

Name CLYDE HOLLIDAY

4319

DESCRIPTION OF WATER RIGHT

By _____

Address EAST STAR ROUTEJOHN DAY OR 97845Change in PODDate filed OCT 29, 1979Date of hearing Feb 14, 1980Place of hearing Canyon CityDate of order 5-5-80 Vol. 33, page 173Date for application of water completed

Proof mailed _____

Proof received SEP 4 1980Certificate issued JUL 2 1987 Vol. 43, page 528-18-8879544434425630257550Surveyed 2/20/86

REMARKS

T-8771 Δ APD SPO. V56 p. 619Name of stream John Day RiverTrib. of _____ County of GrantUse Irrigation & supplemental irrigation

Quantity of water _____ No. of acres _____

Name of ditch unnamedDate of priority Aug 24, 1928In name of Smith Brothers

_____ Adjudication, Vol. _____, page _____

App. No. 12292 Per. No. 8655 Cert. No. 10644

Certificate cancelled _____

Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>10-29-79</u>	<u>15.00</u>	<u>14746</u>
TOTAL . . .		
	Cert. Fee	

Blue Mt. Eagle #3412 pd 1-18-80 check no 4040

FEES REFUNDED

Date	Amount	Check No.
<u>1-18-80</u>	<u>15.00</u>	<u>4041</u>

EX 20-
POD 15-
PON 3412
6913

	INDEX CARDS:	
	Entered	Checked
☒ Name	<u>SPB</u>	_____
☒ Stream	<u>SPB</u>	_____
☒ Pt. of Div.	<u>SPB</u>	_____
☒ Calendar	<u>SPB</u>	_____
☒ Twp. & Rge.	<u>SPB</u>	_____
☒ Decree-vault	<u>SPB</u>	_____
☒ Decree-safe	<u>SPB</u>	_____
☒ Cert. of W/R	<u>SPB</u>	_____
☒ Per. Folder	<u>SPB</u>	_____
☒ Chainindex	<u>SPB</u>	_____
☒ Cross Ref.	<u>SPB</u>	_____
☒ Power Claim	<u>SPB</u>	_____
☒ Abstracts	<u>SPB</u>	_____

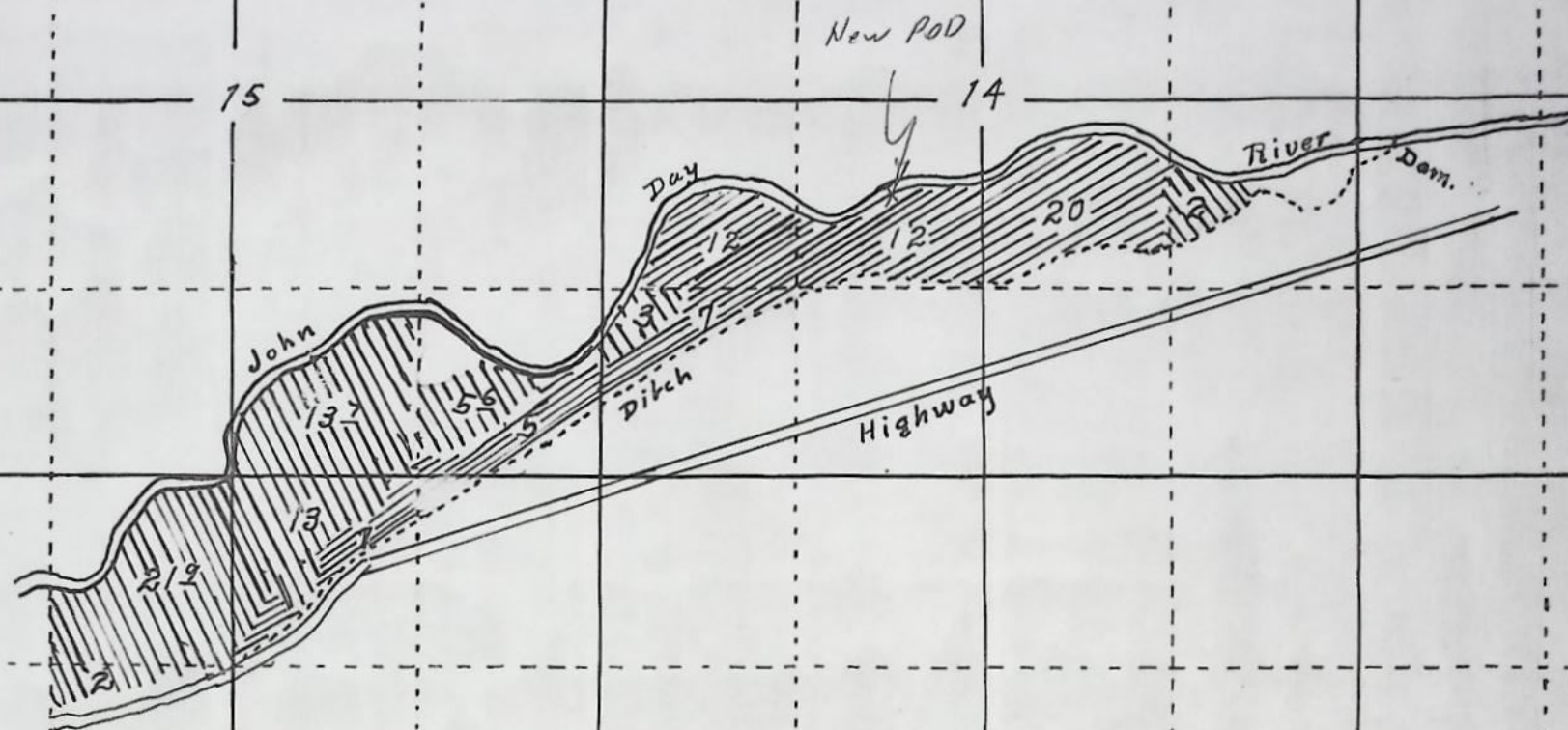
W.R.I.S.

