

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

Change in POD, add'l POD

Date filed May 21, 1979

Date of hearing April 9, 1980

Place of hearing Canyon City

Date of order 7-9-80 Vol. 33, page 412

Date for application of water 10-1-80

Proof mailed APR 29 1998

Proof received

Certificate issued OCT 28 1980 Vol. 43, page 49673

OCT 28, 1980 49674

JUL 22 1998 75757

JUL 22 1998 75758

JUL 22 1998 75759 REMARKS

Card for NOV 20 1981

4225

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 Panama

Date of priority 1872, 1873

In name of _____

John Day Riv Adjudication, Vol. 10, page 565

App. No. _____ Per. No. _____ Cert. No. 25533, 25228

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-21-79</u>	<u>85-</u>	<u>11009</u>
<u>5/29/80</u>	<u>19.35</u>	<u>17976</u>
TOTAL . . .		
	Cert. Fee	

Blue Mountain Eagle #69.33 pd 3/31/80 CLK# 4107

FEES REFUNDED

Date	Amount	Check No.
<u>3/31/80</u>		

EX 20-
POD 15
POD 69.33
104.33

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

W.R.I.S.

Assembled 7-7-84 by SRB

Entered _____ by _____

Verified _____ by _____

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 15.7 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 1873.

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:

PANAMA DITCH - NE 1/4 NW 1/4, SECTION 25, TOWNSHIP 13 SOUTH, RANGE 30 EAST, WM, 390 FEET SOUTH AND 2100 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 NE 1/4 15.7 ACRES
SECTION 26
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.

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 49673 supersedes Certificate 25533, State Record of Water Right Certificates.

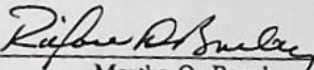
The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

SEE NEXT PAGE

T-4225A.SB

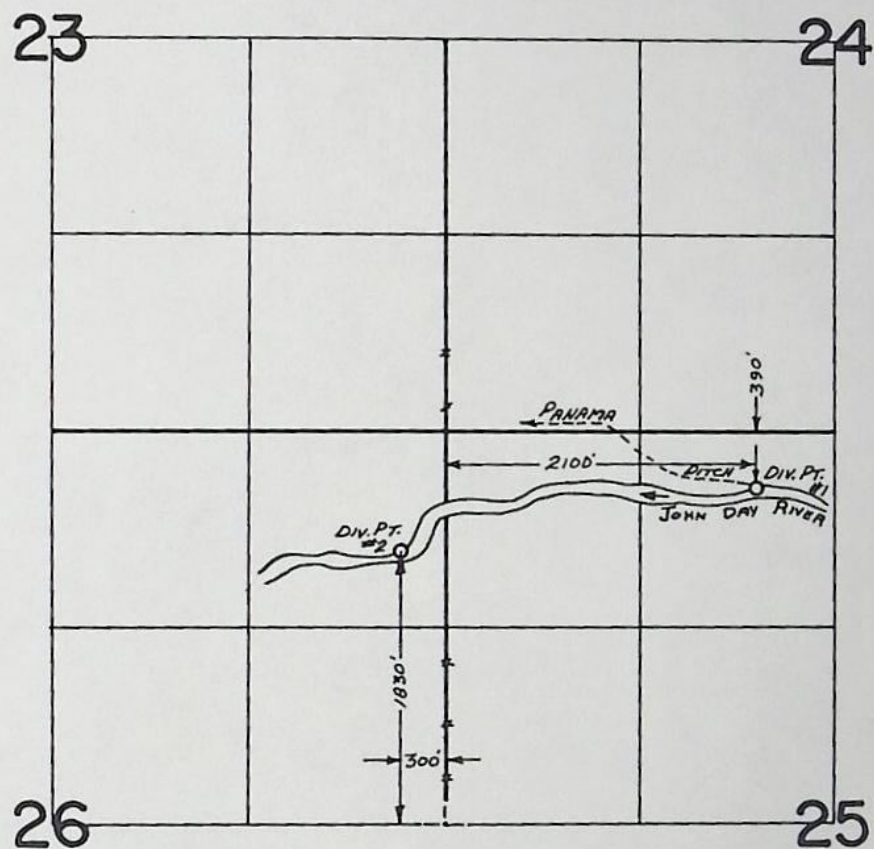
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

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


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75757.

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, 1983, by R. W. Cattel.....

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 25.4 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 1872.

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:

PANAMA DITCH - NE 1/4 NW 1/4, SECTION 25, TOWNSHIP 13 SOUTH, RANGE 30 EAST, WM, 390 FEET SOUTH AND 2100 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:

NE 1/4 NE 1/4 25.4 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.

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 25228, State Record of Water Right Certificates.

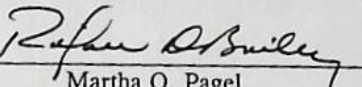
SEE NEXT PAGE

T-4225C.SB

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 75759.

