

Name Edward Zedwick

4231

DESCRIPTION OF WATER RIGHT

By _____

Address Box 65

Dayville, OR 97825

Change in POD

Date filed May 30, 1979

Date of hearing Sept. 6, 1979

Place of hearing Canyon City

Date of order 9-17-79 Vol. 32, page 391

Date for application of water complete

Proof mailed _____

Proof received _____

Certificate issued JAN 01 1980 Vol. 42, page 48871

OCT 26 1987 52 56478

to survey 9/79

Name of stream South Fork John Day River

Trib. of _____ County of Grant

Use irrigation

Quantity of water _____ No. of acres 3.0

Name of ditch Dayville

Date of priority Jan. 11, 1897

In name of Gaynor Martin

John Day River Adjudication, Vol. 10, page 550

App. No. _____ Per. No. _____ Cert. No. 25491

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>5-30-79</u>	<u>85-</u>	<u>11175</u>
TOTAL . . .		
	<u>0</u> Cert. Fee	

Blue Mt. Eagle \$29.25 pd 8/10/79 ch# 3579

FEES REFUNDED

Date	Amount	Check No.
<u>8-10-79</u>	<u>20.75</u>	<u>3580</u>

EX 20-
POD 15-
CERT 2-
PON 29.25
64.25

REMARKS

W.R.I.S.

Assembled 7-3-89 by SRB

Entered _____ by _____

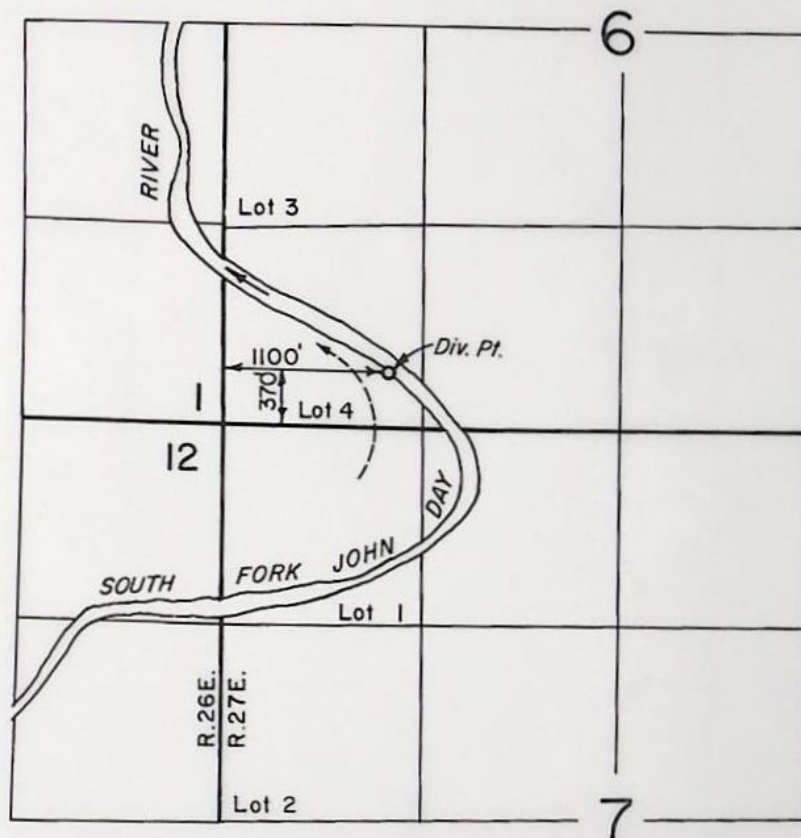
Verified _____ by _____

INDEX CARDS:

	Entered	Checked
Name	<u>leg</u>	
Stream	<u>leg</u>	
Pt. of Div.	<u>leg</u>	
Calendar	<u>leg</u>	
Twp. & Rge.	<u>SRB</u>	
Decree-vault	<u>WIP</u>	
Decree-safe	<u>leg</u>	
Cert. of W/R	<u>leg</u>	
Per. Folder	<u>leg</u>	
Chainindex		
Cross Ref.		
Power Claim		
Abstracts	<u>leg</u>	

TO BE ENTERED WHERE CHECKED

T.13S., R.26&27E., W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER NO. 4231

IN NAME OF

EDWARD ZEDWICK

Surveyed OCT. 1, 1981, by *al Brown*



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

This certificated water right is appurtenant to the specific place of use where it was established and belongs to the legal owner of the land.