Assembled 7-2-89 by SPB

Entered _____ by _____

Verified _____ by _____

T-4319



Smith Bros.

Supplemental Supply

New Right



T. 13 S. R. 32 E.

Application No. 12292
Permit No. 8655

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8771 submitted by

DARREL HOLLIDAY
HCR 77 BOX 355
JOHN DAY, OREGON 97845.

The right to be modified, as evidenced by a PORTION of Certificate 49442, was perfected under Permit 8655 with a date of priority of AUGUST 24, 1928. The right allows the use of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 22.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 3.0 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.32 cubic foot per second, if available at the authorized point of diversion: NW¼ SW¼, SECTION 13, T 13 S, R 32 E, W.M.; 2300 FEET NORTH AND 700 FEET EAST FROM SW CORNER, SECTION 13, or its equivalent in case of rotation, measured at the point of diversion from the source.

This is an 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 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre or its equivalent for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

PRIMARY

NE $\frac{1}{4}$ SW $\frac{1}{4}$	3.4 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	12.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	7.0 ACRES

SECTION 14

SUPPLEMENTAL

SW $\frac{1}{4}$ SW $\frac{1}{4}$	3.0 ACRES
-----------------------------------	-----------

SECTION 14

TOWNSHIP 13 SOUTH, RANGE 32 EAST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described

The applicant proposes to add an additional point of diversion to:

NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 14, T 13, S, R 32 E, W.M.; 2050 FEET NORTH AND 3340 FEET WEST OF THE SE CORNER, SECTION 14.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2003.

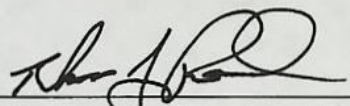
2. The quantity of water diverted at the new point of diversion, together with that diverted at the authorized point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
3. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
4. When required by the Department, the water user shall operate and maintain the headgate and measuring device, as needed. The water user or irrigation district shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original point of diversion.
6. The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificate 49442 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed JUL 02 2002.


for Paul R. Cleary, Director

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SMITH BROTHERS
PRAIRIE CITY, OREGON 97869

confirms the right to use the waters of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 29.6 ACRES AND SUPPLEMENTAL IRRIGATION OF 2.2 ACRES.