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

[illegible]

INFO: APPLICANT

SOURCE: JOHN DAY RIVER

DIVERSION: #1 PANAMA DITCH - 5' CMP W/SCREW GATE

#2 PUMP FROM RIVER

PUMP: GE 15 HP CDD CORNELL $2\frac{1}{2} \times 2\frac{1}{2}$

PIPE: 1380' - 6" ALUM MAINLINE, 5080' - 4" ALUM, 1320' - 2" ALUM

HEADS: 43 - $\frac{5}{32}$ X 0 RB ON WHEEL LINE, NELSON P100 $\frac{1}{2}$ 2 WADE RAIN EQUIVALENT GUINS OF 3" PPS
SUFFICIENT HEADS FROM $\frac{1}{64}$ TO $\frac{9}{64}$ ON OTHER PIPE TO COVER LAND.

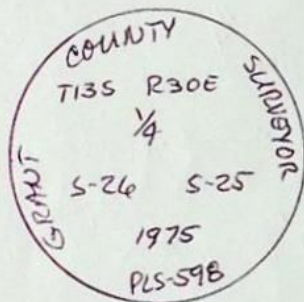
LIFT: RIVER TO PUMP 5 FT, PUMP TO FIELD - 5 FT,

PRESS: SYSTEM OFF

CROP: GRASS PASTURE / ALFALFA HAY

REMARKS: ONLY ONE ADDITIONAL POD WHICH IS ON RIGHT BANK OF RIVER, MAINLINE
ACROSS BRIDGE TO LAND COVERED BY T-4224

TIE: N-S FENCE LINE $\frac{1}{2}$ 2" B.C.



9-6-1983

Richard M. [Signature]
ASST- WM - DIST. 4.

RECEIVED
NOV 2 1983
WATER RESOURCES DEPT.
SALEM, OREGON

9-8-83 RWC

do w/T-4225

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

RECEIVED

NOV 2 1983

POU
USE
Add'l POD

WATER RESOURCES
SALEM, OREGON

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 ; 1/870' 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°	PODA
13S	30E	25		27 1/2	PODA + from original
<div>SYSTEM OFF</div> <div>1/4-7 sec. CDR COR 252</div> <div>6E 1/4 15' x 22' 2 1/2' x 9 1/4' 1' 1/4'</div> <div>1/4 WHEEL 4" 1/4</div> <div>1380' 220' 4" AP 7/8" 4" ACROSS</div> <div>1320' 2" 72x3"-40</div> <div>FOR BOTH</div> <div>2 WHEEL PERSON P100</div>					

only ONE
NEW POD

INFO: APPLICANT.

