

4285 Allen

Name Warren & Leila Allen

By _____

Address 611 NW Bridge St.John Day, OR 97845Change in PODDate filed August 23, 1979Date of hearing Nov 29, 1979Place of hearing Canyon CityDate of order 12-4-79 Vol. 32, page 569Date for application of water complete

Proof mailed _____

Proof received FEB 1 1980Certificate issued Vol. 42, page 48957FEB 9 1989to survey 12/79

REMARKS

John Day, N. maps p. 118 A— finish —

4285

DESCRIPTION OF WATER RIGHT

Name of stream John Day RiverTrib. of _____ County of GrantUse irrigationQuantity of water _____ No. of acres 0.34Name of ditch Timms DitchDate of priority 1892In name of W. L. AllenJohn Day River Adjudication, Vol. 10, page 539App. No. _____ Per. No. _____ Cert. No. 25911

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
8-23-79	35-	13607
9-26-79	50-	14244
TOTAL . . .		
	Cert. Fee	

Blue Mt. Eagle 34.12 pd 11/14/79 ck # 3867

FEES REFUNDED

Date	Amount	Check No.
11-14-79	15.86	3868

Ex 20-
POD 15-
POD 34.12
69.12

INDEX CARDS: Entered Checked

TO BE ENTERED WHERE CHECKED	✓	Name	<u>leg</u>	_____
	✓	Stream	<u>leg</u>	_____
	✓	Pt. of Div.	<u>leg</u>	_____
	✓	Calendar	<u>leg</u>	_____
	✓	Twp. & Rge.	<u>SPB</u>	_____
	✓	Decease-vault	<u>SPB</u>	_____
	✓	Decease-safe	<u>SPB</u>	_____
	✓	Cert. of W/R	<u>SPB</u>	_____
	_____	Per. Folder	_____	_____
	_____	Chainindex	_____	_____
	_____	Cross Ref.	_____	_____
	_____	Power Claim	_____	_____
	✓	Abstracts	<u>leg</u>	_____

W.R.I.S.

Assembled 7-2-84 by SPB

Entered _____ by _____

Verified _____ by _____

POD

POU

USE

Transfer NO. 4285

County GRANT

Old Certificate NO. 25411

1. Name Warren & Leila Allen

Address 611 NW Bridge St, John Day, OR 97845

2. Source of Supply John Day River, Trib of

3. Use irrigation

4. Amount of Water _____ Priority Date 1892

5. Proposed Point of Diversion 324' N & 460' E from SW Cor of NE $\frac{1}{4}$ SW $\frac{1}{4}$, being within
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 23, T 13S, R 31E, WM.

6. Completion Date COMPLETED

8. Place of Use:

[illegible]

June 12, 1980

INFO: Mrs. Allen

Source: John Day River

Use: irrigation

Crop: Lawn & Garden

Pump: A O Smith $\frac{3}{4}$ hp @ 3450
Sears CDD 2" x 2"

Pipe: 2" plastic, garden hose

heads: 4 - lawn Sprinkler nozz

lift: suction 10 ft discharge 70

tie: inspection

Hyatt Bunn
FIELD ENGINEER

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF WARREN & LEILA ALLEN FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER _ _ _ _ _)

ORDER APPROVING
TRANSFER NO. 4285

On August 23, 1979, an application was filed in the office of the Water Resources Director by Warren and Leila Allen for approval of a change in point of diversion from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 25411, Volume 17, State Record of Water Right Certificates, in the name of W. L. Keizur, describes a right which includes the use of water from John Day River for irrigation of a certain 0.34 acre in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 13 South, Range 31 East, W. M., with a date of priority of 1892.

Water for the said right is diverted, through the Timms Ditch, from a point located 500 feet South and 300 feet East from the Southeast Corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 13 South, Range 31 East, W. M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom without loss of priority to a point located 324 feet North and 460 feet East from the Southwest Corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 13 South, Range 31 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 October 4, 11, and 18, 1979.

Mr. Jerry S. 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, and shall not exceed 1/40th cubic foot per second per acre irrigated from April 1 to September 30; further limited to 1 acre foot per acre per calendar month to July 1 and 3/4th acre foot per acre thereafter; total of 5 acre feet per acre for season, measured at point of diversion.

