

Name A. Matthew Williams
By _____
Address Twickenham Rt.
Mitchell, OR 97750

4347

DESCRIPTION OF WATER RIGHT

Change in POD
Date filed Dec 18, 1979
Date of hearing _____
Place of hearing _____
Date of order 2-14-80 Vol. 33, page 15
Date for application of water 10-1-81
Proof mailed _____
Proof received _____
Certificate issued 10/06/2006, page 82285

Name of stream John Day River
Trib. of _____ County of Wheeler
Use irrigation
Quantity of water _____ No. of acres 44 2/3
Name of ditch _____
Date of priority Dec. 8, 1948
In name of R. S. Williams
_____ Adjudication, Vol. _____, page _____
App. No. 23552 Per. No. 18597 Cert. No. 23427
Certificate cancelled _____
Notation made on record by _____

FEEES PAID

Date	Amount	Receipt No.
<u>12-18-79</u>	<u>35.00</u>	<u>15404</u>
TOTAL . . .		
	Cert. Fee	

FEEES REFUNDED

Date	Amount	Check No.

REMARKS

Send them a copy of the app map with Comp. ret. letter
SEE T-5409 A POD all back to original POD

Finis

W.R.I.S.

Assembled 6/19/84 by CLK
Entered _____ by _____
Verified _____ by _____

TO BE ENTERED WHERE CHECKED	INDEX CARDS:		Entered	Checked
	☒	Name	<u>Fig</u>	_____
	☒	Stream	<u>Fig</u>	_____
	☒	Pk. of Div.	_____	_____
	☒	Calendar	<u>Fig</u>	_____
	☒	CHECKED TO RECORDS:		
	☒	Twp. & Rge.	<u>5/86</u>	_____
	☒	Decree-vault	_____	_____
	☒	Decree-safe	_____	_____
	☒	Cert. of W/R	_____	<u>5/86</u>
	☒	Per. Folder	<u>5/86</u>	_____
	☒	Chaindex	_____	_____
	☒	Cross Ref.	_____	_____
	☒	Power Claim	_____	_____
	☒	Abstracts	<u>Fig</u>	_____

T 4347

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

A. MATTHEW WILLIAMS
HC BOX 1770
MITCHELL, OREGON 97750

confirms the right to use the waters of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for the purpose of IRRIGATION OF 44.2 ACRES.

The right has been perfected under Permit 18597. The date of priority is DECEMBER 8, 1948. The right is limited to not more than 1.11 CUBIC FEET PER SECOND IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SW 1/4, SECTION 35, T 9 S, R 21 E, W.M.; 970 FEET NORTH AND 430 FEET WEST FROM THE S 1/4 CORNER, SECTION 35.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the

quantity of water available at the original point of diversion under the subject right.

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

SW 1/4 NW 1/4	1.8 ACRES
SE 1/4 NW 1/4	6.2 ACRES
NE 1/4 SW 1/4	27.0 ACRES
NW 1/4 SW 1/4	4.4 ACRES
SE 1/4 SW 1/4	4.8 ACRES

SECTION 35

TOWNSHIP 9 SOUTH, RANGE 21 EAST, W.M.

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 wateruser is entitled;

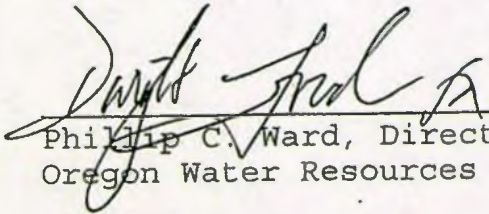
the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered DECEMBER 14, 1983, approving Transfer Application 5409, supersedes an order of the Water Resources Director entered February 14, 1980, approving Transfer Application 4347, and Certificate 23427.