SOURCE: JOHN DAY RIVER

DIVERSION #1 - ENTERPRISE DITCH - HEAD GATE

#2 - PUMP FROM RIVER

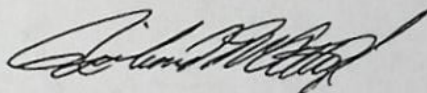
PUMP, PIPE, HEADS & LIFT - SEE T-4225

CROP: GRASS PASTURE

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

TIE: SEE T-4225

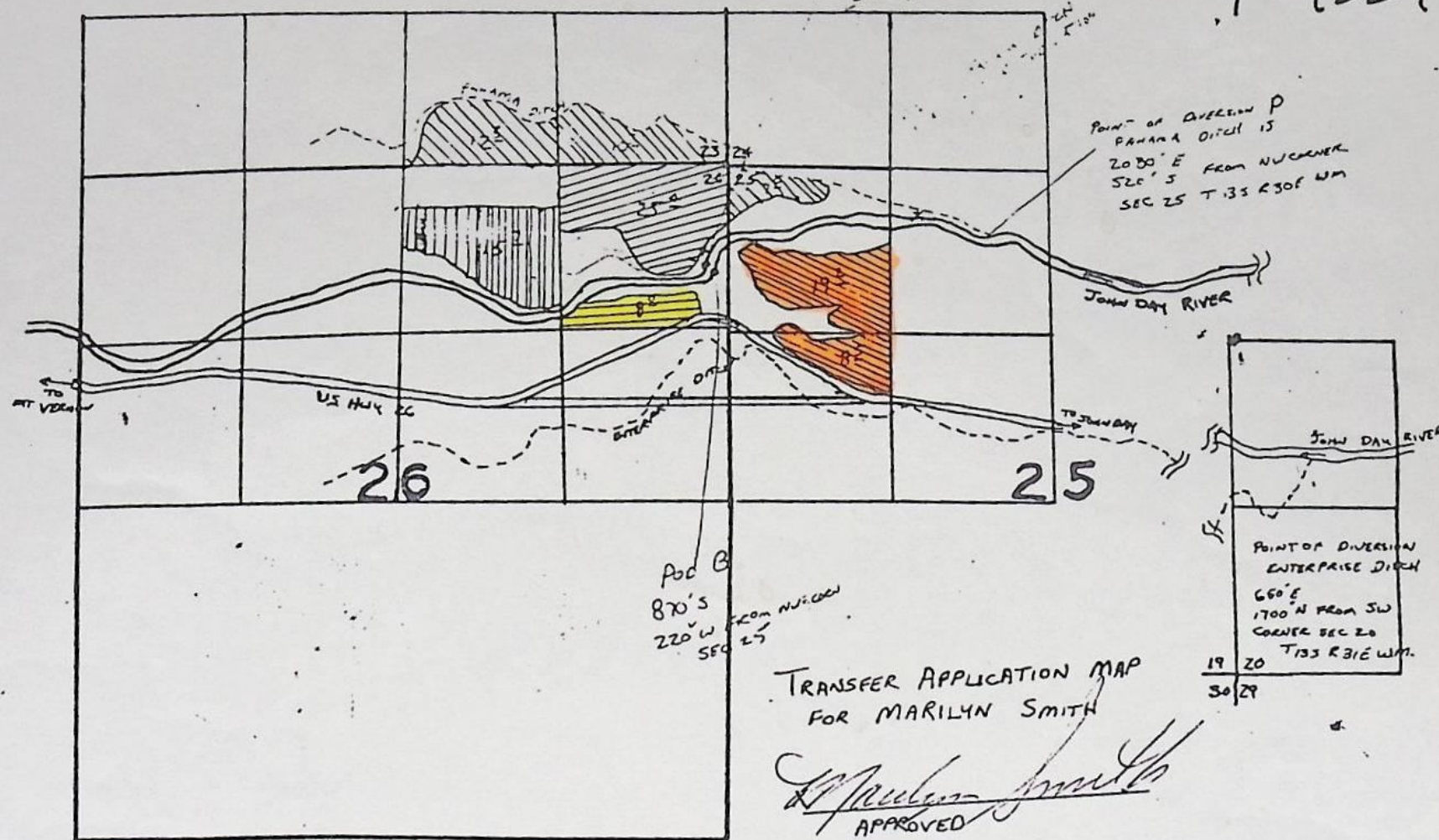
9-6-1983



ASST. DIR., DIST. 4,

T13S. R30E W.M.

T-4224



G-33252	G-25533	G-25228	G-44439	G-44823
7 ² NW 1/4 SEC 25	15 ² NW 1/4 SEC 26	25 ² NW 1/4 SEC 26	8 ² NW 1/4 SEC 26	19 ² NW 1/4 SEC 26
10 ³ SE 1/4 SEC 23	11 ³ SE 1/4 SEC 23	12 ³ SE 1/4 SEC 23	13 ³ SE 1/4 SEC 23	14 ³ SE 1/4 SEC 23
PANAMA 1873	PANAMA 1873	PANAMA 1872	ENTERPRISE 1876	1876

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
MAY 21 1979

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
FEB 1 1980

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. 4225

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 25533, Volume 17, State Record of Water Right Certificates, in the name of Alice Mae McKenna, describes a right which includes the use of water from John Day River for irrigation of a certain 15.7 acres in NW 1/4 NE 1/4 of Section 26, Township 13 South, Range 30 East, W.M., with a date of priority of 1873.

The certificate recorded at page 25228 of said volume, in the names of George and Ralph Gilbert, describes a right for the use of water from John Day River for irrigation of a certain 25.4 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 1872.

The certificate recorded at page 33252, Volume 25 of said record, in the name of J.J. Moura, describes a right which includes the use of water from John Day River for irrigation of a certain 12.3 acres in SW 1/4 SE 1/4, 10.3 acres in SE 1/4 SE 1/4 of Section 23; and 7.0 acres in NW 1/4 NW 1/4 of Section 25, Township 13 South, Range 30 East W.M., with a date of priority of 1873.

The authorized point of diversion of record for said rights described by certificates 25533, 25228, and 33252 is located 380 feet South and 1600 feet East from the Northwest Corner of Section 25, being within the NE 1/4 NW 1/4 of Section 25, Township 13 South, Range 30 East, W.M. (Panama Ditch).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 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 all said lands described by certificates 25533, 25228 and 33252 and to establish an additional point of diversion at the existing point of diversion for Panama Ditch located 520 feet South and 2080 feet East from the Northwest Corner of Section 25, being within the NE 1/4 NW 1/4 of Section 25, Township 13 South, Range 30 East, W.M., for irrigation of said 12.3 acres in SW 1/4 SE 1/4 and 10.3 acres in SE 1/4 SE 1/4 of Section 23.

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 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, is are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new points of diversion as herein confirmed, and the watermaster be notified at least three days prior to the change in point of diversion:

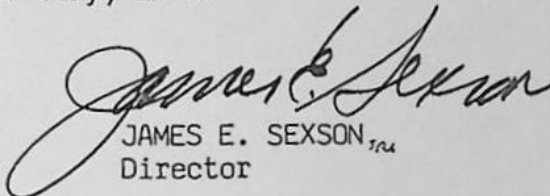
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 25533 and 25228, Volume 17 and page 33252, Volume 25, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights under certificates 25533 and 33252 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, 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, JR.
Director

RECEIVED

T-4225

FEB 11980

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

RECEIVED

MAY 21 1979

WATER RESOURCES DEPT.
SALEM, OREGON

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
in point of diversion and an additional 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

(If not, give name)

2. Was your water right determined by Decree of Court? Yes

(Yes or No)

If so, give title of proceedings

John Day River Adjudication

number of certificate see attached
sheet

3. Was your water right acquired by Water Right Permit? No

(Yes or No)

If so, give number

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? 1872 1873

6. The authorized point of diversion is located 380 FT S. & 1600 FT E FROM NW CORNER SEC 25
S. 72° ft. E. 2705' and from NW corner Sec. 25

(N. or S.)