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;

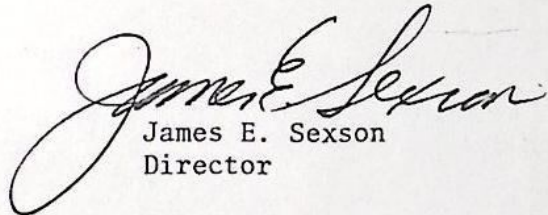
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 25411, 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 applicants herein.

Dated at Salem, Oregon this 4th day of December, 1979.


James E. Sexson
Director

SR

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

W. L. KEIZUR

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 2.26 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 1892

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 from April 1 to September 30; further limited to one acre foot per acre per calendar month to July 1 and three-fourths acre foot per acre thereafter; total five acre feet per acre for season, measured at point of diversion

The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, T. 13 S., R. 31 E., W.M.; 500 feet South and 300 feet East from SE Corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23

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

2.26 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 23
T. 13 S., R. 31 E., W.M.

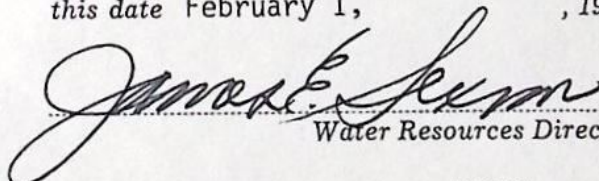
This certificate describes that portion of the water right confirmed by the prior certificate recorded at Page 25411, Volume 17, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on December 4, 1979, approving transfer application No. 4285.

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 February 1, 1980.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 42, page 48957

CERTIFICATE OF WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON,

County of } ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume
of Record of Water Right Certificates, at
Page, on the day
of, 19.....

County Clerk.

SP*32934-690

T-4285
RECEIVED
AUG 23 1979
WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Warren & Leila Allen (Name of applicant)
of 611 NW Bridge St. (Mailing address), John Day (City),
State of Oregon (Zip Code) 97845, 575-0261 (Phone number), do hereby make application for change

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 W.L. Keizur (If not, give name)
2. Was your water right determined by Decree of Court? Yes If so, give title of proceedings
John Day River Adjudication number of certificate 25411
3. Was your water right acquired by Water Right Permit? No If so, give number
of permit 25411 Number of certificate 25411

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? 1892
6. The authorized point of diversion is located 500 ft. S and 300 ft. E from the SE corner of NE 1/4 SW 1/4 being within the SW 1/4 SE 1/4 of Section 23 Tp. 13S R. 31E W. M., in the county of Grant The name of the ditch used is Timms (see remarks)

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

7. The proposed point of diversion is located 324 ft. N. and 460 ft. E. from the SW corner of NE 1/4 SW 1/4 being within the NE 1/4 SW 1/4 of Section 23 Tp. 13 S. R. 31 E. W. M., in the county of Grant The name of the ditch to be used is Pump in River

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
13 S.	31 E.	23	NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.34

(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 Ditch has been abandoned for years
We have always used this pumping point since purchasing the property
in 1960. We are legalizing what has always been done

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 On July 15, 1930 (Special Order Vol. 2 P. 83) the State
Engineer approved a change in point of diversion for Fred Timms the
successor in interest to W.L. Keizur to the authorized POD.
(Note also,) that the River has changed location at old pt. div. as shown
on transfer application 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, WARREN ALLEN and LEILA ALLEN, 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 21st day of August, 19 79.

Warren Allen Leila Allen
(Name of applicant)

Subscribed and sworn to before me this 21st day of August, 19 79.

[Notarial Seal]



Mary Ellen Green
NOTARY PUBLIC FOR OREGON

My commission expires 9/16/81.



STATE OF OREGON

INTEROFFICE MEMO

TO: Sam Allison

DATE: Aug. 22, 1979

FROM: Jerry S. Rodgers
Watermaster Dist. # 4 *JSR*

RECEIVED

AUG 24 1979

SUBJECT: Transfer in the name of Warren & Leila Allen:

WATER RESOURCES DEPT
SALEM, OREGON

Shortly, if you have not already, you will be receiving a transfer in point of diversion application, in the above names, for part of C-25411. The p.o.d. was moved just slightly over $\frac{1}{4}$ mile on a direct line with no intervening p.o.d. Their lands are a small part of the right and the only valid part left. I will try and get cancelations on the rest. The original ditch has long been abandoned. Their proposed pump has been in use since at least 1960. Under the circumstances, the transfer is of no harm to anyone. If possible, I would like to avoid the \$50.00 publication deposit, calling the distance moved $\frac{1}{4}$ mile, to save these folks some extra expense and keep my good name.

