

T-8172

T-8172

Name LAVELLE HOLMES
By HCR 85 BOX 7
Address BATES OR 97817
541-421-3728
APOD

Change in 1/28/99

Date filed

Date of hearing

Place of hearing

Date of order 8-12-03 Vol. 57, page 1300

Date for application of water

Proof mailed

Proof received

Certificate issued 4/24/15 Vol. 90328, page 90328

DESCRIPTION OF WATER RIGHT

Name of stream Spring / MFK John Day River

Trib. of NFK John Day R. County of Grant

Use Irrigation

Quantity of water No. of acres

Name of ditch

Date of priority 1890/1882/4-23-1962

In name of Lavelle Holmes / Felix A Johnson / Stephen Holmes

Adjudication, Vol. D 2588, page 5265

App. No. 37571 Per. No. D 25287 Cert. No. 25387

Certificate cancelled 28039 34141

Notation made on record by unDB

FEES PAID

Date	Amount	Receipt No.
<u>1-28-99</u>	<u>200.00</u>	<u>27440</u>
TOTAL . . .		
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

REMARKS

No ID / Robert D. Baggett CWRE #009

PN 2-2-99

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR GRANT COUNTY

IN THE MATTER OF THE DETERMINATION)
of)
THE RELATIVE RIGHTS TO THE USE OF THE WATERS)
OF THE JOHN DAY RIVER AND ITS TRIBUTARIES,)
A TRIBUTARY OF THE COLUMBIA RIVER)

ORDER TO AMEND FINDING OF
STATE ENGINEER AND DECREE

BASED UPON the verified petition of LaVelle Holmes filed herein, for an Order to Amend Findings of State Engineer and Decree, and after compliance with the order of this court dated March 28, 1988, prescribing notice to interested parties by publication of such notice and filing of proof of publication herein and no interested parties having filed objections herein to petitioner's petition, the court finds as follows:

1.

Petitioner is the owner of real property (petitioner's real property") located in Grant County, Oregon, described as follows:

16.0 acres in SW1/4 NE1/4
14.2 acres in SE1/4 NW1/4
19.2 acres in NE1/4 SE1/4
8.4 acres in NW1/4 SE1/4
Section 19,
12.8 acres in NE1/4 SW1/4
21.4 acres in NW1/4 SW1/4
2.0 acres in SW1/4 SW1/4
5.0 acres in SE1/4 SW1/4
Section 20,
T. 10S., R. 33E., W. M.

2.

The decree entered herein on November 16, 1956, affirmed, approved and ratified the Findings of the State Engineer of the State of Oregon ("Engineer's Findings") filed herein on the 26th day of June 1930, except only as modified in said decree.

3.

The Engineer's Findings, on file herein, at page 170 thereof, under Proof Number 691, Felix A. Johnson, specifies that 99 acres of petitioner's real property with a date of Relative Priority of 1890 is entitled to irrigation water through the use of the Smith ditch to be taken from "Springs trib. of Middle Fork John Day River".

4.

The verified Statement and Proof of Claim ("Proof of Claim") dated June 23, 1927 signed by Felix A. Johnson, the owner of petitioner's real property at the time such verified Proof of Claim was signed and filed with the State Engineer, designated "Springs tributary of Middle Fork John Day River, tributary of John Day River" as the tributary from which he claimed the irrigation water rights by appropriation and use of the water by means of a dam and ditch known as the Smith ditch.

5.

Maps made by the Oregon State Engineer, surveyed June 11, to June 17, 1926, for the purpose of adjudication of waters of the John Day River and tributaries, indicate that a similar ditch system from the Middle Fork John Day River was used in 1926 as is now in use for flood irrigation of petitioner's real property.

6.

That petitioner became one of the owners of petitioner's property in 1966 and is now the sole owner thereof subject to a vendor's lien.

7.

Petitioner's property has never been irrigated from springs but has always been irrigated from the main portion of the Middle Fork of the John Day River by the use of the Smith ditch. That a scrivener's error was made in the proof of claim, in that, the proof of claim designated as the tributary from which water was applied to petitioner's property as "Springs tributary of Middle Fork John Day River, tributary of John Day River" instead of "Middle Fork John Day River," which error is also reflected in the Engineer's Findings at page 170 under proof number 691 of the said Engineer's findings, and the court being fully advised,

8.

The Certificate of Water Right for petitioner's property is dated May 1, 1959, and recorded in State Records of Water Right Certificates, Volume 173, page 25388.