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. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

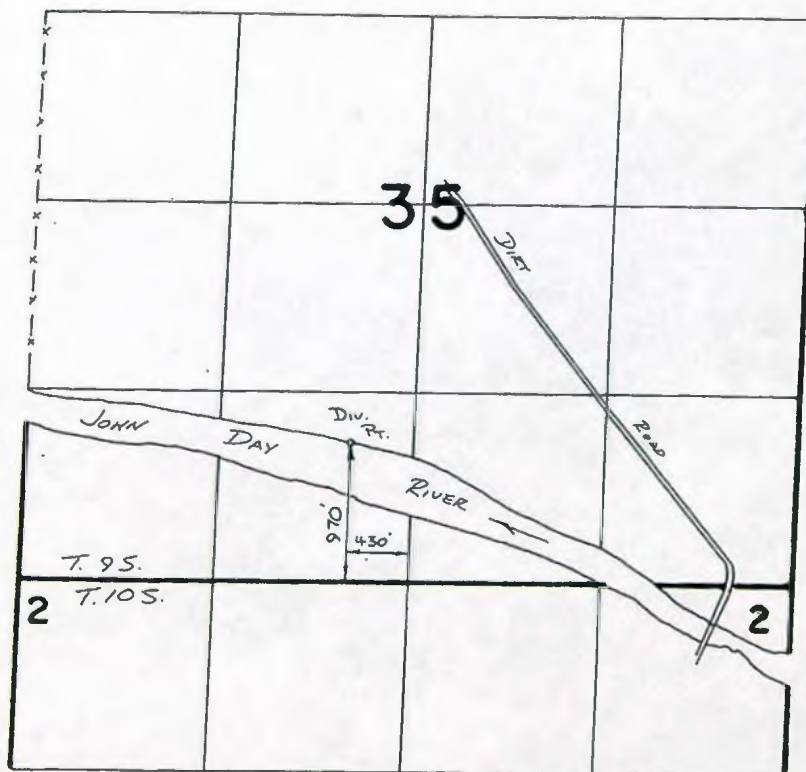
WITNESS the signature of the Water Resources Director, affixed

OCT 06 2006


Philip C. Ward, Director
Oregon Water Resources Department

Recorded in State Record of Water Right Certificates numbered 82285

T. 9S., R. 2E., W. M.



SCALE: 1"=1320'

FINAL PROOF SURVEY
UNDER

TRANSFER 5409
IN NAME OF

.....**A. MATTHEW WILLIAMS**.....

Surveyed 4-27..... 1986, by V. L. Church.....

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WHEELER COUNTY

IN THE MATTER OF THE APPLICATION)
OF A. MATTHEW WILLIAMS FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM JOHN DAY RIVER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4347

On December 18, 1979, an application was filed in the office of the Water Resources Director by A. Matthew Williams 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 23427, Volume 16, State Record of Water Right Certificates, in the name of R. S. Williams, describes a right for the use of not to exceed 1.11 cubic feet per second from John Day River for irrigation of a certain 4.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 27.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 4.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 6.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 9 South, Range 21 East, W.M., with a date of priority of December 8, 1948.

Water for the said right is diverted from a point located 900 feet North and 2200 feet East from the Southwest Corner of Section 35, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 9 South, Range 21 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 1220 feet North and 910 feet East from the Southwest Corner of Section 35, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 35.

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:

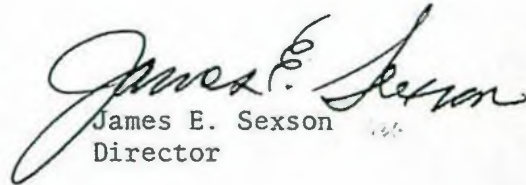
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 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 certificate of water right recorded at page 23427, Volume 16, State Record of Water Right Certificates, is canceled; 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 14th day of February, 1980.

