1980 Vol. 43, page 49670  
JUL 22 1998 75755  
JUL 22 1998 75756  
to our 12/81

DESCRIPTION OF WATER RIGHT

Name of stream John Day River  
Trib. of \_\_\_\_\_ County of Grant  
Use \_\_\_\_\_  
Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
Name of ditch Enterprise  
Date of priority 1876  
In name of \_\_\_\_\_  
Adjudication, Vol. 10, page 509  
App. No. \_\_\_\_\_ Per. No. 25229 Cert. No. 44939  
25596  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>5-21-79</u>	<u>35-</u>	<u>11008</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

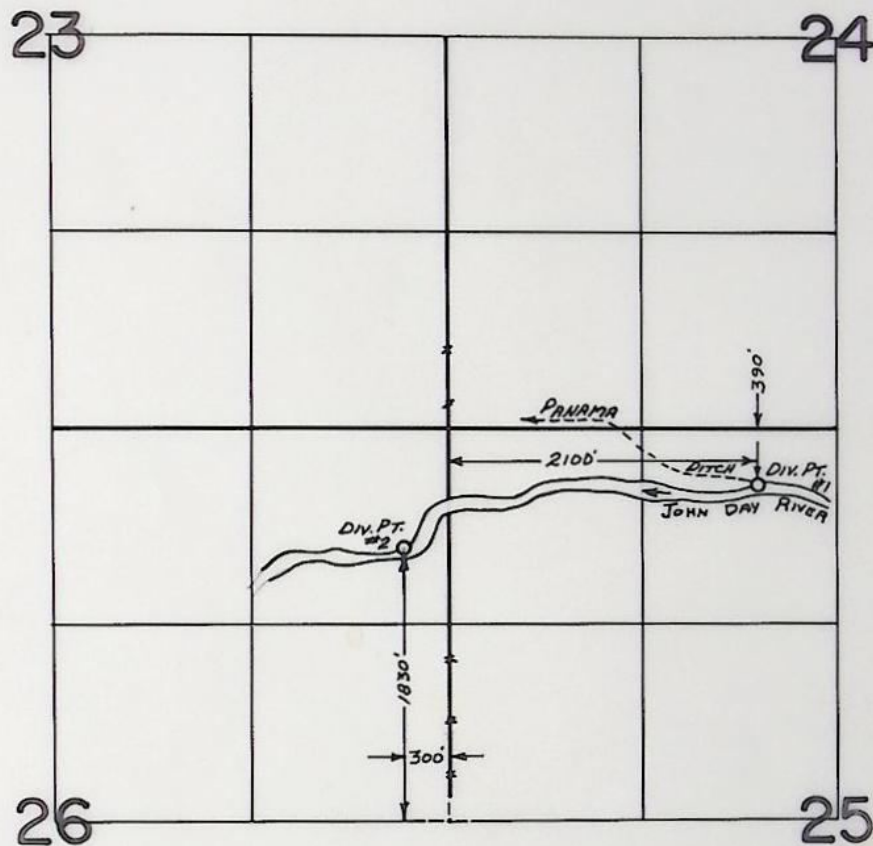
Card for CNDY 20 1981

W.R.I.S.  
Assembled 7-3-84 by SRB  
Entered \_\_\_\_\_ by \_\_\_\_\_  
Verified \_\_\_\_\_ by \_\_\_\_\_

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



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



FINAL PROOF SURVEY  
UNDER

Transfer No. 4224 & 4225  
Application No. .... Permit No. ....  
IN NAME OF

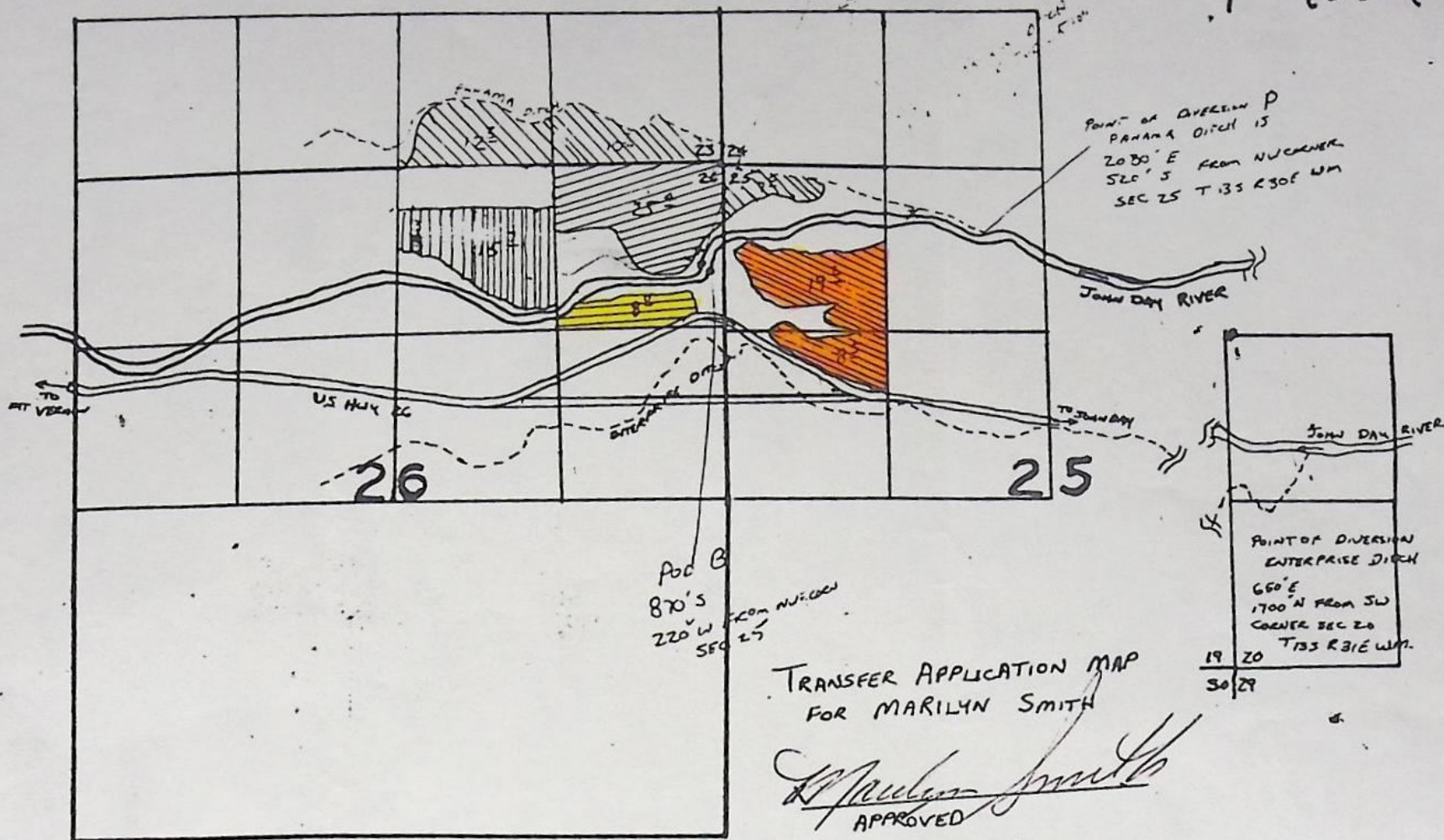
.....MARILYN SMITH.....