IT IS HEREBY ORDERED that the Engineer's Findings, be amended at page 170, under proof number 691, in the column captioned "Use" by deleting the words "Springs trib. of Middle Fork John Day River" and in lieu thereof inserting the words "Middle Fork John Day River" and except as so amended, said Engineer's findings under proof number 691, page 170 thereof, shall remain in full force and effect and unchanged as to petitioner's property, and

IT IS FURTHER ORDERED, that the Oregon Water Resources Department at 3050 Portland Road NE, Salem, Oregon 97330, through its Director or some other authorized official or agent cancel the Certificate of Water Right recorded in State Record of Water Rights Certificate, Volume 17, page 25388 and issue in lieu thereof a new Certificate of Water Rights correctly describing the source of water, as herein ordered, and

IT IS FURTHER ORDERED, that a certified copy of this order, certified as a true copy hereof by the clerk of this court, be sent to the Oregon Water Resources Department by certified mail at the address set forth above.

DATED this 18th day of May, 1988.

/s/ William Jackson
Circuit Judge

SUBMITTED BY
Robert W. Collins, Sr. OSB No. 51016
Of attorneys for petitioner

STATE OF OREGON)

County of Grant)

I, WILLIAM H. YOUNG, Director of the Water Resources Department of the State of Oregon, do hereby certify that the foregoing copy of Order Correcting Error of the Circuit Court for Grant County, In the Matter of the Determination of the Relative Rights to the Use of the Water of John Day River and its Tributaries, a Tributary of the Columbia River, is a true and correct copy of the certified copy of such Order as the same was received by this office and entered of record this 26th day of May, 1988.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of May, 1988.

William H. Young
William H. Young, Director
Water Resources Department

FWY

0075j

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

temporary phone - 1-2 month
541-421-3177

Applicant: Lavelle Holmes T-8172
Mailing Address: HCR 85 Box 7
Bates, Oregon 97817 541-421-3728
City or town State Zip Phone
Type of change: Additional Point of Diversion
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

- A) Is the water right in your name? Yes for C57265
No for C25387, C34141 If not, list name below:
(Yes, No)
C25387 is under Felix A. Johnson, C34141 is under Stephen C Holmes
- B) Was the water right determined by a court decree? yes for C25387 and C57265
(Yes, No)
1. If yes, list the title of the proceedings: John Day River Decree
2. Certificate No: C25387 and C57265
- C) Was the water right acquired by a water permit? yes for C34141
(Yes, No)
1. If yes, list the Permit No: 28039
2. Certificate No: C.34141
- D) Date of priority right: C25387 is 1882, C34141 is Apr. 23, 1962
C57265 is 1890
- E) What are your reasons for the proposed changes?
For a more efficient delivery system to serve lands north of
the river and to document current POD location south of river.
- F) The water will be completely applied to the proposed use on or before: Oct. 1, 1999
2. LOCATION OF AUTHORIZED USE C25387 = Springs & middle fork John Day River
C57265 & C34141 = middle fork John Day River
- A) What is the source of water (river, stream, well)?

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>See Attachment A</u>				

- C) What is the name of the ditch used? Smith Ditch
- D) What is the use to which the water is applied? C25387 for Irrigation, domestic & stock
C57265 & C34141 for irrigation
- E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>See Attachment B</u>				

- F) Is the land within an irrigation district? Yes _____ No ☒
- If Yes, which district? _____
- G) County Grant

3. LOCATION OF PROPOSED USE:

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

- A) Describe the ~~proposed point of diversion~~ Additional Point of Diversion

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>970' N. & 1090' E. of S4 corner</u>	<u>SW 1/4 SE 1/4</u>	<u>20</u>	<u>10S</u>	<u>33E</u>
<u>Sec. 20, T.10S, R.33E, Wm</u>				

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? _____
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- ☒ A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- ☒ B) A copy of the current recorded deed to the subject lands.
- C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- ☒ D) Evidence that the water has been used within the last five years.

5. ~~NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:~~

~~As the landowner, the water has been used every year; for irrigation, domestic & stock.~~

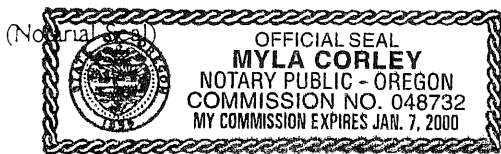
6. REMARKS: For C.25387, we are not certain how many acres are North versus South of the River. The intent is to be able to irrigate all lands North of the River from the proposed additional point of diversion.

I (we) _____, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 25 day of Jan, 19 99.