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 No. 4285

, 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:

October 4, 11 and 18, 1979

Subscribed and sworn to before me this 22nd day of Oct., 1979.

Karla J. Dalton
Notary Public for Oregon

My commission expires Feb. 1, 1983

Cost of this publication was \$ 34.12

(Seal)

RECEIVED

OCT 24 1979

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4285

The Water Resources Director of Oregon has received and filed an application by Warren & Leila Allen 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 25411, Volume 17, State Record of Water Right Certificates, in the name of W. L. Keizur, and is for the use of not to exceed 1/40th cubic foot per second per acre irrigated from April 1 to Sept. 30; further limited to 1 ac ft per acre per calendar month to July 1 and 3/4 ac ft per acre thereafter; total 5 ac ft per acre for season, measured at point of diversion, under a priority date of 1892, for irrigation of a certain 0.34 ac in NE 1/4 SW 1/4 of Sec 23, T 13S, R 31E, WM.

The authorized point of diversion is located 500 ft S & 300 ft E from the SE Corner of the NE 1/4 SW 1/4, being within the SW 1/4 SE 1/4 of Sec 23, T 13S, R 31E, WM (Timms Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 324 ft N & 460 ft E from the SW Corner of the NE 1/4 SW 1/4, being within the NE 1/4 SW 1/4 of Sec 23, T 13S, R 31E, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, November 29, 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 611 NW Bridge St., 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 27th day of September, 1979.

JAMES E. SEXSON, Director
40-42

ok
rij

NOTICE OF WATER RIGHT TRANSFER APPLICATION NO. 4285

The Water Resources Director of Oregon has received and filed an application by Warren & Leila Allen 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 25411, Volume 17, State Record of Water Right Certificates, in the name of W. L. Keizur, and is for the use of not to exceed 1/40th cubic foot per second per acre irrigated from April 1 to Sept. 30; further limited to 1 ac ft per acre per calendar month to July 1 and 3/4 ac ft per acre thereafter; total 5 ac ft per acre for season, measured at point of diversion, under a priority date of 1892, for irrigation of a certain 0.34 ac in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 23, T 13S, R 31E, WM.

The authorized point of diversion is located 500 ft S & 300 ft E from the SE Corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 23, T 13S, R 31E, WM (Timms Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 324 ft N & 460 ft E from the SW Corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 23, T 13S, R 31E, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, November 29, 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 611 NW Bridge St, 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 27th day of September, 1979.

James E. Sexson, Director

Grant County.

IN THE MATTER OF THE APPLICATION)
OF FRED TIMMS FOR THE APPROVAL OF) John Day River be and the same is
A CHANGE IN POINT OF DIVERSION OF)
WATER FROM THE JOHN DAY RIVER.) O R D E R

Dated at Salem, Oregon, this 15th day of July, 1930.

Now at this time this matter coming on for consideration before the State Engineer of Oregon for approval of a change in point of diversion of water from the John Day River, and it appearing that the Findings and Order of Determination of the State Engineer dated the 26th day of June, 1930, recognized a water right in the name of W. L. Keizur for the irrigation of 2.6 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, T. 13 S. R. 31 E. W. M., by means of a water wheel from the John Day River with a date of priority of 1892;

That the present point of diversion is located 30 feet north and 150 feet west from the southeast corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, T. 13 S., R. 31 E., W. M., and that Fred Timms, as successor in interest to W.L.Keizur, proposes to change the point of diversion to the head of the Timms Ditch located 500 feet south and 300 feet east from the southeast corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$, same section, township and range;

That a notice of filing such application is not required by Section 5764, Oregon Laws, as the change in point of diversion is less than 1/4 mile and there are no intervening diversions between the old diversion of the applicant and his proposed new diversion;

That the water wheel is not practical and a more efficient use of the water can be made by the proposed change, and it further appearing that a report submitted by T. G. Barnard, Water Master at John Day, Oregon, recommends that the change in point of diversion be approved and that such change will not be an injury to existing rights,

Dated July 15, 1930

Vol. 2, p. 83