Surveyed Sept....6.... 19.83., by R.W. Cattel.....

T13S R30E WM.

POD A  
820'S  
220' W FROM NW COR  
SEC 25

T-4224



4" = 1 MILE

DRAWN FROM ADJUDICATION  
MAP

G-33252		G-25533		G-25528		G-44439		G-44823	
7 <sup>2</sup>	NW 1/4 SEC 25	15 <sup>2</sup>	NW 1/4 SEC 23	25 <sup>2</sup>	NW 1/4 SEC 26	8 <sup>2</sup>	NW 1/4 SEC 26	19 <sup>2</sup>	NW 1/4 SEC 26
10 <sup>3</sup>	SE 1/4 SEC 23	16 <sup>3</sup>	SE 1/4 SEC 23	26 <sup>3</sup>	SE 1/4 SEC 26	9 <sup>3</sup>	SE 1/4 SEC 26	8 <sup>3</sup>	SE 1/4 SEC 26
12 <sup>3</sup>	SW 1/4 SEC 23	17 <sup>3</sup>	SW 1/4 SEC 23	27 <sup>3</sup>	SW 1/4 SEC 26	10 <sup>3</sup>	SW 1/4 SEC 26	9 <sup>3</sup>	SW 1/4 SEC 26
PANAMA 1873		PANAMA 1873		PANAMA 1872		ENTERPRISE 1876		1876	

RECEIVED  
MAY 21 1979  
WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED  
FEB 1980  
WATER RESOURCES DEPT.  
SALEM, OREGON



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION )  
OF MARILYN SMITH FOR APPROVAL OF )  
ADDITIONAL POINTS OF DIVERSION OF )  
WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 4224

On May 21, 1979, an application was filed in the office of the Water Resources Director by Marilyn Smith for approval of additional points of diversion from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 44939, Volume 37, State Record of Water Right Certificates, in the name of Joseph C. Oliver, describes a right for the use of water from John Day River for irrigation of a certain 8.0 acres in NE 1/4 NE 1/4 of Section 26, Township 13 South, Range 30 East, W.M., with a date of priority of 1876. Water for this 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 1/4 SW 1/4 of Section 20, Township 13 South, Range 31 East, W.M.

The certificate recorded at page 44823, Volume 36 of said record, in the name of Joseph C. Oliver describes a right which includes the use of water from John Day River for irrigation of a certain 19.2 acres in NW 1/4 NW 1/4 and 8.5 acres in SW 1/4 NW 1/4 of Section 25, Township 13 South, Range 30 East, W.M., with a date of priority of 1876. Water for this right is diverted, through the Enterprise Ditch, from the point as located above and from a pumping site located 682 feet South and 530 feet East from the Northwest Corner of Section 25, being within the NW 1/4 NW 1/4 of Section 25, Township 13 South, Range 30 East, W.M.

The applicant proposes to establish additional points of diversion located (A) 820 feet South and 240 feet West from the Northwest Corner of Section 25, being within the NE 1/4 NE 1/4 of Section 26, Township 13 South, Range 30 East, W.M., for irrigation of said 8.0 acres in NE 1/4 NE 1/4 of Section 26; and (B) 870 feet South and 220 feet West



from the Northwest Corner of Section 25, being within the NE 1/4 NE 1/4 of said Section 26, and to maintain said pumping site as located above for irrigation of said 19.2 acres in NW 1/4 NW 1/4 and 8.5 acres in SW 1/4 NW 1/4 of Section 25.

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 February 14, 21 and 28, 1980.

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

No objections having been filed and it appearing that the proposed additional 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 points of diversion, 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, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the old points 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:

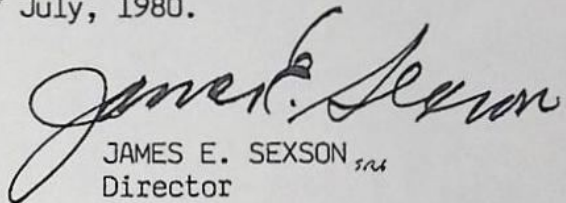
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1981.

It is FURTHER ORDERED that the certificates recorded at pages 44823, Volume 36 and 44939, Volume 37, State Record of Water Right Certificates, are canceled; and in lieu thereof a new certificate be issued covering the balance of the right under Certificate 44823 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 9th day of July, 1980.