This right was perfected under Permit 8655. The date of priority is AUGUST 24, 1928. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.39 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW¼ SW¼, SECTION 13, T 13 S, R 32 E, W.M.; 2300 FEET NORTH AND 700 FEET EAST FROM SW CORNER, SECTION 13.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

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

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

SUPPLEMENTAL

NE¼ SE¼ 2.0 ACRES
SECTION 14

SE¼ NW¼ 0.2 ACRE
SECTION 22
TOWNSHIP 13 SOUTH, RANGE 32 EAST, W.M.

PRIMARY
NE¼ SW¼ 8.6 ACRES
NW¼ SE¼ 20.0 ACRES
SECTION 14

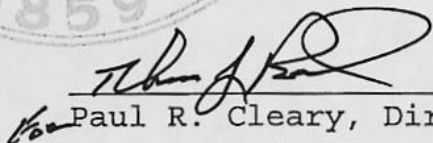
NW¼ NE¼ 1.0 ACRE
SECTION 22
TOWNSHIP 13 SOUTH, RANGE 32 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 49442, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUL 02 2002, approving Transfer Application 8771.

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.

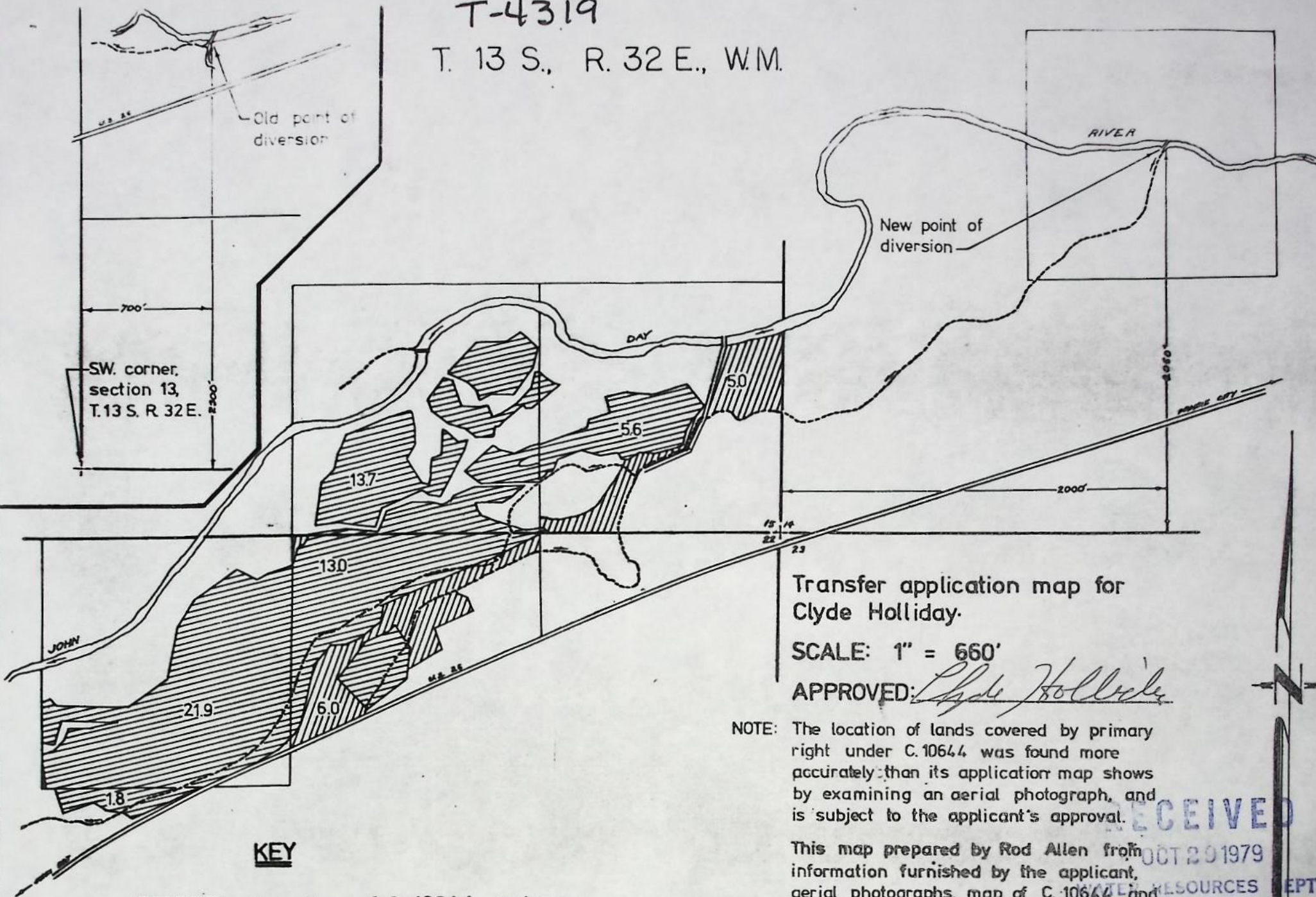
The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources
Director, affixed JUL 02 2002