Lachelle Holmes
(Signature)

(Signature)

Subscribed and sworn to before me



Myla Corley
Notary Public for Oregon

My commission expires: 01-07-00

RECEIVED
JAN 28 1999
WATER RESOURCES DEPT
SALEM, OREGON

FAX
TRANSMISSION

RECEIVED

AUG 06 2003

WATER RESOURCES DEPT.
SALEM, OREGON

To: Tom Paul

Location: _____

Fax Number: 503-378-8130

From: Kelly Rise

Location: Watermaster's Department
201 S. Humbolt St. Suite 180
Canyon City, Oregon 97820

Phone: (541) 575-0119

Fax #: (541) 575-2248

Today's Date: 8/6/03

Number of Pages (including cover): 5

Comments: Thanks for your help Tom

IN THE CIRCUIT COURT OF THE STATE OF OREGON MAY 11 1988

FOR GRANT COUNTY

Time: @ 9:17 am

TRIAL COURT CLERK

By *Chase M. [Signature]*

IN THE MATTER OF THE DETERMINATION)

of)

ORDER TO AMEND FINDING
OF STATE ENGINEER
AND DECREE

THE RELATIVE RIGHTS TO THE USE OF)
THE WATERS OF JOHN DAY RIVER and)
ITS TRIBUTARIES, a TRIBUTARY of)
the COLUMBIA RIVER.)

BASED UPON the verified petition of LaVelle Holmes
filed herein, for an Order to Amend Findings of State Engineer
and Decree, and after compliance with the order of this court
dated March 28, 1988, prescribing notice to interested parties
by publication of such notice and the filing of proof of
publication herein and no interested parties having filed
objections herein to petitioner's petition, the court finds as
follows:

1.

Petitioner is the owner of real property ("petitioner's
real property") located in Grant County, Oregon, described as
follows:

16.0 acres in SW1/4NE1/4
14.2 acres in SE1/4NW1/4
19.2 acres in NE1/4SE1/4
8.4 acres in NW1/4SE1/4
Section 19,
12.8 acres in NE1/4SW1/4
21.4 acres in NW1/4SW1/4
2.0 acres in SW1/4SW1/4
5.0 acres in SE1/4SW1/4
Section 20,
T. 10 S., R. 33 E., W. M.

2.

The decree entered herein on November 16, 1956,
affirmed, approved and ratified the Findings of the State

1 - ORDER TO AMEND FINDING OF STATE ENGINEER AND DECREE

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AUG 06 2003

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

AUG 06 2003

WATER RESOURCES DEPT
SALMON, OREGON

Engineer of the State of Oregon ("Engineer's Findings") filed
herein on the 26th day of June, 1930, except only as modified in
said decree.

3.

The Engineer's Findings, on file herein, at page 170
thereof, under Proof Number 691, Felix A. Johnson, specifies
that 99 acres of petitioner's real property with a date of
Relative Priority of 1890 is entitled to irrigation water
through the use of the Smith ditch to be taken from "Springs
trib. of Middle Fork John Day River".

4.

The verified Statement and Proof of Claim ("Proof of
Claim") dated June 23, 1927 signed by Felix A. Johnson, the
owner of petitioner's real property at the time such verified
Proof of Claim was signed and filed with the State Engineer,
designated "Springs tributary of Middle Fork John Day River,
tributary of John Day River" as the tributary from which he
claimed the irrigation water rights by appropriation and use of
the water by means of a dam and ditch known as the Smith ditch.

5.

Maps made by the Oregon State Engineer, surveyed June
11, to June 17, 1926, for the purpose of adjudication of waters
of the John Day River and tributaries, indicate that a similar
ditch system from the Middle Fork John Day river was used in
1926 as is now in use for flood irrigation of petitioner's real
property.

6.

2 - ORDER TO AMEND FINDING OF STATE ENGINEER AND DECREE

Page

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AUG 06 2003

WATER RESOURCES DEPT

That petitioner became one of the owners of petitioner's property in 1966 and is now the sole owner thereof subject to a vendor's lien.

7.

Petitioner's property has never been irrigated from springs but has always been irrigated from the main portion of the Middle Fork of the John Day River by the use of the Smith ditch. That a scrivener's error was made in the proof of claim, in that, the proof of claim designated as the tributary from which water was applied to petitioner's property as "Springs tributary of Middle Fork John Day River, tributary of John Day River" instead of "Middle Fork John Day River," which error is also reflected in the Engineer's Findings at page 170 under proof number 691 of the said Engineer's findings, and the court being fully advised,

8.

The Certificate of Water Right for petitioner's property is dated May 1, 1959 and recorded in State Records of Water Right Certificates, Volume 173, page 25388.

IT IS HEREBY ORDERED that the Engineer's Findings, be amended at page 170, under proof number 691, in the column captioned "Use" by deleting the words "Springs trib. of Middle Fork John Day River" and in lieu thereof inserting the words "Middle Fork John Day River" and except as so amended, said Engineer's findings under proof number 691, page 170 thereof, shall remain in full force and effect and unchanged as to petitioner's property, and

3 - ORDER TO AMEND FINDING OF STATE ENGINEER AND DECREE

RECEIVED
AUG 06 2003
WATER RESOURCES DEPT.
SALEM, OREGON

Department at 3050 Portland Rd. NE, Salem, Oregon 97330, through
its Director or some other authorized official or agent cancel
the Certificate of Water Right recorded in State Record of Water
Right Certificates, Volume 17, page 25388 and issue in lieu
thereof a new Certificate of Water Rights correctly describing
the source of water, as herein ordered, and

IT IS FURTHER ORDERED, that a certified copy of this
order, certified as a true copy hereof by the clerk of this
court, be sent to the Oregon Water Resources Department by
certified mail at the address set forth above.