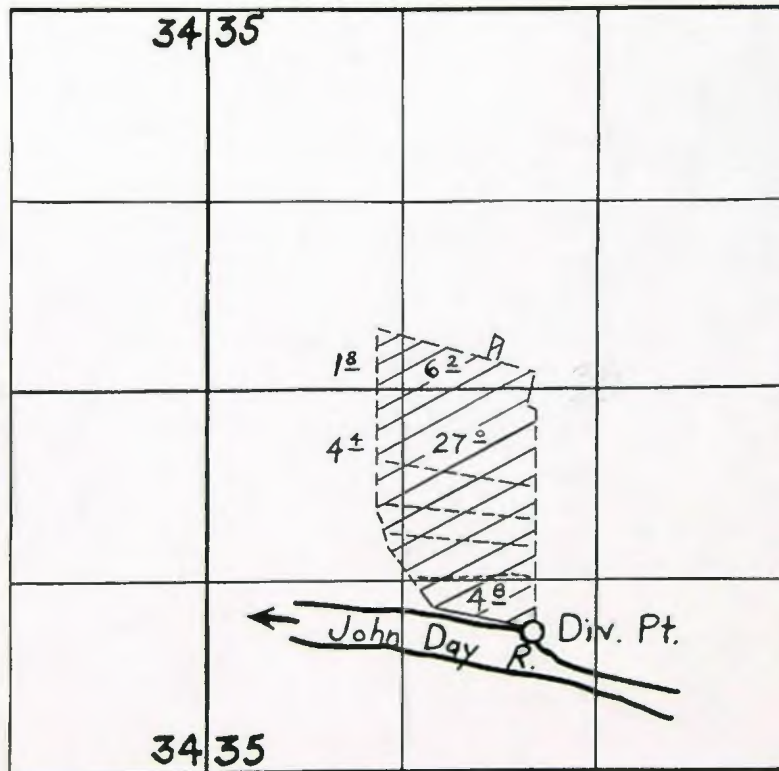

James E. Sexson
Director

T-4347

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DEC 18 1979

T. 9 S. R. 21 E. W.M. WATER RESOURCES DEPT.
SALEM, OREGON



FINAL PROOF SURVEY
UNDER

Application No. 23552 Permit No. 18597
IN NAME OF

R. S. WILLIAMS

Surveyed 21 Apr. 1955, by T. Jones

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FEB 4 1981

WATER RESOURCES DEPT
SALEM, OREGON

NOTICE OF COMPLETION OF CHANGE IN

Point of Diversion of water from John Day River
PURSUANT TO TRANSFER APPLICATION NO. 4347

I, A. Matthew Williams 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 Jan. 1, 19 79

1/27/81
Date

A. Matthew Williams
Signature

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

T-4347
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DEC 18 1979

WATER RESOURCES DEPT.
SALEM, OREGON**Application for Transfer of Water Right**

To the WATER RESOURCES DIRECTOR OF OREGON:

I, A. Matthew Williams
(Name of applicant)
of Twickenham Rt., Mitchell,
(Mailing address) (City)
State of Oregon, 97750 462-3625 do hereby make application for change
(Zip Code) (Phone number)
in point of diversion
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? R. S. Williams
(If not, give name)

2. Was your water right determined by Decree of Court? no If so, give title of proceedings
(Yes or No)

number of certificate _____
3. Was your water right acquired by Water Right Permit? yes If so, give number
(Yes or No)
of permit 18597 Number of certificate 23427

A23552

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 the John Day River

5. What is the date of priority of your water right? April Dec 8, 1948

6. The authorized point of diversion is located 900 ft. N and 2206 ft. E from the SW
(N. or S.) (E. or W.)
corner of SW being within the SE 1/4 SW 1/4 of Section 35 Tp. 9 S R. 21 E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Wheeler 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 1220 ft. N and 910 ft. E from the SW
(N. or S.) (E. or W.)
corner of SW being within the SW 1/4 SW 1/4 of Section 35 Tp. 9 S R. 21 E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Wheeler The name of the ditch to be used is _____

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated
T 9S	R 21E Wm	35	SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.8
T 9S			NE $\frac{1}{4}$ SW $\frac{1}{4}$	27.0
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	4.4
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	6.2
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.8

(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 to switch from flood
irrigation to sprinklers I need to move
my point of diversion so I can put the
mainline in a straight run.