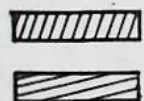

Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 79544.

T-4319
T. 13 S., R. 32 E., W.M.



KEY



Location of C. 10644 primary.
Location of C. 10644 supplemental.

Transfer application map for
Clyde Holliday.

SCALE: 1" = 660'

APPROVED: *Clyde Holliday*

NOTE: The location of lands covered by primary right under C. 10644 was found more accurately than its application map shows by examining an aerial photograph, and is subject to the applicant's approval.

This map prepared by Rod Allen from information furnished by the applicant, aerial photographs, map of C. 10644, and John Day River adjudication map.

RECEIVED
OCT 20 1979
WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF CLYDE HOLLIDAY FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER NO. 4319

On October 29, 1979, an application was filed in the office of the Water Resources Director by Clyde Holliday 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 affected water right is a portion of the right described by the certificate recorded at page 10644, Volume 10, State Record of Water Right Certificates, in the name of Smith Brothers, and is for the use of not to exceed 0.84 cubic foot per second from John Day River, under a priority date of August 24, 1928, for primary irrigation of a certain 5.0 acres in SE 1/4 SE 1/4, Section 15; 6.0 acres in NW 1/4 NE 1/4, Section 22; and supplemental irrigation of a certain 5.6 acres in SE 1/4 SE 1/4, 13.7 acres in SW 1/4 SE 1/4, Section 15; 13.0 acres in NW 1/4 NE 1/4, 21.9 acres in NE 1/4 NW 1/4 and 1.8 acres in SE 1/4 NW 1/4, Section 22, Township 13 South, Range 32 East, W.M.

The authorized point of diversion is located 2300 feet North and 700 feet East from the Southwest Corner of Section 13, being within the NW 1/4 SW 1/4 of Section 13, Township 13 South, Range 32 East, W.M. (unnamed ditch).

The applicant proposes to change the point of diversion therefrom to a point located 2050 feet North and 2000 feet East from the Southwest Corner of Section 14, being within the NE 1/4 SW 1/4 of Section 14, Township 13 South, Range 32 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 December 20, 27, 1979 and January 3, 1980.

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:

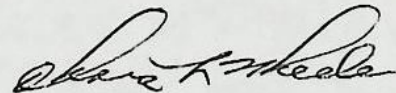
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 recorded at page 10644, Volume 10, 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 5th day of May, 1980.



JAMES E. SEXSON
Director
by CHRIS L. WHEELER
Deputy Director *SL*

POD
POU
USE

~~County~~ GRANT

Address ~~East Star Route~~, John Day, OR 97845 575-2665

3. Use irrigation & supplemental irrigation

4. Amount of Water 0.84 cfs Priority Date Aug 24, 1928

5. Proposed Point of Diversion 2050'N & 2000'E from SW-Cor, Sec 14, within NE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec 14, T 13S, R 32E, WM.