DATED this 18th day of May, 1988.


Circuit Judge

SUBMITTED BY
Robert W. Collins, Sr. OSB No. 51016
Of attorneys for petitioner

1 ELECTRONIC 10007 475-0000
PENDLETON, OREGON
57801

CLARK Gerry E

From: CLARK Gerry E
Sent: Wednesday, May 13, 2015 12:21 PM
To: 'minie@otcwb.com'
Cc: JULSRUD Eric W; BOETHIN Hailey D
Subject: RE: Water Right Information T-8172
Attachments: scan_20150513_120703.pdf; scan_20150513_120629.pdf

Lavell,

I pulled the file for permit S-28039. The application was originally filed by a Maude L. Johnson on April 23, 1962. On June 18, 1962, the Department notified Miss Johnson that the due to a policy program adopted by the Department, that the approval of any permit would be subject to certain flows being met at specific gauge stations along the river. The letter indicated that if the Department did not get a response back, that we would proceed with our evaluation and include those limitations. The file does not contain a response to the Department's letter.

On July 26, 1962, the Department issued permit S-28039. The permit contained the limitation identified in the April 23, 1962 letter.

On May 11, 1967, the permit was assigned to Stephen C. Holmes. On July 10, 1967, Mr. Holmes signed the proof of appropriation indicating that the use was completed. That proof also contained the specific limitations outlines in the previous letter and permit.

I have provided copies of the letter and proof of appropriation for your reference.

Gerry

From: CLARK Gerry E
Sent: Wednesday, May 13, 2015 11:50 AM
To: 'minie@otcwb.com'
Cc: JULSRUD Eric W; BOETHIN Hailey D
Subject: RE: Water Right Information T-8172

From: CLARK Gerry E
Sent: Wednesday, May 13, 2015 11:48 AM
To: 'minnie@otcwb.com'
Cc: JULSRUD Eric W; BOETHIN Hailey D
Subject: Water Right Information T-8172

Lavell,

Thanks for your time this morning. I hope the documents identified below help you with your review of the certificate we recently issued.

Transfer Final Order:

http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Order&volume_nbr=57&page_nbr=1300&page_char=&order_origin=SPC

Certificate 25387 superseded by Certificate 90032 as modified by the transfer

http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Cert&cert_nbr=25387
http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Cert&cert_nbr=90032
http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=CertMap&cert_nbr=90032

Certificate 57265 superseded by Certificate 90034 as modified by the transfer

http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Cert&cert_nbr=57265
http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Cert&cert_nbr=90034
http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=CertMap&cert_nbr=90034

Certificate 90034 need to corrected to reflect language from the Circuit Court decree dated May 16, 1988.

Permit S-28039, Certificate 34141 superseded by Certificate 90033 as modified by the transfer

http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Permit&permit_char=S&permit_nbr=28039
http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Cert&cert_nbr=34141
http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=CertMap&cert_nbr=34141
http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Cert&cert_nbr=90033

I was able to locate some links to the gauging stations that are referred to in certificate 90033:

Station 14-0465:

http://apps.wrd.state.or.us/apps/sw/hydro_near_real_time/display_hydro_graph.aspx?station_nbr=14046500

Station 14-0480:

http://apps.wrd.state.or.us/apps/sw/hydro_near_real_time/display_hydro_graph.aspx?station_nbr=14048000

Station 14-0440:

http://apps.wrd.state.or.us/apps/sw/hydro_near_real_time/display_hydro_graph.aspx?station_nbr=14044000

Hailey, at the Canyon City Watermaster's Office is looking into your questions concerning the effective date of ODFW's instream water right on the Middle Fork above Galena. She will provide you that information once she locates it.

Should you have any additional questions, please feel free to contact me.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

STATE OF OREGON

COUNTY OF GRANT

Proof of Appropriation of Water



STEPHEN C. HOLMES

of Monument,
has applied beneficially the waters of
Middle Fork John Day River

, State of Oregon ,

a tributary of John Day River
irrigation of 59.9 acres

for the purpose of

under Permit No. 28039 of the State Engineer, and that the use of said waters has been
completed under the terms of said permit; that the priority of the
right dates from April 23, 1962

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
1.50 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, T. 10 S., R. 33 E.,
W. M. Diversion points located 1910 feet South and 2180 feet East; and 840 feet
South and 650 feet East, both from the NE $\frac{1}{4}$ Corner, Section 19.