15. Construction work will be completed on or before Jan. 1, 1982

16. The water will be completely applied to the proposed use on or before Jan. 1, 1982

Remarks _____

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

AFFIDAVIT OF APPLICANT

I, Almer Matthew Williams, 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 December, 1979

Almer Matthew Williams
(Name of applicant)

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

[Notarial Seal]

Fryer v. Bil
NOTARY PUBLIC FOR OREGON

My commission expires Nov. 9, 1980

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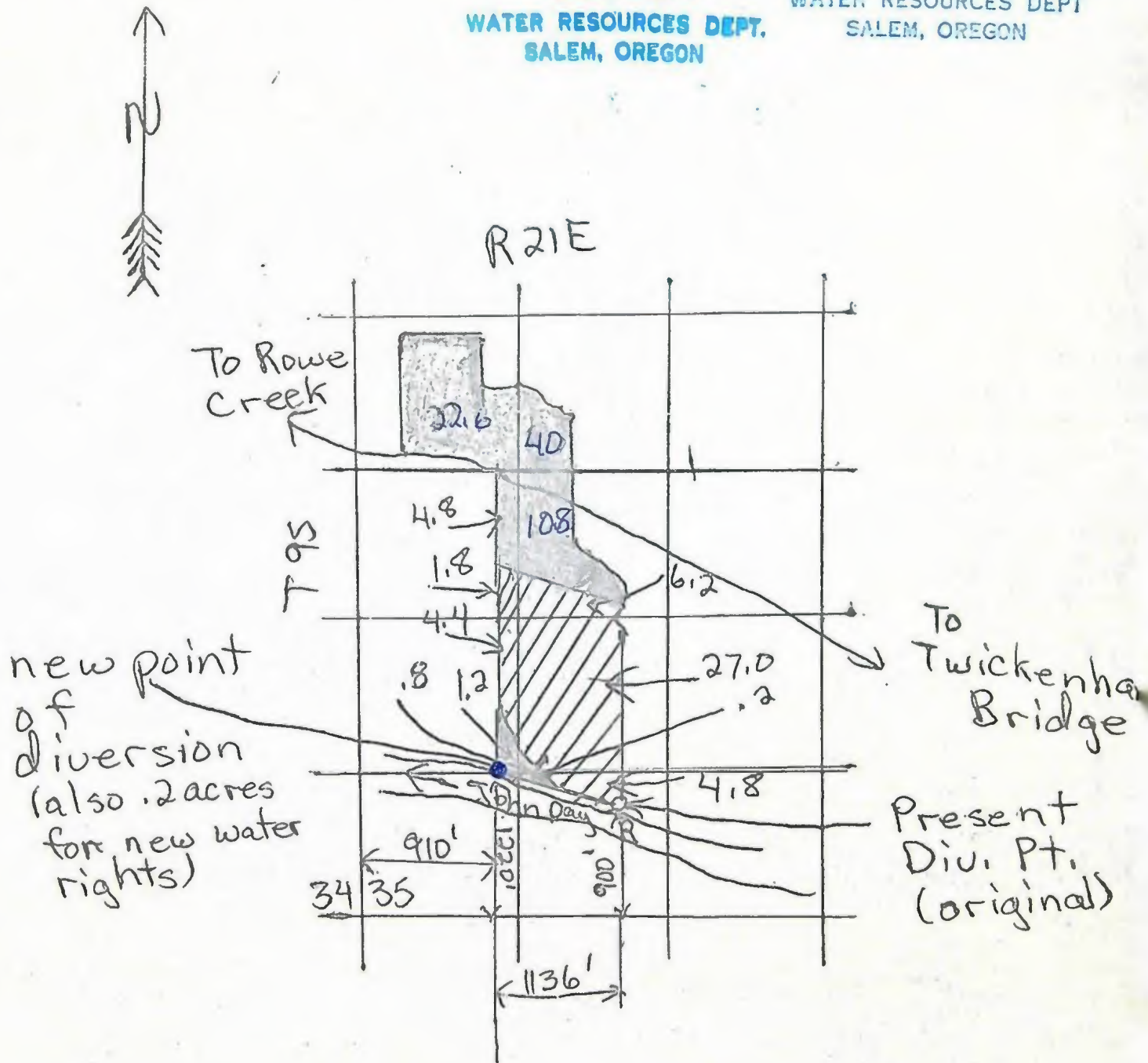
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SALEM, OREGON

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NOV 29 1979

WATER RESOURCES DEPT.
SALEM, OREGON



 existing water rights

 new water rights



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 1/30, 1980FROM: ** Jerry Rodgers, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4347IN THE NAME OF A. Matthew Williams

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FEB 1 1980

WATER RESOURCES DEPT
SALEM, OREGONIn my opinion the proposed change in point of diversion from John Day RiverMAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.Headgate notices HAVE HAVE NOT been issued 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 _____

**

Jerry Rodgers
Watermaster's signature or initials

9	21	1900	6
TWP & RGE E SEC	TAB LOT	TYPE	SPC
MAP NUMBER	NUMBER	INT IN	AREA
ACCOUNT NUMBER		REAL PROP	NUMBER

OF REAL PROPERTY
WHEELER COUNTY ASSESSOR'S OFFICE

FORMERLY PART OF T L NO.