(E. or W.)

corner of Sec. 25 being within the NE NW 1/4 of Section 25 Tp. 13S R. 30E W. M.,
(No. N. or S.) (No. E. or W.)

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

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

7. The proposed point of diversion is located A- 820 S 240 W NW
P- 520 ft. S. and 2080 ft. E from the "

(N. or S.)

(E. or W.)

corner of Sec. 25 NE NE 1/4 of Section 26 13S 30E
" being within the ME 1/4 NW 1/4 of Section 25 Tp. 13S R. 30E W. M.,
(No. N. or S.) (No. E. or W.)in the county of Grant The name of the ditch to be used is Panama
Pump usedA - Additional and New point of Diversion
P - Correct location of Panama Ditch

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 $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
138	30E	23	SWSE	C-53252 12.3 - POD A&P
		23	SESE	33252 10.3 - POD A&P
		25	NWNW	33252 7.0 - POD A
		26	NENE	C-25228 25.4 - POD A
		26	NW NE	C-25533 15.7 - 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:

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(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 crop 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 land on map north of John Day River

NEED TO MAINTAIN PANAMA DITCH DIVERSION FOR PART
OF LANDS BECAUSE DITCH IS CLOSER TO FIELDS AND
PUMPING COSTS WOULD BE LESS.

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 May, 1979

MARILYN SMITH

(Name of applicant)

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

[Notarial Seal]



Jay S. Kellogg
NOTARY PUBLIC FOR OREGON
My commission expires 4-6-82

RECEIVED

DEC 7 1981

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

POD from John Day River

PURSUANT TO TRANSFER APPLICATION NO. 4225

I, Maudyn 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 3 81
Date

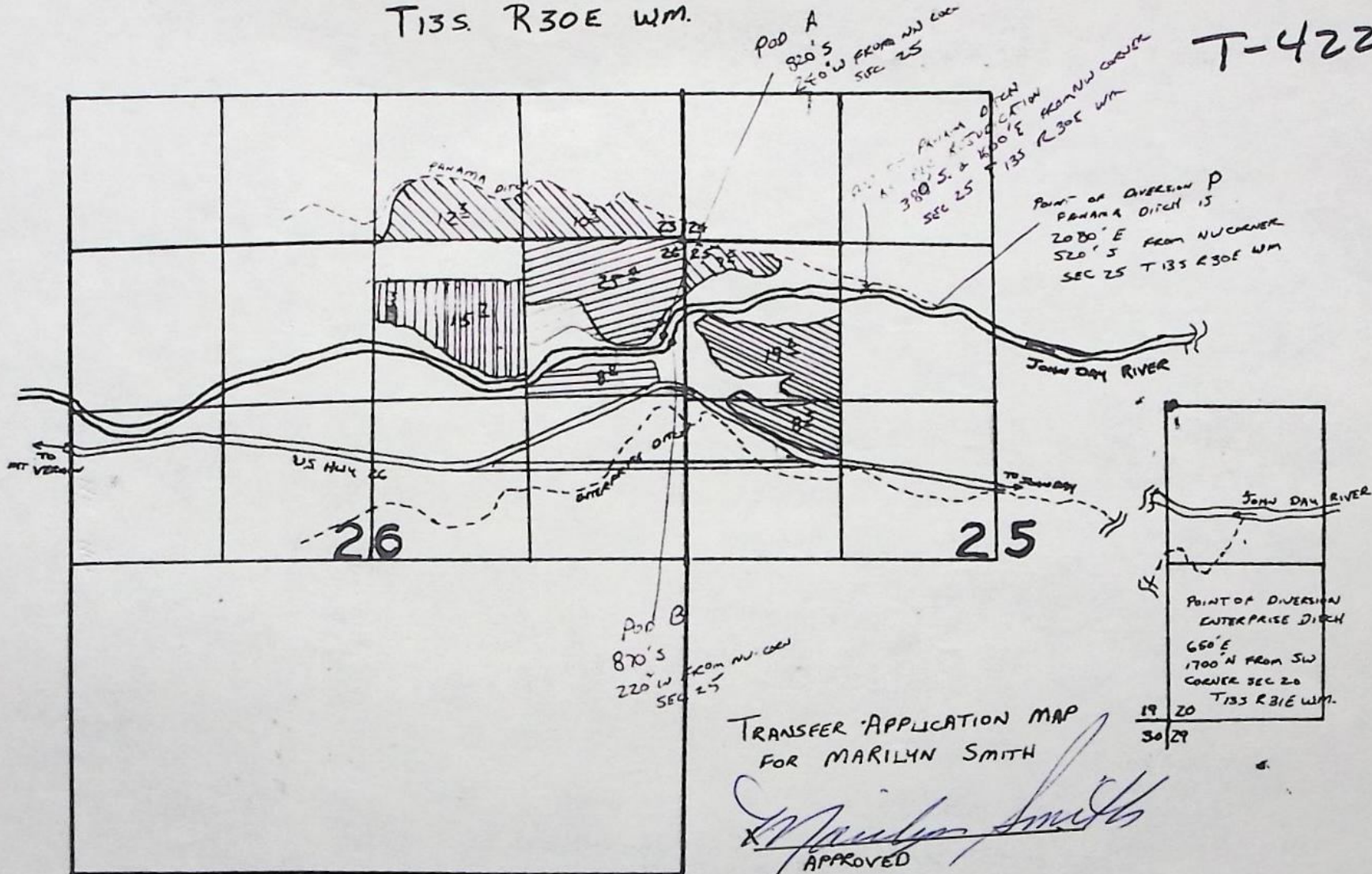
Maudyn Smith
Signature

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

OK
Din

T13S. R30E W.M.