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 acre feet per acre for each acre irrigated
during the irrigation season of each year; provided further that the right to
use of water is limited to the period when the flow of the John Day River is
more than 30 c.f.s. at USGS Gage No. 14-0465 and more than 20 c.f.s. at USGS Gage
No. 14-0480 and the Middle Fork of the John Day River is more than 10 c.f.s. at
USGS Gage No. 14-0440 and the North Fork of the John Day River is more than 55
c.f.s. at USGS Gage No. 14-0460; and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

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

38.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
15.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
6.9 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 19
T. 10 S., R. 33 E., W. M.

I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 8 day of July

1967

Stephen C. Holmes

June 18, 1962

Miss Maude L. Johnson
Bates,
Oregon

Dear Miss Johnson:

The policy program adopted by the State Water Resources Board on May 24, 1962 for the unappropriated waters of the John Day River Basin requires that the permits which may be issued in approval of your applications numbered 37570 and 37571 limit the right to appropriate stream flow to those periods when the flow of the Middle Fork John Day River measured at the site of U.S.G.S. Gage No. 14-0440 at Ritter (SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, Township 8 South, Range 30 East, W.M.) is more than 10 cubic feet per second and the flow of the North Fork John Day River measured at the site of U.S.G.S. Gage No. 14-0460 at Monument (SE $\frac{1}{4}$, Section 2, Township 9 South, Range 27 East, W.M.) is more than 55 cubic feet per second, and when the flow of the John Day River measured at the site of U.S.G.S. Gage No. 14-0465 at Service Creek (N $\frac{1}{2}$, Section 18, Township 9 South, Range 23 East, W.M.) is more than 30 cubic feet per second and when measured at the site of U.S.G.S. Gage No. 14-0480 at McDonald Ferry (NW $\frac{1}{4}$, Section 11, Township 1 North, Range 19 East, W.M.) is more than 20 cubic feet per second.

Unless we hear from you within 30 days from the date of this letter we will assume that you wish to proceed toward having your applications considered for approval by the State Engineer, subject to the provisions of the said policy statement.

If you do not wish to have your applications considered for approval subject to the provisions of the said policy statement, as noted above, and will authorize withdrawal of your applications, the recording fee you submitted for application No. 37570 in the amount of \$5 and the recording fee you submitted for application No. 37571 in the amount of \$9.80 will be returned to you.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
James W. Carver, Jr., Assistant

JWC:eh

Mailing List for Transfer Certificate

Application: T-8172

Certificate: 90328 (C57265)

Certificate Holder/Transfer Holder:

LAVELLE HOLMES
PO BOX 132
ADAMS OR 97810

Copies Mailed	
by:	<u>JH</u> (STAFF)
on:	<u>7/24/5</u> (DATE)

Copies of Final Certificate to be sent to:

1. Watermaster # : 4
2. ~~Data~~ Center (include copy of map)
3. Water Availability
4. Vault
5. File

Other persons to receive copies: (include map):

1. ROBERT D. BAGETT, CWRE

Record Marking (s) :

1. Original Application# NA-DECREEED RIGHT
2. Old Certificate# 57265

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAVELLE HOLMES
PO BOX 132
ADAMS OR 97810

confirms the right to use the waters of MIDDLE FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1890.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	33 E	WM	20	SW SE	ADDITIONAL DIV. PT - 970 FEET NORTH AND 1090 FEET EAST FROM S1/4 CORNER, SECTION 20
					EXISTING DIV. PT - MIDDLE FORK JOHN DAY RIVER

A rate of flow limited to ONE-FORTIETH of one cubic foot per second per acre during the irrigation season. A quantity of water limited to one acre foot per acre during any calendar month and a total quantity during the irrigation season not to exceed five acre feet per acre.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	33 E	WM	19	SW NE	16.0
10 S	33 E	WM	19	SE NW	14.2
10 S	33 E	WM	19	NE SE	19.2
10 S	33 E	WM	19	NW SE	8.4
10 S	33 E	WM	20	NE SW	12.8
10 S	33 E	WM	20	NW SW	21.4
10 S	33 E	WM	20	SW SW	2.0
10 S	33 E	WM	20	SE SW	5.0

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of lawfully water available from the original points of diversions.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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 GRANT

CERTIFICATE OF WATER RIGHT

90328

THIS CERTIFICATE ISSUED TO

LAVELLE HOLMES
PO BOX 132
ADAMS OR 97810

confirms the right to use the waters of MIDDLE FORK JOHN DAY RIVER, A tributary of the JOHN DAY RIVER, for IRRIGATION.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1890.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	33 E	WM	20	SW SE	ADDITIONAL DIV. PT - 970 FEET NORTH AND 1090 FEET EAST FROM S1/4 CORNER, SECTION 20
					EXISTING DIV. PT - MIDDLE FORK JOHN DAY RIVER