  
JAMES E. SEXSON <sup>sr</sup>  
Director



STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARILYN SMITH  
HCR 56, BOX 572  
JOHN DAY, OREGON 97845

confirms the right to use the waters of JOHN DAY RIVER AND LAYCOCK CREEK, tributaries of COLUMBIA RIVER, for IRRIGATION OF 8.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for GRANT COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at Page 461. The date of priority is 1876.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed JOHN DAY RIVER - 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, LAYCOCK CREEK - 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 SEPTEMBER 30, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

ENTERPRISE DITCH - NW 1/4 SW 1/4, SECTION 20 TOWNSHIP 13 SOUTH, RANGE 31 EAST, WM, 1700 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER, SECTION 20;

PUMP - NE 1/4 NE 1/4, SECTION 26, TOWNSHIP 13 SOUTH, RANGE 30 EAST, WM, 1830 FEET NORTH AND 300 FEET WEST FROM THE E 1/4 CORNER, SECTION 26.

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 NE 1/4 8.0 ACRES  
SECTION 26  
TOWNSHIP 13 SOUTH, RANGE 30 EAST, WM

When in the judgment of the Watermaster it becomes necessary to install head gates and measuring devices:

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

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.

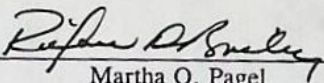
SEE NEXT PAGE

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JULY 9, 1980 and supersedes Certificate 44939, 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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed JULY 22, 1998.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75756.



PERMIT D - 25596  
CERT 25596

TRACT 1 = 1873

TRACT 2 = 1876

25596  
CANCELLED

RR  
T-1562  
D-25596  
31731

31731  
CANCELLED

CF  
0  
D-25596  
33252

33252  
CANCELLED

33252  
CANCELLED

RR  
0  
D-25596  
49674  
PRIORITY 1873  
NON-CANCELLED  
PRIMARY IR  
12 AC NW 1/4 NE 1/4  
SEC 26  
T. 13 S, R. 30 E  
POD = PANAMA DITCH  
380'S + 1600'E FROM NW CORNER SEC 25  
13 S 30 E

CF  
T-1562  
D-25596  
44823

44823  
CANCELLED

44823  
CANCELLED

CF  
T-4224  
CD-25596A  
75755  
PRIORITY 1876  
NON-CANCELLED  
PRIMARY IRRIGATION  
19.2 AC NW 1/4 NW 1/4  
8.5 AC SW 1/4 NW 1/4  
SEC 25  
T. 13 S, R. 30 E  
POD 1 = ENTERPRISE DITCH  
1700'N + 650'E FROM SW CORNER  
SECTION 20 13 S 31 E  
POD 2 = 870'S + 220'E FROM NW CORNER  
SECTION 25 13 S 30 E  
POD 3 = 682'S + 530'E FROM NW CORNER  
SEC. 25. 13 S 30 E

CF  
T-4225  
CD-25596  
PRIORITY 1873  
NON-CANCELLED  
PRIMARY IRRIGATION  
12.3 AC SW 1/4 SE 1/4  
10.3 AC SE 1/4 SE 1/4  
7.0 AC NW 1/4 NW 1/4  
POD 1 820'S + 240'W FROM NW CORNER SEC 25 13 S 30 E  
POD 2 520'S + 2080'E FROM NW CORNER SEC 25 13 S 30 E  
POD 3 380'S + 1600'E FROM NW CORNER SEC 25 13 S 30 E

RR  
0  
D-25596  
49670  
PRIORITY 1876  
NON-CANCELLED  
PRIMARY IR  
.5 AC SW 1/4 NW 1/4  
SEC 25  
T. 13 S, R. 30 E  
POD 1 1700'N + 650'E FROM SW CORNER SEC 20 13 S 31 E  
POD 2 682'S + 530'E FROM NW CORNER SEC 25 13 S 30 E



STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MARILYN SMITH  
HCR 56, BOX 572  
JOHN DAY, OREGON 97845

confirms the right to use the waters of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 27.7 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for GRANT COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at Page 461. The date of priority is 1876.

The amount of water to which this right is entitled is limited to an amount actually beneficially used 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, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

ENTERPRISE DITCH - NW 1/4 SW 1/4, SECTION 20 TOWNSHIP 13 SOUTH, RANGE 31 EAST, WM, 1700 FEET NORTH AND 650 FEET EAST FROM THE SW CORNER, SECTION 20;

PUMP - NW 1/4 NW 1/4, SECTION 25, TOWNSHIP 13 SOUTH, RANGE 30 EAST, WM, 682 FEET SOUTH AND 530 FEET EAST FROM THE NW CORNER, SECTION 25;

PUMP - NE 1/4 NE 1/4, SECTION 26, TOWNSHIP 13 SOUTH, RANGE 30 EAST, WM, 1830 FEET NORTH AND 300 FEET WEST FROM THE E 1/4 CORNER, SECTION 26.

A description of the place of use to which this right is appurtenant is as follows:

NW 1/4 NW 1/4 19.2 ACRES  
SW 1/4 NW 1/4 8.5 ACRES  
SECTION 25  
TOWNSHIP 13 SOUTH, RANGE 30 EAST, WM

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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

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.

SEE NEXT PAGE

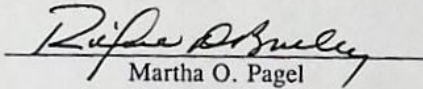


This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered JULY 9, 1980, along with Certificate 49670 supersedes Certificate 44823, State Record of Water Right Certificates.

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.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director, affixed JULY 22, 1998.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75755.



MEMORANDUM

To: Don Knauer

Date: April 17, 1998

From: Steve Brown

Reference: Files T-4224 and T-4225



I have determined that proof has been made to an extent different from that granted by the transfer orders and proposed certificates should be mailed to the land owner. I have prepared and approved five proposed certificates and by copy of this memo requesting Timmie to mail the proposed certificates and route the files and this memo to you. After the final certificates are signed, the files should be returned to Jerry Sauter.

4/28/98 Timmie,

HAVE THE PROPOSED CERTIFICATES  
BEEN SET out ?