T-4225



TRANSFER APPLICATION MAP
FOR MARILYN SMITH

Marilyn Smith
APPROVED

4" = 1 MILE

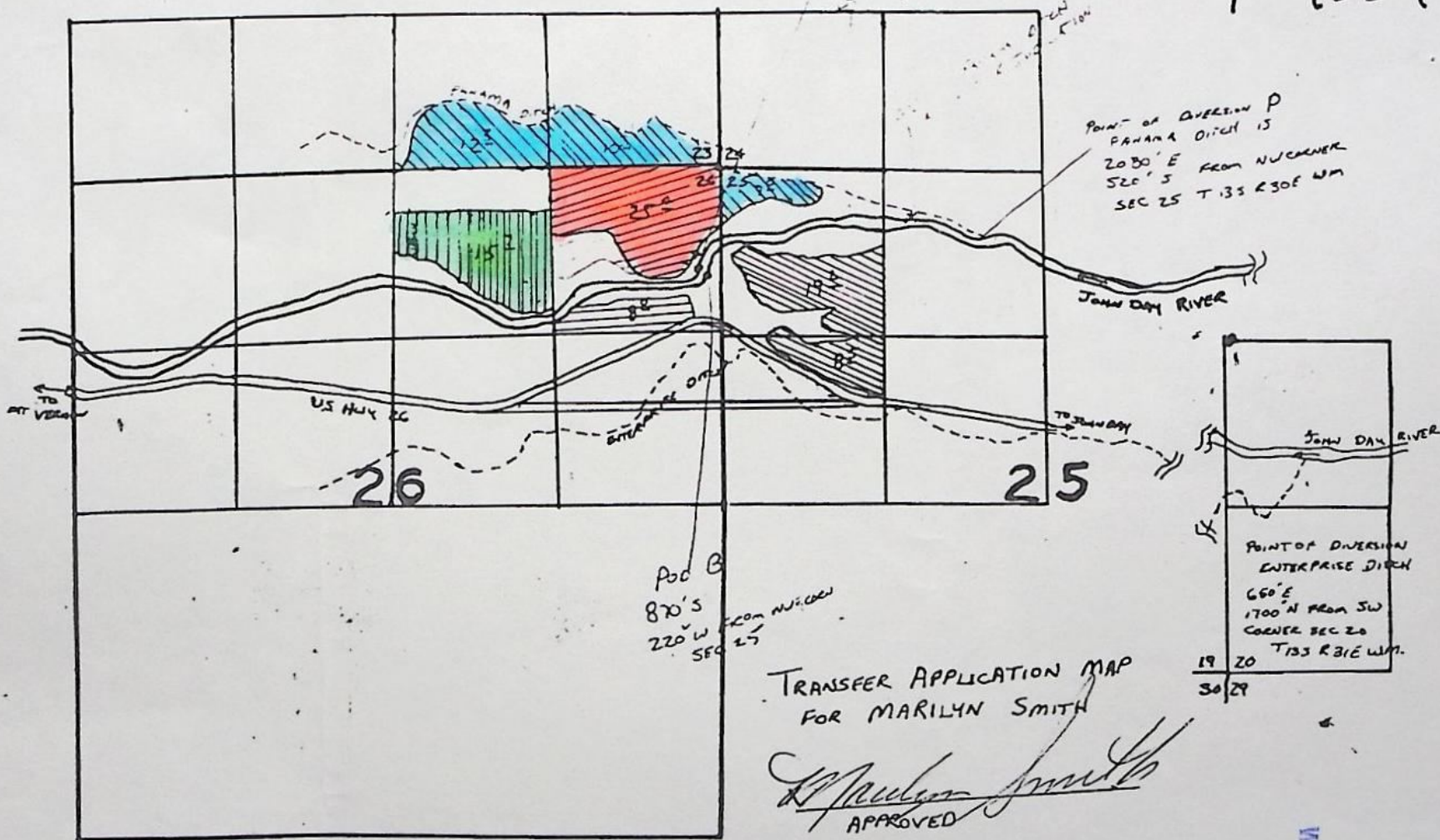
DRAWN FROM ADJUDICATION
MAP

G-33252 G-25533 G-25228 G-44439 G-44823				
7E NW NW SEC 25	15E NW NE SEC 26	25E NW NE SEC 26	8E NW NE SEC 26	19E NW NW 1/4
10E SE SE SEC 23	NW NE SEC 26	NW NE SEC 26	NW NE SEC 26	8E SW NW 1/4
12E SW SE SEC 23	PANAMA 1873	PANAMA 1872	ENTERPRISE 1876	1876

RECEIVED
MAY 21 1979
WATER RESOURCES DEPT.
SALEM, OREGON

T13S. R30E W.M.