A rate of flow limited to ONE-FORTIETH of one cubic foot per second per acre during the irrigation season. A quantity of water limited to one acre foot per acre during the calendar month and a total quantity during the irrigation season not to exceed five acre feet per acre.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	33 E	WM	19	SW NE	16.0
10 S	33 E	WM	19	SE NW	14.2
10 S	33 E	WM	19	NE SE	19.2
10 S	33 E	WM	19	NW SE	8.4
10 S	33 E	WM	20	NE SW	12.8
10 S	33 E	WM	20	NW SW	21.4
10 S	33 E	WM	20	SW SW	2.0
10 S	33 E	WM	20	SE SW	5.0

The quantity of water diverted at the new point of diversion, together with not exceed the quantity of lawfully water available from the original point

Need to ^{Done} 5-14-15
mfb
to support
staff
issue a
correction
cert to
correct rate
Duty

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

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.

When required by the Department, the water user shall operate and maintain the headgate and measuring device, as needed. The water user 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.

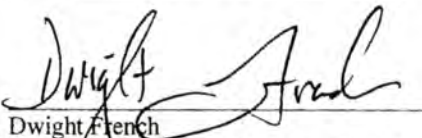
Water shall be acquired from the same surface water source as the original points of diversion.

The water user shall maintain a fish screen or fish by-pass device.

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

This certificate is issued to confirm AN ADDITIONAL POINT OF DIVERSION AND CORRECTING SCRIVENER'S ERROR approved by an order of the Water Resources Director entered APRIL 12, 2003, at Special Order Volume 57, Page 1300, approving Transfer Application 8172, supercedes Certificate 57265, State Record of Water Right Certificates.

Issued APR 03 2015



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF GRANT

**ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION
AND CORRECTING SCRIVENER'S ERROR IN CERTIFICATE 57265**

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 8172 submitted by:

LAVELLE HOLMES
HCR 85, BOX 7
BATES, OREGON 97817.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for GRANT County as evidenced by Certificate 25387. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1882.

The right allows the use of a SPRING, tributary of the MIDDLE FORK JOHN DAY RIVER, and the MIDDLE FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION, DOMESTIC AND STOCK. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed:

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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.

SPRING: ONE-FORTIETH of one cubic foot per second per acre irrigated to June 1, and ONE-EIGHTIETH of one 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 the season from April 1 to September 30, measured at the point of diversion from the source.

MIDDLE FORK JOHN DAY RIVER: ONE-FORTIETH of one cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month; total of five acre-feet per acre for season, measured at the point of diversion from the stream.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	21.8 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	22.6 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	28.8 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	35.0 ACRES

SECTION 19

SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.8 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	16.6 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	14.0 ACRES

SECTION 20

TOWNSHIP 10 SOUTH, RANGE 33 EAST, W.M.

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

The SECOND right to be modified, as evidenced by Certificate 34141, was perfected under Permit 28039 with a date of priority of APRIL 23, 1962. The right allows the use of MIDDLE FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to

an amount actually beneficially used and shall not exceed 1.5 cubic feet per second, if available at the authorized point of diversion: NW¼ NE¼, SE¼ NE¼, SECTION 19, T 10 S, R 33 E, W.M.; 1910 FEET SOUTH AND 2180 FEET EAST; AND 840 FEET SOUTH AND 650 FEET EAST, BOTH FROM THE N¼ CORNER, SECTION 19, or its equivalent in case of rotation, measured at the point of diversion from the source.

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-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 for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of the John Day River is more than 30 c.f.s. at USGS No. 14-0465 and more than 20 c.f.s. at USGS Gage No. 14-0480 and the Middle Fork of the John Day River is more than 10 c.f.s. at USGS Gage No. 14-0440 and the North Fork of the John Day River is more than 55 c.f.s. at USGS Gage No. 14-0460.

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

The authorized place of use is located as follows:

NE¼ NE¼	38.0 ACRES
NW¼ NE¼	15.0 ACRES
SE¼ NE¼	6.9 ACRES

SECTION 19

TOWNSHIP 10 SOUTH, RANGE 33 EAST, W.M.

The THIRD right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for GRANT County as evidenced by Certificate 57265. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1890.

The right allows the use of MIDDLE FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to not more than ONE-FORTIETH of one cubic foot per second per acre irrigated to June 1, and ONE-EIGHTIETH of one 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 the season from April 1 to September 30, measured at the point of diversion from the stream.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$	16.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	14.2 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.2 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.4 ACRES

SECTION 19

NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.8 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0 ACRES

SECTION 20

TOWNSHIP 10 SOUTH, RANGE 33 EAST, W.M.

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

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

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 20, T 10 S, R 33 E, WM; 970 FEET NORTH AND 1090 FEET EAST S $\frac{1}{4}$ CORNER, SECTION 20.