Day

PC's are in 4/29/98 mail.  
-Jim



do w/ T-4225

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

RECEIVED

NOV 2 1983

WATER RESOURCES  
SALEM, OREGON

POU  
USE  
Add'l POD

Transfer No. 4224

County Grant

Old Certificate No. 44939, 44823

1. Name Marilyn Smith RT 1 Box 571

Address West Hwy, John Day, OR 97845

2. Source of Supply John Day River, Trib of

3. Use in

4. Amount of Water

5. Priority Date 1876

6. Proposed Point of Diversion 1/830' N 300' W from E 1/4 Cor, S 26  
W in NENE, S 26, T 13S, R 30E WM ; B) 870' S & 220' W from NW  
Cor, S 25, W in NENE, S 26, T 13S, R 30E WM

7. Completion Date 10-1-81

8. Place of Use:

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made	
13S	30E	26	NENE	8 <sup>0</sup>	PODA
13S	30E	25		27 1/2	PODB + from original

only ONE  
NEW POD

SYSTEM  
OFF

4225  
Just 3 permit #5  
CD 25596 Sec 23  
CD 25228 Sec 24  
CD 25553 Sec 26

4224  
Sec 25  
> 135 30 E

4225

4225

70179 38511 E  
Sec 5



7320 2"  
7213"-40



INFO: APPLICANT.

SOURCE: JOHN DAY RIVER

DIVERSION #1 - ENTERPRISE DITCH - HEAD GATE  
#2 - PUMP FROM RIVER

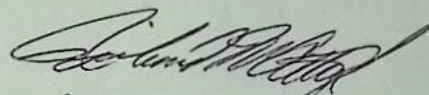
PUMP, PIPE, HEADS & LIFT - SEE T-4225

CROP: GRASS PASTURE

REMARKS: ONLY ONE ADDITIONAL POD - ON RIGHT BANK OF RIVER, MAINLINE  
ACROSS BRIDGE TO THIS LAND.