The right exists only for the amount of water needed for the specific use and place of use described in the water right document.

To change the place of use, point of diversion, or type of use of the water, an application must be filed with the Water Resources Director for approval of the proposed change.

Any portion of this water right is forfeited if allowed to go unused for five or more consecutive years. Also, the right may be lost at any time by an intentional act by the owner that would make the right unusable.

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

EDWARD ZEDWICK

of Box 65, Dayville, State of OR 97825, has
a right to the use of the waters of South Fork John Day River

a tributary of irrigation of 3.0 acres for the purpose of

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 January 11, 1897

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 1/40 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, if *

The point of diversion is located in the Lot 4 (SW 1/4 SW 1/4), Section 6, T13S, R27E, WM; 370 feet North and 1100 feet East from the SW corner Section 6.

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

* available at the original point of diversion; SW 1/4 NE 1/4, Section 12, T13S, R26E, W.M.

3.0 acres Lot 4 (SW 1/4 SW 1/4)
Section 6
Township 13 South, Range 27 East, WM

This certificate is issued to confirm a change in point of diversion approved by an order of the Water Resources Director entered September 17, 1979, and together with certificate of water right recorded at page 48871, Volume 42, State Record of Water Right Certificates, supersedes certificate 25491.

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.

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 26, 1987.

William H. Young
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 52, page 56478

2

Surveyed June 10 and 11, 1925.

1. Robert Irving
2. David A. Wisner
3. Geo M^{rs} Arthur
4. Mrs. Geo. Kidd
5. Alex. Murray
6. Sam Lofton
7. Kellogg A. Snow
8. E. C. Chinouth
9. O. R. Mascall
10. Clara Murray
11. P. A. Snyder
12. K. Murray
13. C. L. Jones
14. W. L. Greenwell
15. P. Trosper
16. P. Trosper
17. P. Trosper
18. June Ingersol
19. Hiram Munjar

20. Wm. Wyllie
21. John M^{rs} Gillvary
22. Geo. Snyder
23. M. E. Glover
24. W. Stone Jr.
25. Stewart L. S. Co.
26. Whitfield Stone
27. Stewart L. S. Co.
28. Ed. Lucas
29. J. E. Snow
30. J. E. Snow
31. J. E. Snow