Certificate 57265, issued to Lavelle Holmes, pursuant to an order of the Circuit Court for Grant County, entered May 16, 1988, to

correct and supersede that certain water right certificate heretofore issued to Felix A. Johnson and recorded at page 25388, Volume 17, State Record of Water Right Certificates, so as to correctly describe the source of appropriation. Due to a scrivener's error, the correcting certificate did not accurately describe the maximum rate and duty limitations allowed in the John Day River Decree for rights granted from the Middle Fork John Day River.

This order approves an additional point of diversion and correctly describes the maximum rate and duty for certificate 57265. The correct rate and duty limitation allowed by the John Day Decree for the Middle Fork John Day River is defined as "A rate of flow limited to ONE-FORTIETH of one cubic foot per second per acre during the irrigation season. A quantity of water limited to one acre foot per acre during any calendar month and a total quantity during the irrigation season not to exceed five acre feet per acre."

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, 2004.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversions.
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.

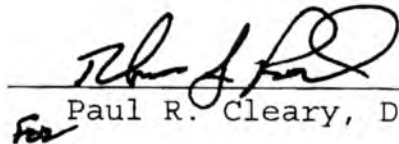
4. When required by the Department, the water user shall operate and maintain the headgate and measuring device, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original points 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.

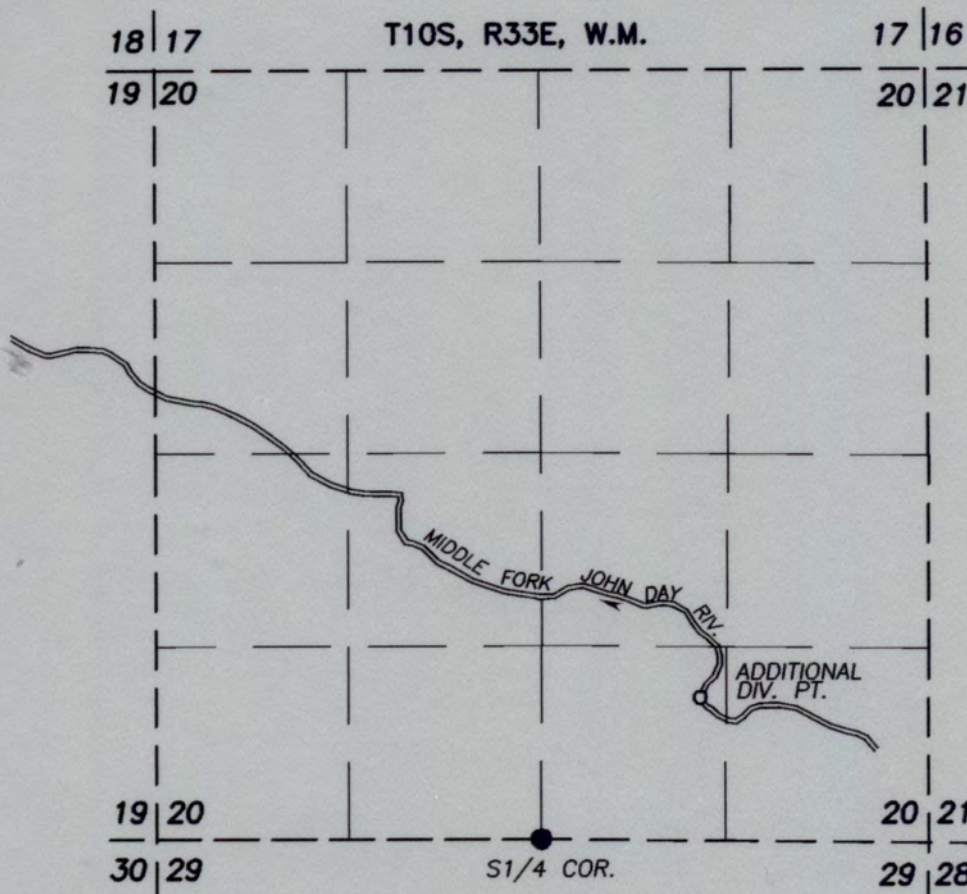
The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

Certificates 25387, 34141, and 57265 are canceled. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed AUG 12 2003.


Paul R. Cleary, Director



SCALE: 1" = 1320'

ADDITIONAL DIV. PT. IS 970 FT. NORTH AND 1090 FT. EAST OF S1/4 COR. OF SEC. 20.

● FOUND ALUMINUM PIPE AND CAP

Add'l
POD
FOR T-8172

FINAL PROOF SURVEY
UNDER PERMIT NO. T-8172
IN NAME OF
LEVELLE HOLMES

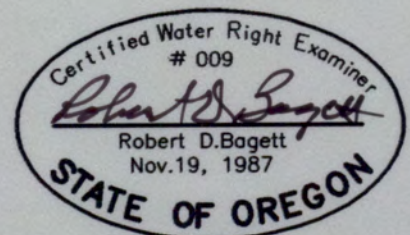
SURVEYED NOVEMBER 4, 2003, BY R.D. BAGETT

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.