T-4224



4" = 1 MILE
DRAWN FROM ADJUDICATION
MAP

G-33252 G-25533 G-25528 G-44939 G-44823				
7 ² NW 1/4 SEC 25	15 ² NW 1/4 SEC 23	25 ² NW 1/4 SEC 26	8 ² NW 1/4 SEC 26	19 ² NW 1/4 SEC 26
10 ³ SE 1/4 SEC 23	15 ³ SE 1/4 SEC 23	25 ³ SE 1/4 SEC 26	8 ³ SE 1/4 SEC 26	19 ³ SE 1/4 SEC 26
12 ³ SW 1/4 SEC 23	15 ³ SW 1/4 SEC 23	25 ³ SW 1/4 SEC 26	8 ³ SW 1/4 SEC 26	19 ³ 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 1 1980
WATER RESOURCES DEPT
SALEM, OREGON



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 6/6, 1980FROM: ** Jerry Rodgers, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4225IN THE NAME OF Marilyn Smith

RECEIVED
JUN 9 1980
WATER RESOURCES DEPT
SALEM, OREGON

In my opinion the proposed change in points 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? NO
(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 _____

REMARKS - SPECIAL ORDER SHOULD INCLUDE THE FOLLOWING PROVISION

THAT NOT LESS THAN THREE (3) DAYS NOTICE SHALL BE GIVEN TO THE WATERMASTER PRIOR TO CHANGING DIVERSION FROM THE PANAMA DITCH TO THE PUMPING POINT OF DIVERSION.

**

Jerry Rodgers
Watermaster's signature or initials



STATE OF OREGON

INTEROFFICE MEMO

TO: Jerry Rodgers, Watermaster

DATE: January 25, 1980

FROM: Sam Allison *Sam*

RECEIVED

FEB 1 1980

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

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, BE IRRIGATED BY A GASOLINE
ELECTRICAL COSTS WOULD BE MAINTAIN THE DITCH P.O.D'S AS
AT THIS TIME, THIS IS HER WORRIED AS TO FUTURE PUMPING COSTS.
INTENDS TO GO WITH. THERE MAY BE MINOR CHANGES. PROPOSED SYSTEM, SHE
1c; THERE IS SOME FRICTION BETWEEN THE DITCH COMPANIES AND HER.
THAT AND DIFFERENT CROPS ARE THE MAIN REASONS FOR THE CHANGE.
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.

Jerry

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Grant

ss.

I, Ted Becher, 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; published at John Day, in the aforesaid county and state the notice of water right transfer application numbers 4224 and 4225

published in the entire successive and consecutive

Subscribed and sworn to on this 19th day of August, 1980

My commission expires

Cost

(Seal)

Public Notices

NOTICE OF WATER RIGHT TRANSFER APPLICATIONS No. 4224 & 4225

The Water Resources Director of Oregon has received and filed two applications by Marilyn Smith for approval, without loss of priority, of changes in points of diversion of water under certain water rights.

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 certain 8.0 ac in NE 1/4 NE 1/4 of Sec 26, T 13S, R 30E, WM, with a date of priority of 1876. Water for this right is diverted, through the Enterprise Ditch, from a point located 1700 ft N & 650 ft E from the SW Corner of Sec 20, being within the NW 1/4 SW 1/4 of Sec 20, T 13S, R 31E, WM.

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 R. for irrigation of a certain 19.2 ac in NW 1/4 NE 1/4 & 8.5 ac in SW 1/4 NW 1/4 of Sec 25, T 13S, R 30E, WM, 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 ft S & 530 ft E from the NW Corner of Sec 25, being within the NW 1/4 NW 1/4 of Sec 25, T 13S, R 30E, WM.

By transfer application No. 4224, the applicant proposes to establish additional points of diversion located (A) 820 ft S & 240 ft W from the NW Corner of Sec 25, being within the NE 1/4 NE 1/4 of Sec 26, T 13S R 30E, WM, for irrigation of said 8.0 ac in NE 1/4 NE 1/4 of Sec 26; and (B) 870 ft S & 220 ft W from the NW corner of Sec 25, being within the NE 1/4 NE 1/4 of said Sec 26, and to maintain said pumping site as located above for irrigation of said 19.2 ac in NW 1/4 NW 1/4 & 8.5 ac in SW 1/4 of NW 1/4 of Sec 25.

Public Notices

The certificate recorded at page 25533, Volume 17 of said record, in the name of Alice Mac McKenna, describes a right which includes the use of water from John Day R., for irrigation of a certain 15.7 ac in NW 1/4 NE 1/4 of Sec 26, T 13S, R 30E, WM, with a date of priority of 1873.

The certificate recorded at page 25228 of said volume, in the name of George & Ralph Gilbert, describes a right for the use of water from John Day R. for irrigation of a certain 25.4 ac in NE 1/4 NE 1/4 of Sec 26, T 13S, R 30E, WM, with a date of priority of 1872.