11

Surveyed July 1, 1925

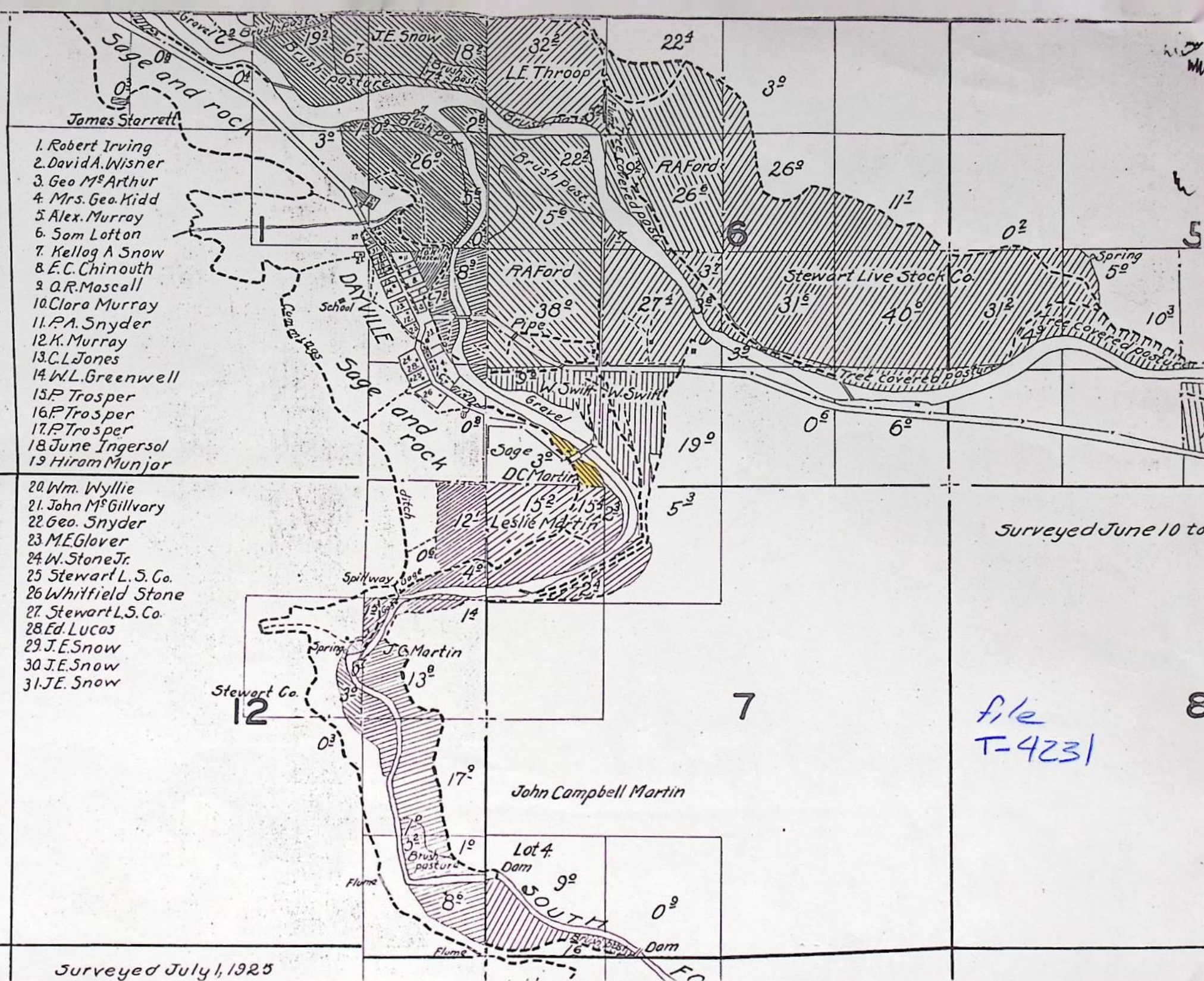
12

7

Surveyed June 10 to

file
T-4231

8



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

POD
POU
USE
Add'l POD

Transfer NO. 4231

County Grant

Old Certificate NO. 25491

1. Name Edward Zednick
Address Box 65, Dayville, Or 97825
2. Source of Supply South Fork John Day River, Trib of _____
3. Use irrigation
4. Amount of Water 1/40th cfs/ac till 6-1
1/80th cfs/ac thereafter Priority Date Jan 11, 1997
5. Proposed Point of Diversion 330' N + 1250' E from SW Cor of
Sec 6, w/in SW⁴SW⁴, Sec 6, T 13S, R 27E, W.M.
6. Completion Date complete
7. Place of Use: _____

Township	Range	Section	Forty Acre Tract	Use for Which Transfer Made
				3 hp @ 3500
				CDP Cornell
				Model 1/4 - 3-2
				1 1/2" x 1 1/4"

Photo G5-7
10-1-81
SC Brown

10-1-81

info: Leasee

Source: South Fork John Day River

Use: irrigation

Crop: Lawn & Garden

Pump: 3 hp Unknown @ 3500 RPM
Cornell CPP 1 1/2" + 1

Pipe: 800 ft - 3" ALUM

heads: 18 - RB Various 1/8" x 0, 1/64" x 0, 5/32" x 0
& two lawn sprinklers

lift: suction: 5 ft

discharge: 10 ft

Re Photo G15-7

ABW
F.E.