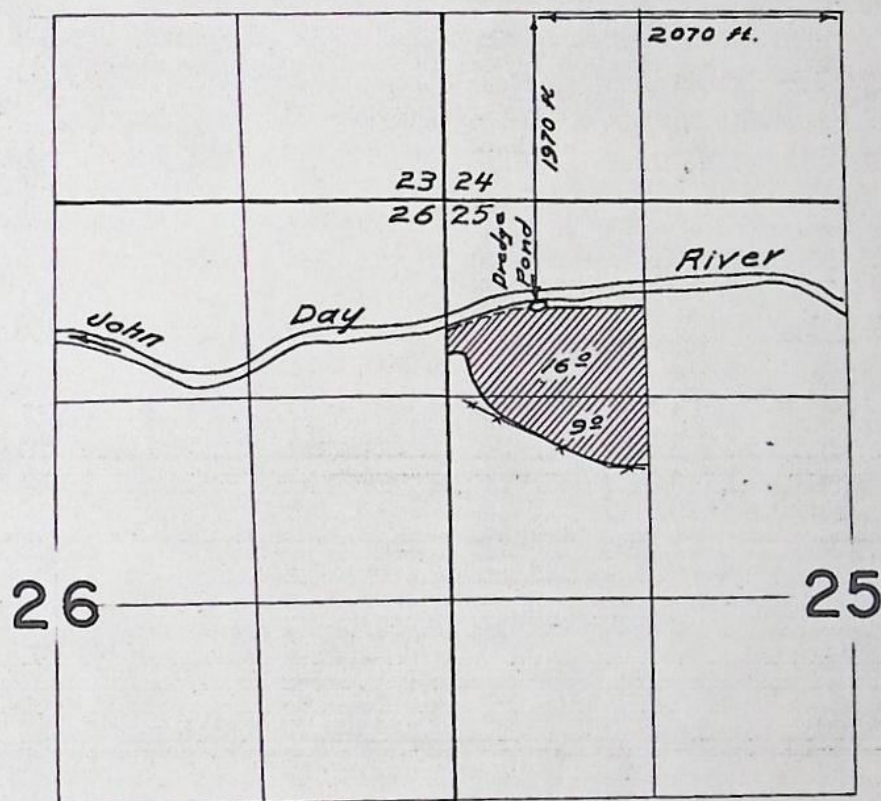
TIE: SEE T-4225

9-6-1983

  
ASST. WM, DIST. 4,



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



FINAL PROOF SURVEY

UNDER

T 4224

Transfer 0-39  
Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

Joseph C. Oliver

Surveyed June 25 1965, by G. Ward

2/2/65

4-1765A



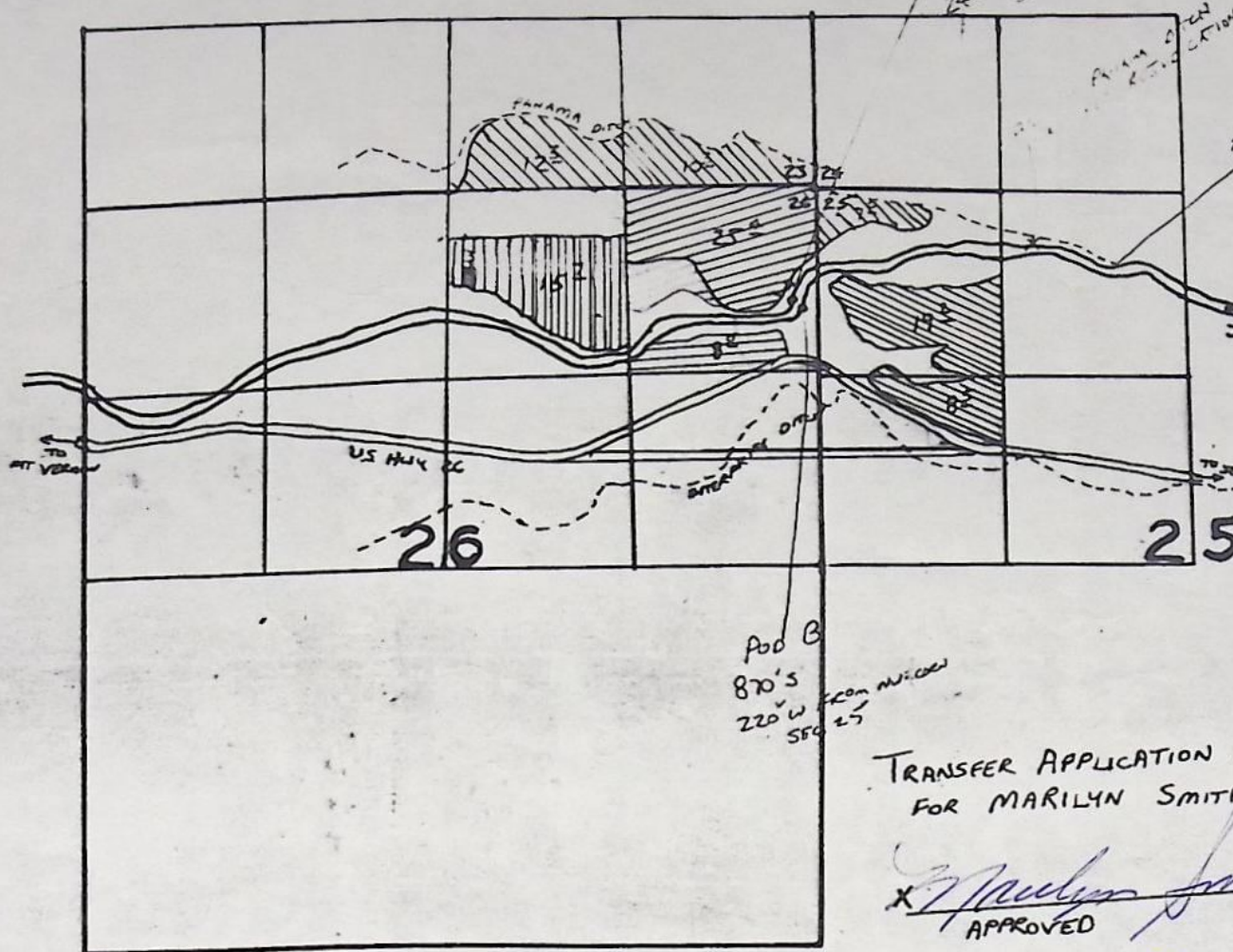
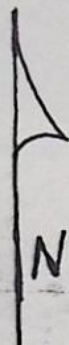




T13S R30E WM.

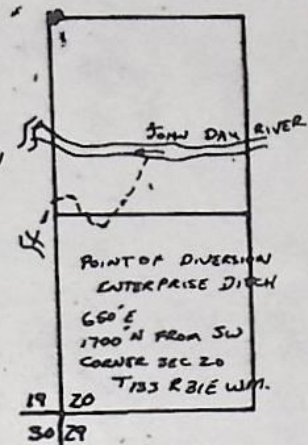
POD A  
820'S  
240'W FROM NW COR  
SEC 25

T-4224



POINT OF DIVERSION  
PANAMA DITCH IS  
2080' E FROM NUCNER  
SEC 25 T13S R30E WM

JOHN DAY RIVER



POINT OF DIVERSION  
ENTERPRISE DITCH  
660' E  
1700' N FROM SW  
CORNER SEC 20  
T13S R31E WM.

TRANSFER APPLICATION MAP  
FOR MARILYN SMITH

*Marilyn Smith*  
APPROVED

4" = 1 MILE

DRAWN FROM ADJUDICATION  
MAP

7E NW 1/4 SEC 25	15E NW 1/4 SEC 26	25E NW 1/4 SEC 26	8E NW 1/4 SEC 26	19E NW 1/4 SEC 26
10E SE 1/4 SEC 23	15E SE 1/4 SEC 26	25E SE 1/4 SEC 26	8E SE 1/4 SEC 26	19E SE 1/4 SEC 26
12E SW 1/4 SEC 23	15E SW 1/4 SEC 26	25E SW 1/4 SEC 26	8E SW 1/4 SEC 26	19E SW 1/4 SEC 26
PANAMA 1873	PANAMA 1873	PANAMA 1872	ENTERPRISE 1876	1876

RECEIVED  
JUN 7 1979  
WATER RESOURCES DEPT.  
SALEM, OREGON  
MAY 21 1979  
WATER RESOURCES DEPT.  
SALEM, OREGON





## STATE OF OREGON

## INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 6/6, 1980FROM: \*\* JERRY RODGERS, WATERMASTER

RECEIVED

JUN 9 1980

WATER RESOURCES DEPT  
SALEM, OREGONSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4224IN THE NAME OF MARILYN SMITH.

In my opinion the proposed change in POINT OF DIVERSION FROM 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 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\* Jerry Rodgers  
Watermaster's signature or initials





## STATE OF OREGON

## INTEROFFICE MEMO

TO: Jerry Rodgers, Watermaster

DATE: January 25, 1980

FROM: Sam Allison *Sam*

SUBJECT: Files Nos. T-4224, T-4225

RECEIVED

FEB 1 1980

WATER RESOURCES DEPT  
SALEM, OREGON

It would appear from the applications and maps submitted that Ms. Smith intends to irrigate some land south of the river from a point north of the river, plus keep all existing points of diversion.

Enclosed are the applications and maps. Please check, and then verify or modify accordingly.

SAM,  
YOUR ASSUMPTIONS ARE CORRECT.  
THE MAIN ADDITIONAL P.O.D. IS LOCATED  
NORTH OF THE RIVER. ONLY 8 ACRES SOUTH OF  
PUMP, LOCATED ON THE SOUTH BANK.  
MS. SMITH WANTS TO MAINTAIN THE DITCH P.O.D.'S AS  
ELECTRICAL COSTS HAVE NOT WORRIED AS TO FUTURE PUMPING COSTS.  
AT THIS TIME, THIS IS HER BEST IDEA AS TO THE PROPOSED SYSTEM, SHE  
INTENDS TO GO WITH. THERE MAY BE MINOR CHANGES.  
THERE IS SOME FRICTION BETWEEN THE DITCH COMPANIES AND HER.  
PERHAPS BY THE TIME THE FIELD CREW MAKES AN INSPECTION,  
PLANS WILL BE MORE DEFINATE, SO THAT ONE OR THE OTHER P.O.D.'S CAN BE  
WRITTEN OFF. IN ANY EVENT, IN MY INSPECTION REPORT, I'LL RECOMMEND  
SOME STIPULATIONS FOR THE SPECIAL ORDER.