6. Completion Date COMPLETED

7. Place of Use:

[illegible]

SEE APPL. 59463 FOR REPORT

Larry J. [Signature]
WPE
3/20/82

RECEIVED

OCT 20 1979

WATER RESOURCES DEPT
SALEM, OREGON

Application for Transfer of Water Right

T-4319

To the WATER RESOURCES DIRECTOR OF OREGON:

I, Clyde Holliday (Name of applicant)
of East Highway (East Star Route) John Day (City)
State of Oregon 97845 575-0665 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? No: Smith Brothers
(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 8655 Number of certificate 10644

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, tributary of Columbia River

5. What is the date of priority of your water right? August 24, 1928

6. The authorized point of diversion is located 2300 ft. N and 700 ft. E from the SW
(N. or S.) (E. or W.)
corner of Section 13 being within the NW 1/4 SW 1/4 of Section 13 Tp. 13 S. R. 32 E. W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Grant The name of the ditch used is unnamed

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

7. The proposed point of diversion is located 2050 ft. N and 2000 ft. E from the SW
(N. or S.) (E. or W.)
corner of Section 14 being within the NE 1/4 SW 1/4 of Section 14 Tp. 13 S. R. 32 E. W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Grant The name of the ditch to be used is unnamed

8. The use to which the water is applied is Irrigation and supplemental 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 ¼-¼ of Section	Number Acres To Be Irrigated	
				Primary	Supplemental
13 S.	32 E.	15	SW¼ SE¼	0	13.7
			SE¼ SE¼	5.0	5.6
		22	NW¼ NE¼	6.0	13.0
			NE¼ NW¼	0	21.9
			SE¼ NW¼	0	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 ¼-¼ of Section	Number Acres To Be Irrigated	

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are

15. Construction work will be completed on or before already completed

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

THIS APPLICATION PREPARED BY:
Remarks [Signature]
FROM INFORMATION FURNISHED BY
THE APPLICANT.

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, Clyde Holiday, 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 24TH day of OCT., 1979.

X [Signature]
(Name of applicant)

Subscribed and sworn to before me this 24TH day of OCT., 1979.

[Notarial Seal]

[Signature]
NOTARY PUBLIC FOR OREGON

My commission expires 4/6/82



STATE OF OREGON

INTEROFFICE MEMO

TO: TRANSFERS, WATER RIGHTS DIVISION

DATE: 12/10, 1979FROM: ** Jerry Rodgers, WatermasterSUBJECT: WATER RIGHT TRANSFER APPLICATION NO. 4319IN THE NAME OF Clyde Holliday

RECEIVED

DEC 17 1979

WATER RESOURCES DEPT
SALEM, OREGON

In my opinion the proposed change in point of diversion from John Day River
MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water right.

Headgate notices HAVE HAVE NOT been issued for diversion from the sources which
serves this right.

If for change in point of diversion, is there any intervening point of diversion
between the authorized and the proposed points of diversion? 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

RECEIVED

JAN 14 1980

WATER RESOURCES DEPT
SALEM, OREGON

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. 4319

, 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:

December 20, 27 and January 3, 1980

Subscribed and sworn to before me this 11th day of Jan., 19 80

Karla J Dalton
Notary Public for Oregon

My commission expires Feb. 1, 1983

Cost of this publication was \$ 34.12

(Seal)

Public Notices

NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 4319

The Water Resources Director of Oregon has received and filed an application by Clyde Holliday 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 10644, Volume 10, State Record of Water Right Certificates, in the name of Smith Brothers, and is for the use of not to exceed 0.84 cubic foot per second from John Day River, under a priority date of August 24, 1928, for primary irrigation of a certain 5.0 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 15; 6.0 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 22; & supplemental irrigation of a certain 5.8 ac in SE $\frac{1}{4}$ SE $\frac{1}{4}$, 13.7 ac in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 15; 13.0 ac in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 21.9 ac in NE $\frac{1}{4}$ NW $\frac{1}{4}$ & 1.8 ac in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 22, T 13S, R 32E, WM.

The authorized point of diversion is located 2300 ft N & 700 ft E from the SW Corner of Sec 13, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 13, T 13S, R 32E, WM, (unnamed ditch).

The applicant proposes to change the point of diversion therefrom to a point located 2050 ft N & 2000 ft E from the SW Corner of Sec 14, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 14, T 13S, R 32E, WM.

Pursuant to ORS 540.520(2), a hearing is scheduled for 9:30 a.m. on Thursday, February 14, 1980, at the Grant County Courthouse, Canby City, Oregon. Any objection to the proposed change must be prepared in writing: one copy to be served on the applicant at East Star Route, 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 10th day of December, 1979.

JAMES E. SEXSON, Director

51-1