RECEIVED

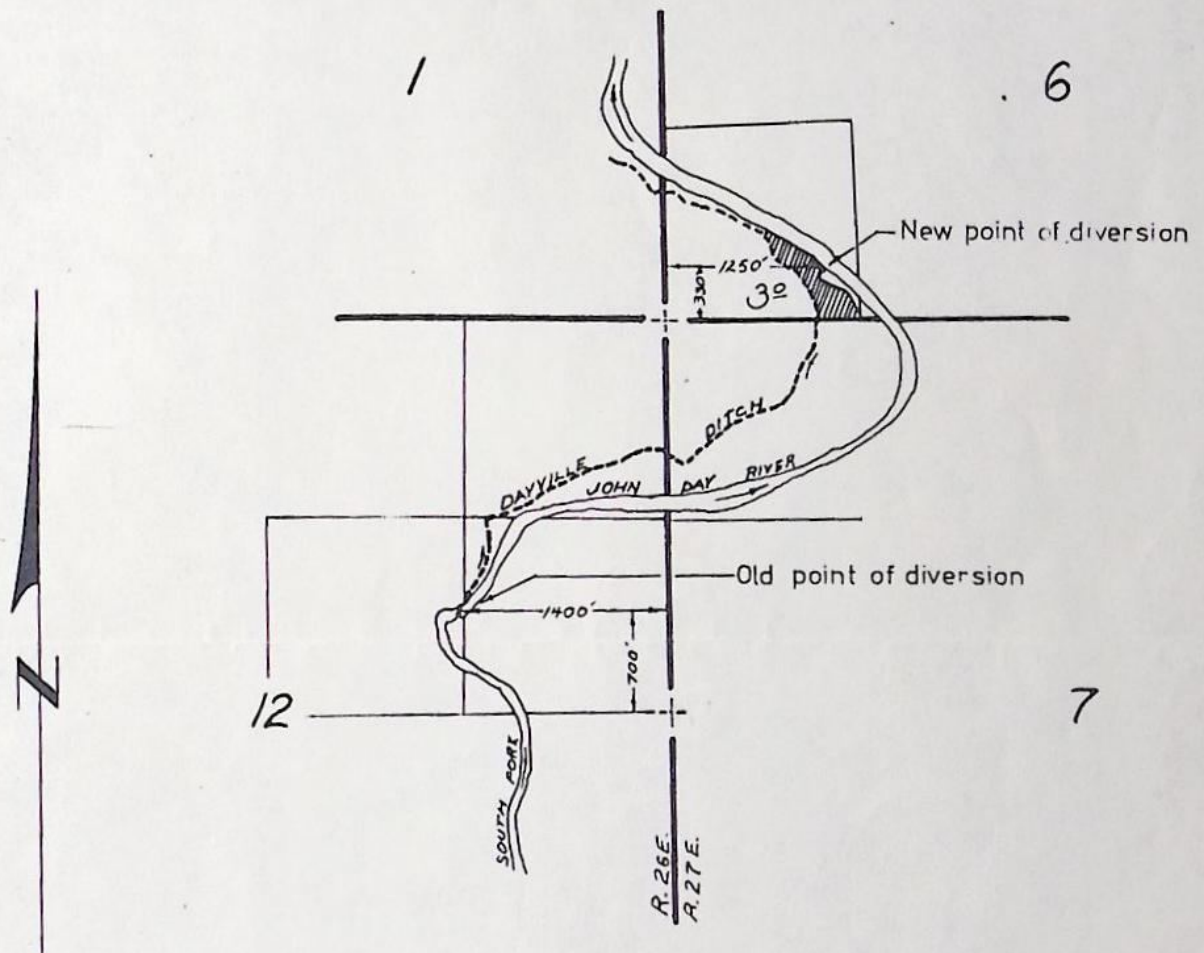
JUL - 2 1979

WATER RESOURCES DEPT
SALEM, OREGON

T. 13 S., R. 26 & 27 E., W.M.

REVISED TRANSFER APPLICATION MAP FOR
EDWARD ZEDWICK (Application for a change in
point of diversion)

SCALE: 4" = 1 mile



APPROVED

Edward Zedwick

THIS MAP PREPARED BY:

Reedrick Lee Allen

FROM INFORMATION FURNISHED BY
THE APPLICANT.

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

GAYNOR E. B. CAMPBELL - MARTIN

of Dayville, State of Oregon 97825, has
a right to the use of the waters of South Fork John Day River and spring

a tributary of John Day River for the purpose of
irrigation of 1.5 acres, domestic and stock

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from January 11, 1897

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 one-fortieth cubic foot per second per acre irrigated to June 1 and one-eightieth 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, measured at point of diversion

The point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, T. 13 S., R. 26 E., W.M.; Dayville Ditch - 700 feet North and 1400 feet West from the E $\frac{1}{4}$ Corner, Section 12, (spring is near the line between the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11 T. 13 S., R. 26 E., W.M.)