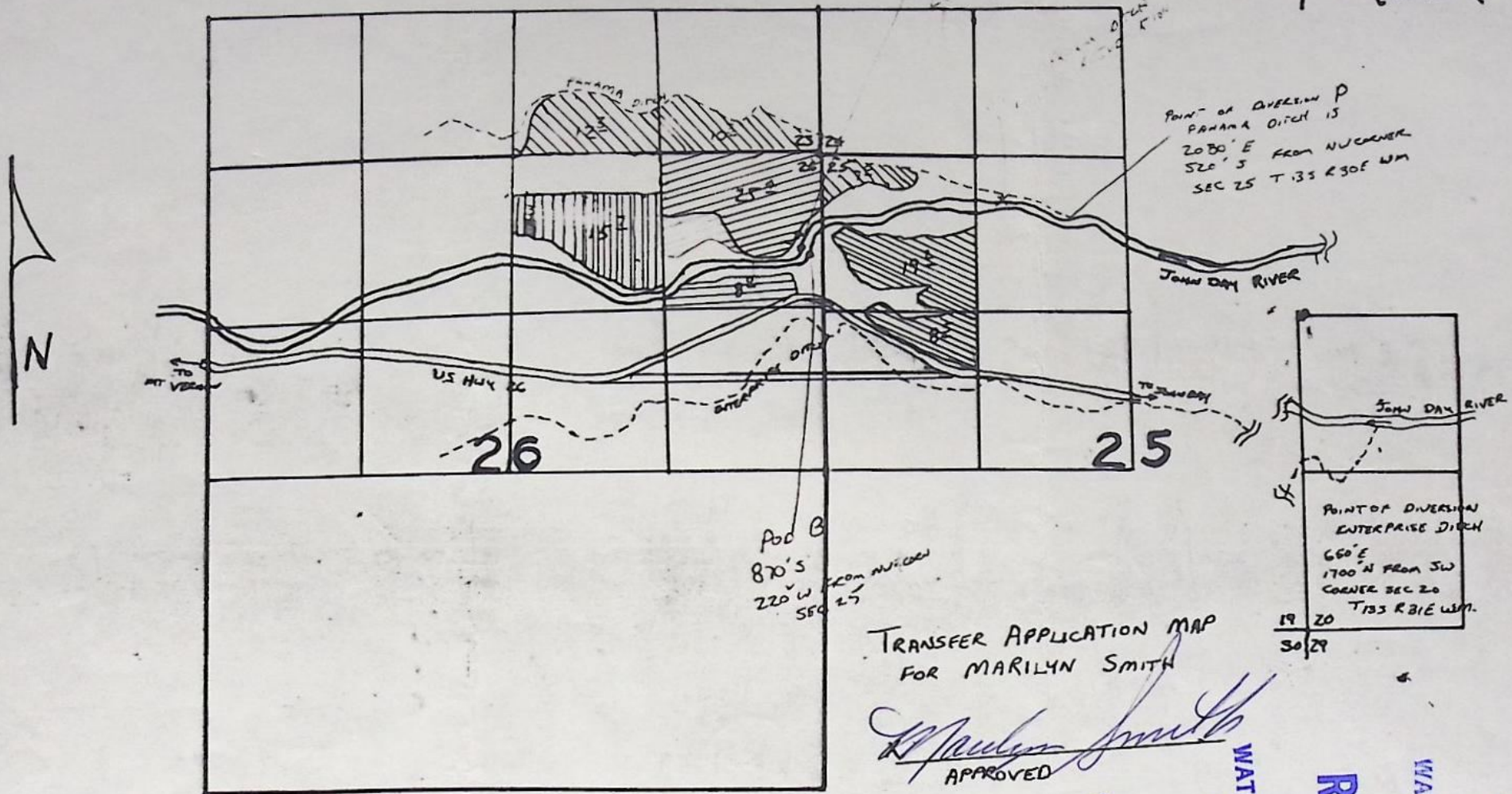
lcj

*Jerry*



T13S R30E W.M.

T-4224



4" = 1 MILE  
DRAWN FROM ADJUDICATION  
MAP

G-33252 G-25533 G-25228 G-44939 G-44823				
7E NW 1/4 SEC 25	15E NW 1/4 SEC 26	25E NW 1/4 SEC 26	8E NW 1/4 SEC 26	19E NW 1/4 SEC 26
110E SE 1/4 SEC 23	15E SE 1/4 SEC 26	25E SE 1/4 SEC 26	8E SE 1/4 SEC 26	19E SE 1/4 SEC 26
112E SW 1/4 SEC 23	15E SW 1/4 SEC 26	25E SW 1/4 SEC 26	8E SW 1/4 SEC 26	19E SW 1/4 SEC 26
PANAMA 1873	PANAMA 1873	PANAMA 1872	ENTERPRISE 1876	1876

RECEIVED  
JAN 23 1980  
WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED  
JUN 7 1979  
WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED  
MAY 21 1979  
WATER RESOURCES DEPT.  
SALEM, OREGON



RECEIVED  
JUN 7 1979  
WATER RESOURCES DEPT.  
SALEM, OREGON

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MAY 21 1979

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SALEM, OREGON

# Application for Transfer of Water Right

T-4224

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Marilyn Smith

(Name of applicant)

of West Highway

(Mailing address)

John Day

(City)

State of Oregon

97845

(Zip Code)

932-4624

(Phone number)

do hereby make application for change

ADDITIONAL points of diversion

AND MAINTAIN EXISTING PUMPING POINT

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

1. Is the water right recorded in your name? no

(If not, give name)

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

(Yes or No)

C-44939

John Day River Adjudication

Vol 10 P 565

number of certificate C-44823

3. Was your water right acquired by Water Right Permit? No If so, give number

(Yes or No)

of permit Number of certificate

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 John Day River

5. What is the date of priority of your water right? 1876

6. The authorized point of diversion is located 1700 ft. N and 650 ft. E from the SW corner of Sec. 25 being within the NW 1/4 SW 1/4 of Section 20 Tp. 13S. R. 31E. W. M.,

Sec. 25

NW 1/4 NW 1/4

(N. or S.)