INCENT EACH NEW COURSE TO THIS POINT	ADDITIONAL DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOL	PG	
	<i>JUNNERS → MATT & KIMBERLY WILLIAMS</i>				
	Sec 22 SE $\frac{1}{4}$ SE $\frac{1}{4}$				40.00
	Sec 23: SW $\frac{1}{4}$ SW $\frac{1}{4}$				40.00
	Sec 26: W $\frac{1}{2}$ W $\frac{1}{2}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$				240.00
	Sec 27: E $\frac{1}{2}$				320.00
	Sec 35: W $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ N & E of Co Rd;				
	Bg at NW cor of SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 35 in T9S R21E WM;				
	th E 2226.84 ft;				
	th S to ctr of John Day River;				
	th Wly along ctr of John Day River tap S				
of POB;	th N to POB. Exc W 1078 ft;				
	Also:				
	Baap 1112.10 ft E of NW cor of SW $\frac{1}{4}$ NW $\frac{1}{4}$ of				
Sec 35,	T9S R21E WM;				
	th E 1527.90 ft;				
	th S 2640 ft to SE cor of NE $\frac{1}{4}$ SW $\frac{1}{4}$;				
	th W 1527.90 ft;				
	th N to POB.				
	Exc:				
	Lots 6-12 Blk 3 & Lots 1 & 2 Blk 5 of				
Twickenham.					
	Also Exc:				
	Bg at SE cor of NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 35 T9S R21E WM;				
th W 413.16 ft;					
	th N 1143.12 ft;				
	th N 31°E 114.18 ft to S line of Co Rd;				
	th SEly along Co Rd to E line of NE $\frac{1}{4}$ SW $\frac{1}{4}$;				
	th S to POB				10.83

(over)

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SALEM, OREGON

T-4347

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SALEM, OREGON

9	21			1900		4
TWP 3	RGE E	SEC	1/4 1/16	TAX LOT NUMBER	TYPE SPEC INT IN REAL PROP	CODE AREA NUMBER
MAP NUMBER				ACCOUNT NUMBER		6

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

FORMERLY PART OF T L NO

INDENT EACH NEW COURSE TO THIS POINT	ADDITIONAL DESCRIPTION AND RECORD OF CHANGE	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING
			VOL	PG	
MATT & HILBEREY WILLIAMS					
Con't					
Also Exc:					
Baap N 31°E 160 ft fm NW cor of above tract;					
th N 31°E 528 ft to E line of SE 1/4 NW 1/4;					
th S 409.86 ft;					
th N 59°W 316.80 ft to POB	1.92				
	351.69				
Sec 36: N 1/2 N 1/2; SE 1/4 NE 1/4; NW 1/4 SW 1/4; S 1/2 S 1/2; NE 1/4 SE 1/4	440.00		26	490	1431.69
All in T9S R21E WM		7-2-73	33	552	
Exc:		11-16-73	M34	80	
Co Rd	7.46	12-7-73	M34	86	1424.23
TL 1901 J.P. & J.M. HANNY	12.50 Requested	2-7-74			1411.73
TL 1902 J.L. G'bb & T. Ux.	10.00 Requested	2-7-74			1401.73
TL 1903 RAY MCHAY	14.24	4-5-77	M34	957	
TL 1904 MARY M CAMP	10.01	3-2-77	M34	835	1377.51
TL 1905 K.E. & D. WILLIAMS	9.73	6-27-78	M35	224	1,367.53
		11-15-78	M35	367	
		11-15-78	M35	368	
		11-15-78	M35	369	
		11-15-78	M35	370	
		11-15-78	M35	371	
		11-15-78	M35	372	