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

1.5 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 12
T. 13 S., R. 26 E., W.M.

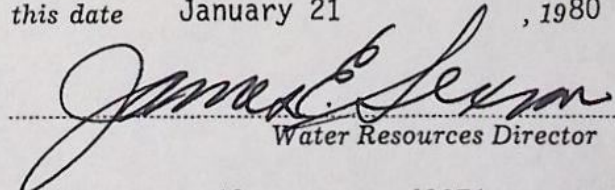
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 25491, Volume 17, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on September 17, 1979, approving transfer application 4231.

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 January 21, 1980.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 42, page 48871

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF EDWARD ZEDWICK FOR APPROVAL)
OF A CHANGE IN POINT OF)
DIVERSION OF WATER _ _ _ _ _)

ORDER APPROVING
TRANSFER NO. 4231

On May 30, 1979, an application was filed in the office of the Water Resources Director by Edward Zedwick for approval of a change in point of diversion from South Fork John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 25491, Volume 17, State Record of Water Right Certificates, in the name of Gaynor E.B. Campbell-Martin, describes a right which includes the use of not to exceed 1/40th cubic foot per second per acre irrigated to June 1 and 1/80th 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, measured at point of diversion, for irrigation of a certain 3.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, Township 13 South, Range 27 East, W. M., with a date of priority of January 11, 1897.

Water for the said right is diverted, through the Dayville Ditch, from a point located 700 feet North and 1400 feet West from the E $\frac{1}{4}$ Corner of Section 12, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 13 South, Range 26 East, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 330 feet North and 1250 feet East from the Southwest Corner of Section 6, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, Township 13 South, Range 27 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 July 12, 19, and 26, 1979.

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

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

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

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

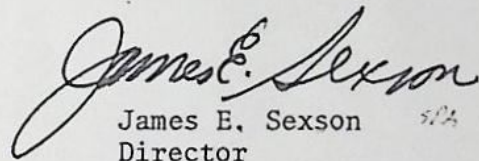
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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

It is FURTHER ORDERED that the certificate of water right recorded at page 25491, Volume 17, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 17th day of September, 1979


James E. Sexson
Director

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4231

The Water Resources Director has received and filed an application by Edward Zedwick for approval, without loss of priority, of a change in point of diversion of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 25491, Volume 17, State Record of Water Right Certificates, in the name of Gaynor E.B. Campbell-Martin, and is for the use of water from South Fork John Day River, under a priority date of January 11, 1897, for irrigation of a certain 3.0 ac in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 6, T 13S, R 27E, WM.

The authorized point of diversion is located 700 ft N & 1400 ft W from the E $\frac{1}{4}$ Corner of Sec 12, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 12, T 13S, R 26E, WM (Dayville Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 330 ft N & 1250 ft E from the SW Corner of Sec 6, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 6, T 13S, R 27E, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, September 6, 1979, at the Grant County Courthouse, Canyon City, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicant at Box 65, Dayville, OR 97825; 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 July, 1979.

James E. Sexson, Director

RECEIVED

JUL - 2 1979

T-4231

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

MAY 30 1979

WATER RESOURCES DEPT.
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

Edward Zedwick

(Name of applicant)

of Box 65

(Mailing address)

Dayville

(City)

State of Oregon

97825

(Zip Code)

987-2183

(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 Gaynor Martin

(If not, give name)

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

(Yes or No)

John Day River Adjudication Vol. 10, P. 550

25491

number of certificate

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 South Fork John Day River

5. What is the date of priority of your water right? Jan. 11 1897

6. The authorized point of diversion is located 700 ft. N and 1400 ft. W from the E $\frac{1}{4}$ corner of

(N. or S.)

(E. or W.)

Section 12

being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12 Tp. 13 S. R. 26 E. W. M.,

(No. N. or S.)

(No. E. or W.)

in the county of Grant Dayville

The name of the ditch used is

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

7. The proposed point of diversion is located 330 ft. N and 1250 ft. E from the SW

(N. or S.)

(E. or W.)