The certificate recorded at page 33252, Volume 25 of said record, in the name of J.J. Moura, describes a right which includes the use of water from John Day R. for irrigation of a certain 12.3 ac in SW 1/4 SE 1/4, 10.3 ac in SE 1/4 SE 1/4 of Sec 23, & 7.0 ac in NW 1/4 NW 1/4 of Sec 25, T 13S, R 30E, WM, with a date of priority of 1873.

The authorized point of diversion of record for said rights described by certificates 25533, 25228 & 33252 is located 380 ft S & 1600 ft E from the NW Corner of Sec 25, being within the NE 1/4 NW 1/4 of Sec 25, T 13S, R 30E, WM (Panama Ditch).

By transfer application No. 4225, the applicant proposes to change the point of diversion therefrom to a point located 820 ft S & 240 ft W from the NW Corner of Sec 25, being within the NE 1/4 NE 1/4 of Sec 26, T 13S, R 30E, WM, for irrigation of all said lands described by certificates 25533, 25228, & 33252 and to establish an additional p.o.d. at the existing p.o.d. for Panama Ditch located 520 ft S & 2080 ft E from the NW Corner of Sec 25, being within the NE 1/4 NW 1/4 of Sec 25, T 13S, R 30E, WM, for irrigation of said 12.3 ac in SW 1/4 SE 1/4 & 10.3 ac in SE 1/4 SE 1/4 of Sec 23.

Pursuant to ORS 540.520 (2), a hearing is scheduled for 9:30 a.m. on Wednesday, April 9, 1980, at the Grant County Courthouse, Canyon City, Oregon. Any objection to the proposed changes must be prepared in writing: one copy to be served on the applicant at West Highway, John Day, Or 97845; and one copy filed in the office of the Water Resources Director, Salem, OR 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. Rules for filing objections will be furnished upon request. IF NO OBJECTIONS ARE FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING.

Dated at Salem, Oregon this 6th day of February, 1980.

JAMES E. SEXSON,

Director

Public Notices

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Grant

SS.

I, Ted Becher, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, principal clerk of THE BLUE MOUNTAIN EAGLE, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at John Day, in the aforesaid county and state; that

the notice of water right transfer application numbers 4224 and 4225

_____, 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: _____

ok

February 14, 21 and 28, 1980

Ted Becher

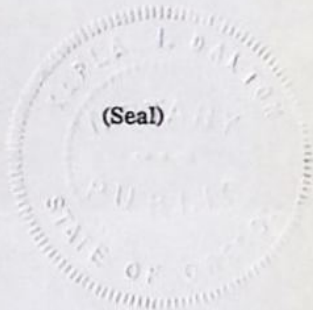
Subscribed and sworn to before me this 21st day of March, 1980.

Karla J. Dalton
Notary Public for Oregon

My commission expires Feb. 1, 1983

Cost of this publication was \$ 69.33

OK
3026





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

Grant County

In the Matter of the Determination of the Relative Rights
to the Waters of JOHN DAY RIVER and its Tributaries,
a Tributary of Columbia River.

STATEMENT AND PROOF OF CLAIM

#1

(The claimant must submit separate proof as to each ditch through which a water right is claimed.)

I, the undersigned, of John Day, Oregon, being called as a witness
in support of this statement of claim, and being first duly sworn, testify as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of
incorporation and the authority by which you make this proof.

A.—Alice Mae McLenna, John Day, Oregon; not a corporation.
(Earl B. Moore, Agt.)
(If this proof is made by you as agent, or attorney, the written
authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof?
If from a tributary, give its name.

A.—From the John Day River proper.

3. Q.—What is the nature of the right or use on which this claim to the waters of said
stream is based?

A.—Irrigation only.
(Irrigation, power, mining, domestic, stock, etc.)

4. Q.—How was such right initiated, or upon what is it based?

A.—Appropriation, diversion and use.
(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.—1873.

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said
right? Answer fully, attaching separate sheet if necessary.

A.—The ditch built by my Father David W. Jenkins and the
water taken out and applied to beneficial use.

7. Q.—When was water first used for irrigation, or other beneficial purposes?

A.—1873.

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most
commonly known, if a ditch is used.

A.—For irrigation by the use of ditches; ditch has no name.

9. Q.—State the interest claimant has in such ditch, with the names of any other water users
interested therein.

A.—I was the sole owner of said ditch. This ditch was ab-
andoned and the right of way given to the Panama and I take water
from the Panama, paying them \$10.00 rental per year, but I claim my
right from the date of the old ditch in 1873.

[Proof No. 857]

RECEIVED

JUN 7 1979

WATER RESOURCES DEPT.
SALEM, OREGON

- A.—Width (top) 10 feet; width (bottom) 8 feet;
depth 2 feet; grade, or fall in feet per 1,000 feet. 1 feet.

- First enlargement—Width (top)feet; width (bottom)feet;
depthfeet; grade, or fall per 1,000 feet,feet.

- Second enlargement—Width (top) feet; width (bottom) feet;
depth feet; grade, or fall per 1,000 feet, feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate. A.—23 acres.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year. A.—..... See Ques. 13.