25

T. 13S.

R. 31E.

W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Grant The name of the ditch used is Enterprise For BUTN RIGHTS

Pump For RIGHTS UNDER C-44823

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

7. The proposed points of diversion is located A- 820 S 240 W NW corner of Sec. 25 NE NE (N. or S.) 26 13S. (E. or W.) 30E

corner of " being within the " 1/4 " 1/4 of Section " Tp. " R. " 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 used



(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
13S	30E	26	NENE	8.0 - POD B 1876
		25	NWNW	19.2 - POD A 1876
		25	SWNW	8.5 - POD A

(If more space required, attach separate sheet)

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:

[illegible]

(If more space required, attach separate sheet)



14. Reasons for the proposed changes are Unable to efficiently irrigate under  
present system - more efficient irrigation - New crops will require  
sprinkler irrigation

15. Construction work will be completed on or before Sept. 1, 1979

16. The water will be completely applied to the proposed use on or before Oct. 1, 1979

Remarks Includes lands on map south of John Day River

Water  
Would like to use Enterprise Ditch as long as feasible and  
maintain it as a diversion point- Proposed points are  
additional as needed

**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, Marilyn Smith, 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 18 day of mar, 1979

MARILYN SMITH  
(Name of applicant)

Subscribed and sworn to before me this 18 day of mar, 1979

[Notarial Seal]



Jay Schley  
NOTARY PUBLIC FOR OREGON  
My commission expires 5-18-79 4-6-82



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DEC 7 1981

WATER RESOURCES DEPT  
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

POD from John Day River

PURSUANT TO TRANSFER APPLICATION NO. 4224

I, Marilyn Smith, hereby certify that completion  
of works and use of water to the extent intended within the provisions  
of the order of the Water Resources Director approving said water  
right transfer application was accomplished by July, 19 80

Dec 381  
Date

Marilyn Smith  
Signature

(Mail to the Water Resources Department, Salem, Oregon 97310.)

OK  
Lin



BEE

Sage Brush

73

55

Henry Cover +

22

23

24

02

04

Dry Grass

130

43

EL &amp; L.H. Hamlin

07

C.H. Timms

Sage Brush  
41

125

J. Murray 103

27

J.V.M. Bride

106

Dry Grass

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A.J. Loycock

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247

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Pasture

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Mrs. Fred Frey

C.H. Timms

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Mrs. Fred Frey

C.H. Tim



T-4224

13	30		P3 1	3100	3	3-4	
TWP S	RGE	SEC	1/4	1/16	TAX LOT	SPEC	INT. IN
MAP NUMBER				NUMBER	TYPE	REAL PROP	CODE
ACCOUNT NUMBER				NUMBER	AREA	NUMBER	

OFFICIAL RECORD OF DESCRIPTIONS  
OF REAL PROPERTY  
COUNTY ASSESSOR'S OFFICE

FORMERLY PART OF T.L. NO. \_\_\_\_\_

INDENT EACH NEW COURSE TO THIS POINT	DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEED RECORD VOL.	PG.	ACCTS REMAINING
	F. T. L. P. O.				
	Sec 23 SE $\frac{1}{4}$	160.00			
	Sec 25				
	Bg 878.4 ft N of the SE cor of the				
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 25;				
	th S 82° 16' W 134 ft;				
	th S 0° 24' W to the N R/W line of				
	the John Day Hy; <i>old Hy</i>				
	th Wly alg the same to its inter-				
	section with the W line of sd Sec 25;				
	th N to the NW cor of Sec 25;				
	th E to the NE cor of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of				
	sd Sec 25;				
	th S to the POB.	49.93			
	Sec 26				
	Bat the cor common to Sec 23, 24,				
	25, and 26;				
	th S to old Hy;				
	th Wly alg Hy 660 ft;				
	th N 18° 56' W 32 ft;				
	th S 87° 04' W 700 ft to the N-S				
	40 line;				
	th N alg 40 line 200 ft;				
	th N 87° 41' W 315.5 ft;				
	th N 66° 30' W 400 ft;				
	th N 59° W 493 ft;				
	th N 71° 30' W 181 ft;				
	th W 196 ft;				
	th N 42° W 170 ft;				
	th N 10° 30' E 137 ft;				
	th E 1620 ft to the <sup>N</sup> -S 40 line;				
	th N 396 ft to the Sec line;				
	th E alg Sec line to the POB.	56.48			
	Also:				
	Formerly T. L. 3700				
	Baap where the E line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$				
	of Sec 25 intersects the N R/W line of the				
	John Day Hy sd pt being N 689.4 ft of the				
	SE cor of sd SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;				

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WATER RESOURCES DEPT.  
SALEM, OREGON

65 125 266.41

(cont.)



13	30	pg 2	3100	3-4	3 6-2
TWP S. RGE	SEC	1/4 /16	TAX LOT NUMBER	TYPE	SPEC INT IN REAL PROP
MAP NUMBER			ACCOUNT NUMBER		CODE AREA NUMBER

OFFICIAL RECORD OF DESCRIPTIONS  
OF REAL PROPERTY  
COUNTY ASSESSOR'S OFFICE

GRANT

FORMERLY PART OF T.L. NO.