Sec 6

SW SW

6

13S

27E

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 Grant

The name of the ditch to be used is

Irrigation

8. The use to which the water is applied is _____
(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
13 S	27 E	6	SW SW	3.0

(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 ¼-¼ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

RECEIVED

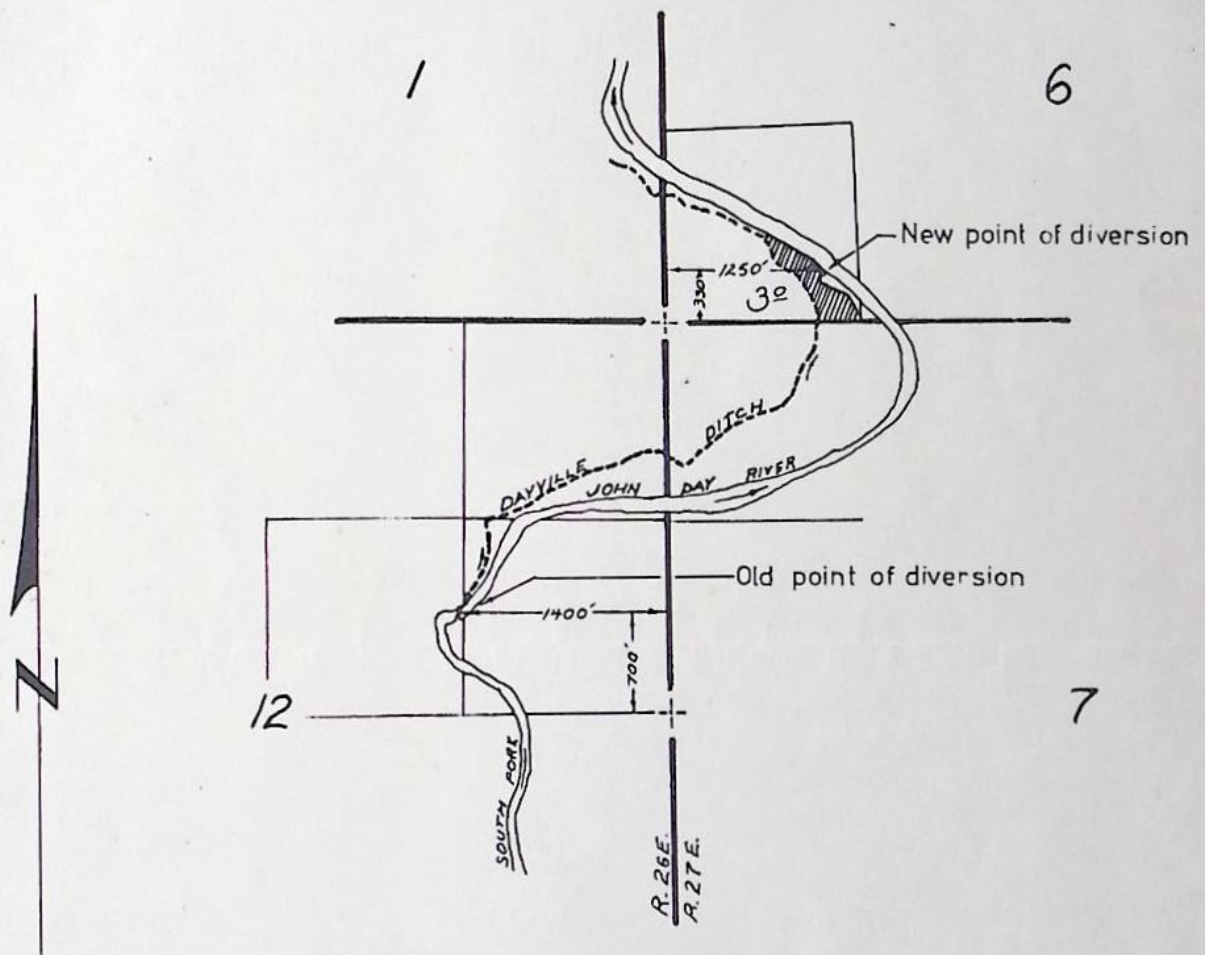
JUL - 2 1979

WATER RESOURCES DEPT
SALEM, OREGON

T. 13 S., R. 26 & 27 E., W.M.

REVISED TRANSFER APPLICATION MAP FOR
EDWARD ZEDWICK (Application for a change in
point of diversion)

SCALE: 4" = 1 mile



APPROVED Edward Zedwick

THIS MAP PREPARED BY:

Reedrick Lee Allen

FROM INFORMATION FURNISHED BY
THE APPLICANT.