16. Q.—How many acres were irrigated each subsequent year up to and including the present year? A.—..... See Ques. 13.

- A. — See Ques. 13.

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A.—

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
13	30	26		✓ 157			✓ 7.3											

A. — March 1st to November 1st.

21. Q.—What amount of water do you estimate is necessary for the proper irrigation of the lands which you are irrigating or propose to irrigate, or for any other purpose for which a right is claimed?

A. — 2 inches per acre or its equivalent in acre feet.

22. Q.—Do you accept the maps prepared by the State Engineer as showing correctly the location of said ditch and the lands irrigated therefrom?

NOTE—In case there is objection to the official plat or a part thereof the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the State Engineer a map covering the part objected to, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen preferably on a scale of four inches to the mile (20 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated. Such map should correspond in size to legal cap paper so as to be easily filed with the claim.

A. — Yes, except that the areas designated as brush is irrigated for pasture.

23. Q.—If water is used for power, state the total fall utilized and the theoretical (not actual) horsepower developed.

NOTE—Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 8.8 (one cubic foot per second falling 8.8 feet equals one theoretical horsepower).

A. —

24. Q.—Describe the nature of the works by which the power is developed, the place where located, and state whether the water is returned to the stream after use and at what point.

A. —

25. Q.—If for mining purposes, describe the location and character of the mines to be served and state whether after use the water is returned to the stream and at what point.

A. —

26. Q.—If water is used for mining or power purposes, state whether there are any diversions between the point of your diversion and the return of such water to the stream.

A. —

27. Q.—Give description of your land as it appears in your deed. (Attach separate sheet if necessary.)

A. — Beginning: 24 rods South of the N. W. Corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 26, Twp. 13 S. R. 30, E., W. 1; thence S. 136 rods to the S. W. Corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Sec. 26; thence West to a point 448.5 ft. East of the S. E. Corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 26; thence North 1033 ft; thence East 178.5 ft; thence North 74 rods; thence East 122 rods to place of beginning.

28. Q.—What interest have you in the lands irrigated or place where the water is used?

A. — ☒ I am the owner in fee.

29. Q.—What additional evidence have you attached hereto or submitted herewith?

A. ☒ None.

(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own should attach to its proof a complete list of the persons owning the lands so supplied with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit should be attached to this proof and marked for identification as exhibit "A," "B," "C," etc.)

I hereby certify upon oath that the foregoing statement and answers are true as I ver-
believe.

Alice Mae McKenna
Signature of Claimant, or Agent Making Proof

Subscribed and sworn to before me this 20th day of July, 1927

Edward M. Moore
Notary Public for Oregon.

[or]
My commission expires July 29
1927.

AUTHORIZATION OF AGENT

I, ALICE MAE MCKENNA, of John Day,
State of Oregon, do hereby make and appoint EARL D. MOORE,
of John Day, Oregon, my agent
and attorney for me and in my name, place and stead, to make and submit the within Statement
and Proof of Claim.*

And I hereby designate said agent as the proper party upon whom lawful and valid service
may be made of all process and notices in any contest commenced by or against me, in the within
entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as
my true and lawful agent and attorney, giving and granting unto my said attorney full power and
authority to do and perform all and every act necessary and requisite to be done in the premises
as fully as I might or could do if personally present, hereby ratifying and confirming all my said
agent shall lawfully do by virtue of this power.

Alice Mae McKenna
Signature of Claimant.

* Claimant should cross out the second paragraph of the Authorization if he does not desire the agent to appear for
him in the proceeding after the filing of this claim.

Filed, July 22 1927

Fees paid:

Irrigation acres, \$.....

Power, H. P., \$.....

Other use, \$.....

Recording certificates, .. \$.....

Total, \$.....

Receipt No.

Earl D. Moore
State Engineer.

(See other Claim)

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. J. MOURA

of John Day, State of Oregon 97845, has
a right to the use of the waters of
John Day River

a tributary of Columbia River for the purpose of
irrigation of 12.0 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1873;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40th 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 per season, measured at point of diversion

The point of diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, T. 13 S., R. 30 E., W.M.; Panama Ditch: 380 feet South and 1600 feet East from NW Corner, Section 25.

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

12.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 26
T. 13 S., R. 30 E., W.M.

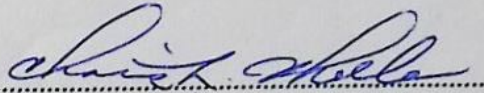
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 33252, Volume 25, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on July 9, 1980, approving transfer application No. 4225.

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

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date October 28, 1980.


Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43, page 49674

ATTACHMENT

Vol. 10, P. 555

C - 33252 priority date 1873
J.J. Moura (was C-25596)

7.0 ac. in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25
New POD A
12.3 ac. in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23
10.3 ac. in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23
Panama Ditch and additional POD A

Vol. 10, P. 556

C-25533 priority date 1873
McKenna, Alice Mae

15.7 ac. in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26
New POD A

Vol. 10, P. 559

C-25228 priority date 1872
Gilbert, George & Ralph
tenants in common

25.4 ac. in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 26
New POD A

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

RECEIVED
MAY 21 1979
WATER RESOURCES DEPT.
SALEM, OREGON