INDENT EACH NEW COURSE TO THIS POINT	DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEED RECORD VOL	PG	ACRES REMAINING
	<p>th N 189 ft alg the E line; th S 82° 16' W 134 ft; th S 0° 24' W 165.2 ft to the N R/W line of sd Hy; th S 87° 31' E alg sd R/W a dist of 134 ft to the POB.</p> <p>Also; Caap where the E line of the SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math> of Sec 25 intersects the S R/W line of the John Day Hy sd pt being 629.4 ft N of the SE cor of sd SW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>; th S alg sd E line a dist of 33 ft; th S 87° 26' W 125.3 ft; th N 0° 24' E 44 ft to the S R/W line of sd Hy; th S 87° 31' E alg sd R/W a dist of 125 ft to the POB.</p>				0.54
	<p>Description &amp; Acreage Correction Land in Grant Co, Oregon, as follows: Baap on the Nly r/w line of Co Rd No. 47; sd pt being 1420.44 ft N and 49.38 ft W of the E <math>\frac{1}{4}</math> cor of Sec 26, T13S R30E WM; th alg the Nly r/w line sd Co Rd, as fols: S 59°56'00"E 1030.60 ft; 247.66 ft alg the arc of a 606.62 ft radius curve left, (the LC of which bears S 71°37'45"E 245.94 ft) to a pt on the Nly r/w line of the relocated John Day Hwy; th alg the Nly r/w line of sd hwy as fols: 155.21 ft alg a 40.00 ft offset to a 400 ft spiral curve right(a=0.625), (the LC of which bears S 88°53'44"E 155.14 ft); 55.63 ft alg the arc of a 2331.83 ft radius curve rt (the LC of which bears S 86°33'29"E 55.63');</p>	0.19	12-22-65 8/31/71 10-9-73	78 517 107 95 110 414	267.14
	WD	8-3-76	115	130	

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SALEM, OREGON



13		30		page 3		3100		3&3-4	
TWP.	RGE.	SEC.	1/4	1/16	PARCEL NUMBER	TYPE	SPEC. INT. IN REAL PROP.	CODE AREA NUMBER	
MAP NUMBER					TAX LOT NUMBER				

OFFICIAL RECORD OF DESCRIPTIONS  
OF REAL PROPERTY  
COUNTY ASSESSOR'S OFFICE

GRANT

FORMERLY PART OF

INDENT EACH NEW COURSE TO THIS POINT	DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOL.	PG.	
	<p>th leaving sd hwy N 0°13'20"W 1753.33 ft;  th W 1318.75 ft;  th N 0°08'04"E 2716.35 ft;  th N 89°21'21"W 2627.49 ft;  th S 0°24'53"W 2668.04 ft;  th S 88°57'06"E 1263.81 ft;  th S 2°46'43"E 378.93 ft;  th S 89°59'55"W 1534.44 ft;  th S 10°26'55"W 137.36 ft;  th S 40°29'00"E 180.60 ft;  th N 86°06'00"E 193.03 ft;  th S 65°29'20"E 309.47 ft;  th S 60°49'47"E 305.99 ft;  th S 65°41'35"E 476.70 ft;  th N 81°23'18"E 297.66 ft;  th S 5°17'43"E 259.94 ft;  th N 88°50'39"E 513.64 ft;  th N 84°47'47"E 158.00 ft;  th S 14°47'00"E 33.90 ft to the Nly r/w line  of Co Rd No. 47;  th alg the Nly r/w line of sd Co Rd, as fols  N 66°46'00"E 362.32 ft;  294.41 ft alg the arc of a 316.48 ft radius  curve rt, (the LC of which bears S 86°35'00"E 283.91 ft)  to the POB.  All according to Map of Survey No. 374 as filed  in the Office of the Grant Co Surveyor.  Also, a parcel of land in the S½NW¼ of Sec 25,  T13S R30E WM desc as fols:  Baap on the Sly r/w line of the relocated John  Day Hwy; sd pt being 709.02 ft N and 1081.95 ft E of the  W¼ cor of sd Sec 25;  th alg sd r/w line as fols:  N 87°31'00"E 76.00 ft;  N 3°34'00"E 33.75 ft;  45.09 ft alg a 40.00 ft offset to a 400 ft spiral curve  right (a=0.625), (the LC of which bears S 88°17'49"E  45.09 ft);  th leaving sd r/w line S 5°01'00"W 30.54 ft;  th N 87°31'00"E 84.70 ft;  th S 0°13'20"E 81.00 ft;</p>				

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SALEM, OREGON



13		30		page 4		3100		363-4	
TWP.	RGE.	SEC.	1/4	1/16	PARCEL NUMBER	TYPE	SPEC. INT. IN REAL PROP.	CODE AREA NUMBER	
MAP NUMBER					TAX LOT NUMBER				

**OFFICIAL RECORD OF DESCRIPTIONS  
OF REAL PROPERTY  
COUNTY ASSESSOR'S OFFICE**

FORMERLY PART OF \_\_\_\_\_

INDENT EACH NEW COURSE TO THIS POINT	DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOL.	PG.	
	th N 89°22'00"W 202.37 ft; th N 2°28'W 69.93 ft to the POB. All according to Map of Survey No. 374 as filed in the Office of the Grant Co Surveyor.	8-26-76	115 CS#374	184	264.92
Exc: Parcel 3101	0.11	Case #6639 11-4-77	49	86	264.81

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SALEM, OREGON





## *Water Resources Department*

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

May 31, 1979

Jerry Rodgers, Watermaster  
P.O. Box 261  
Canyon City, Oregon 97820

RE: Files Nos. T-4224, T-4225

Dear Jerry:

The two water right transfer applications in the name of Marilyn Smith for approval of changes in points of diversion of water from John Day River, together with supporting data and fees of \$120, were received May 21, 1979. Our receipts Nos. 11008 and 11009 are enclosed.

Pursuant to our recent telephone discussion, I am returning the two transfer applications and maps to you for additional information.

There are two authorized points of diversion of record for the right described by certificate 44823 as located on the enclosed copy of the certificate. Both of these points should be properly located in item No. 6 of transfer application No. 4224 to clearly indicate that the change will be from both diversion points.

The map prepared in connection with the John Day River adjudication proceedings locates the point of diversion for Panama Ditch at 380 feet South and 1600 feet East from the NW Corner of Section 25. Since the point shown on the adjudication map would be considered the authorized point of diversion for the rights involved in transfer application No. 4225, it will be necessary to amend item No. 6 by giving the aforementioned location. Item No. 7 should also be amended by locating the point of diversion for Panama Ditch in the proper quarter-quarter. Will you also explain why it is intended to retain use of Panama Ditch for part of the lands?

When you return the applications and maps, will you also send a copy of the claim (proof No. 857) submitted by Alice Mae McKenna during the John Day River adjudication proceedings.

Sincerely,

Wayne J. Overcash  
Water Rights Engineer

WJO:lcj  
cc: Marilyn Smith