14. Reasons for the proposed changes are Ditch is not used and in a state of
disrepair - more efficient and easier to take water from river

15. Construction work will be completed on or before Completed

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

Remarks Tax Lot 800 on attached assessor map

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, Edward Zedwich, 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 25 day of May, 1979.

Edward Zedwich
(Name of applicant)

Subscribed and sworn to before me this 25 day of May, 1979.

[Notarial Seal]



J. J. Shofner
NOTARY PUBLIC FOR OREGON
My commission expires 4-6-82



STATE OF OREGON

RECEIVED

JUL 30 1979

WATER RESOURCES DEPT
SALEM, OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 7/9, 1979.

FROM: ** Jerry Rodgers, Watermaster

SUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4231

IN THE NAME OF Edward Zedwick

In my opinion the proposed change in point of diversion from S. Fk. 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 _____

**

J.R.
Watermaster's signature or initials

AFFIDAVIT OF PUBLICATION

STATE OF OREGON

County of Grant

ss.

I, W. Bruce Anderson, 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 number 4231

, 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:

July 12, 19 and 26, 1979 *ok*

W. Bruce Anderson

Subscribed and sworn to before me this 26th day of July, 1979.

Karla J. Dalton
Notary Public for Oregon

My commission expires Feb. 1, 1983

Cost of this publication was \$ 29.25

(Seal)



RECEIVED

JUL 30 1979

WATER RESOURCES DEPT
SALEM, OREGON

Public Notices

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4231

The Water Resources Director has received and filed an application by Edward Zedwick for approval, without loss of priority, of a change in point of diversion of water under a certain water right.

The affected water right is a portion of the right described by the certificate recorded at page 25491, Volume 17, State Record of water Right Certificates, in the name of Gaynor E. B. Campbell-Martin, and is for the use of water from South Fork John Day River, under a priority date of January 11, 1897, for irrigation of a certain 3.0 ac in SW 1/4 SW 1/4 of Sec 6, T 13S, R 27E, WM.

The authorized point of diversion is located 700 ft N & 1400 ft W from the E 1/4 Corner of Sec 12, being within the SW 1/4 NE 1/4 of Sec 12, T 13S, R 26E, WM (Dayville Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 330 ft N & 1250 ft E from the SW Corner of Sec 6, being within the SW 1/4 SW 1/4 of Sec 6, T 13S, R 27E, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, September 6, 1979, at the Grant County Courthouse, Canyon City, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicant at Box 65, Dayville, OR 97825; 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 July, 1979.

JAMES E. SEXSON, Director
28-30 *ok*



Water Resources Department
GRANT COUNTY COURTHOUSE

P.O. BOX 261, CANYON CITY, OREGON 97820 PHONE 575-0119

RECEIVED

JUL - 2 1979

WATER RESOURCES DEPT
SALEM, OREGON

June 13, 1979

Edward Zedwick
Box 65
Dayville, Oregon 97825

(Over)

Dear Mr. Zedwick:

Enclosed please find four copies of a revised transfer application map which I have prepared for you. Also, I have enclosed your original transfer application map which I attempted to correct, but decided to redraw. Also, I have enclosed your transfer application, corrected to reflect the change on the map of the original point of diversion, and I have enclosed the letter and map which Wayne Overcash sent to you.

Please look over the maps and application carefully, and see if they show correctly the original point of diversion as shown on the map sent to you by Wayne Overcash, and see if the new maps indicate your true intent in the transfer. If they show your true intent, and are all correct, then sign all four copies of the new map, and mail them together with the corrected application, to:

Wayne J. Overcash
Water Rights Engineer
Water Resources Department
555 13th Street N.E.
Salem, Oregon 97310

If you write them a letter, be sure to refer to file No. T-4231

If there are any errors in the new maps, or if we may be of any further assistance to you, don't hesitate to call.

Sincerely,

Rod Allen

Rod Allen
Watermaster's Office, Dist. #4

RLA:rla
Enc: 9

P.S. I also enclosed your receipt from Salem for your filing fee, which you left with me.

(File No. T-4231)

Gentlemen:

I'll pass this letter on to you
so that you'll know the reason
for the new maps.

Edward Zedwich



Water Resources Department

MILL CREEK OFFICE PARK

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

PHONE 378-3066

June 4, 1979

Edward Zedwick
Box 65
Dayville, Oregon 97825

RE: File No. T-4231

Dear Mr. Zedwick:

Your water right transfer application for approval of a change in point of diversion of water from South Fork John Day River, together with supporting maps and fees of \$85, was received May 30, 1979. Our receipt No. 11175 is enclosed.

Will you please review the location of the present authorized point of diversion for the water right involved? According to the map made in connection with the John Day River adjudication, the present authorized point of diversion would be located upstream from the old point of diversion shown on your supporting map at a point 700 feet N and 1400 feet W from the E $\frac{1}{4}$ Corner of Section 12, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, T 13S, R 26E, W.M. A print of a portion of the John Day River adjudication map is enclosed.

Unless you have evidence indicating that the adjudication map is in error in showing the point of diversion for the Dayville Ditch, it will be necessary for you to correct your supporting map and item No. 6 on the application by showing and entering the location as given above.

I am enclosing your application and map. Please refer any correspondence to file No. T-4231.

Sincerely,

Wayne J. Overcash
Water Rights Engineer

WJO:lcj
cc: Jerry Rodgers, Watermaster

JERRY: Please send a copy of the claim (Proof #813) submitted in the name of Martin, E.B. Campbell during the John Day River adjudication. The right is now described by certificate 25491.

WJO

BEFORE THE STATE ENGINEER OF OREGON

RECEIVED
JUN 8 1979
WATER RESOURCES DEPT.
SALEM, OREGON

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

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

I, the undersigned, of _____ Dayville _____, 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.— John Campbell-Martin, Dayville, Oregon.

(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.— South Fork John Day River & spring near the line between the SW $\frac{1}{4}$ SE $\frac{1}{4}$
and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 11, T. 13 S. R. 26 E.W.M.

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 and domestic use including Stock Water, and Municipal Supply
for the City of Dayville, including Domestic use, Stock Water, Fire protection, etc.

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

A.— by recording notice of appropriation and by appropriating and
using water. (Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— Jan. 11, 1897

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.— by constructing dam and ditch and using the water.

By constructing dam and ditches and appropriating the water.

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

A.— 1898

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.— by means of dam and ditches known as the Dayville Ditch.

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

A.— owner.

813

[Proof No.]

[illegible]

crops stated.
A. — Sandy loam with gravelly subsoil. Alfalfa, grain, orchards, garden crops, potatoes, etc.

20. Q.—When does the irrigating season begin and when does it end, and if water is used for other purposes, during what months is it used?

A. — March 1st to September 30th Water used for irrigation and domestic use and for municipal purposes the entire year.

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?

5 acre feet for irrigation, and 5 second feet for municipal wa er supply
A. / for Dayville.

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.

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. — about 3 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 6, T. 13 S. R. 27 E.

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

A. Owner of land irrigated. Have no interest in land in Dayville that is irrigated.

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

A. — None See Correspondence - 1-23-28.

(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 verily believe.

John Campbell Martin
Signature of Claimant, or Agent Making Proof.

Subscribed and sworn to before me this 25th day of June, 1927.

Robert J. Simpson
[or] State Engineer.

Notary Public for Oregon.

My commission expires Apr. 26, 1931

AUTHORIZATION OF AGENT

I, _____, of _____,
State of _____, do hereby make and appoint _____
_____, of _____, 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.

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, June 29, 1927.

Fees paid:

Irrigation	4.5	acres,	\$	2.50
Power,		H. P.,	\$	
Other use,			\$	9.00
Recording certificates,			\$	1.00
				12.50
Total,			\$	

Receipt No. 5852

Oliver Luper
State Engineer.

M

RECEIVED
MAY 30 1979
WATER RESOURCES DEPT.
SALEM, OREGON

SEE MAP 13 27 6

ZEDWICK
PROPERTY

RIVER BED

SEE MAP 13 27 7

T-4231

13 27 6CC