RECEIVED

APR 21 2004

WATER RESOURCES DEPT
SALEM, OREGON



STATE OF OREGON
WATER RESOURCES DEPT.

APR 5 1987

RECEIVED

property ownership lines.
and has no intent to provide dimensions or location of
of identifying the location of the proposed water right
NOTE: The preparation of this map was for the purpose



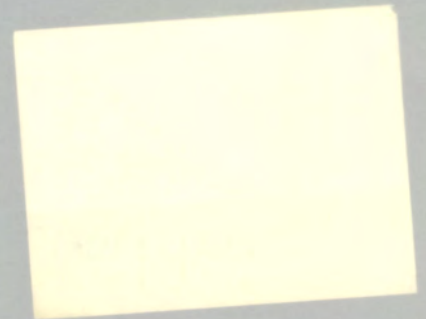
SUBMITTED NOVEMBER 4, 2003 BY R.D. BAGGETT

TELETYPE HOMES

IN NAME OF

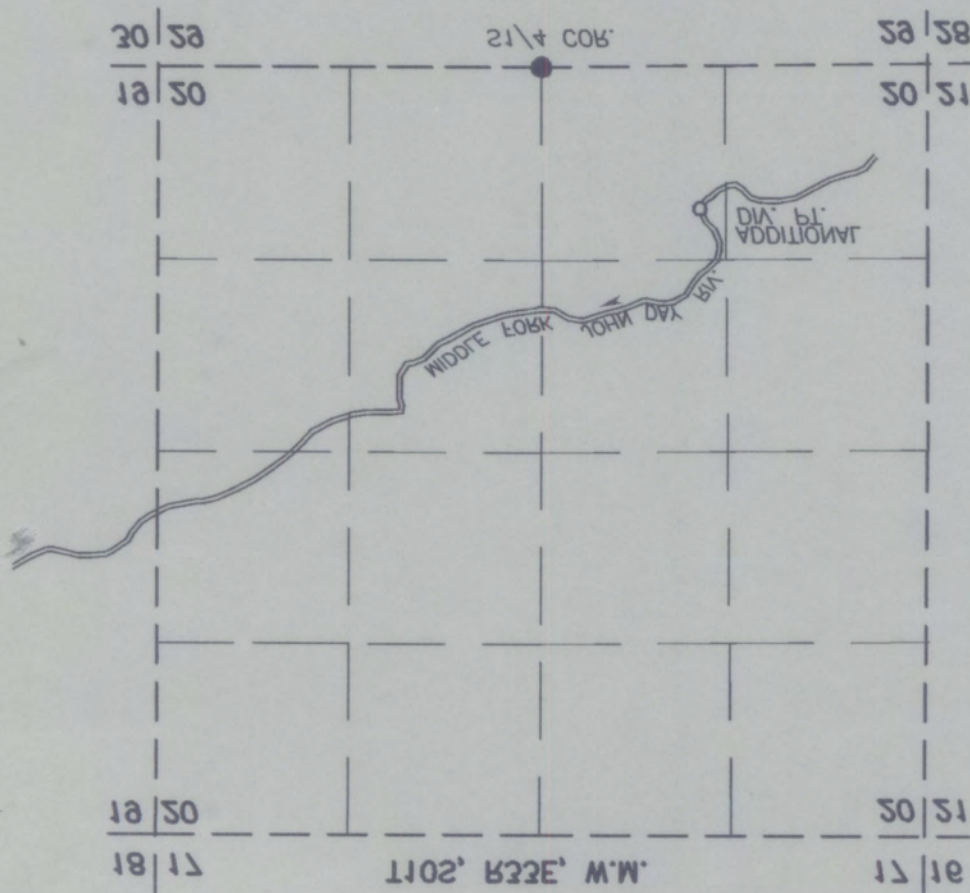
UNDER PERMIT NO. 1-8115

FINAL PROOF SURVEY



● FOUND ALUMINUM PIPE AND CAP

ADDITIONAL DIM. PT. IS 820 FT. NORTH AND 1080 FT. EAST OF 21/4 COR. OF SEC. 30.



SCALE: 1" = 1250'



Mailing List for Transfer Certificate

Application: T-8172

Certificate: 90328 (C57265)

Certificate Holder/Transfer Holder:

LAVELLE HOLMES
PO BOX 132
ADAMS OR 97810

Copies Mailed	
by:	<u>JH</u> (STAFF)
on:	<u>6/12/15</u> (DATE)

Copies of Final Certificate to be sent to:

- ☒ 1. Watermaster # : 4
- ☒ 2. Data Center (include copy of map)
- ☒ 3. Water Availability
- ☒ 4. Vault
- ☒ 5. File

Other persons to receive copies: (include map):

- ☒ 1. ROBERT D. BAGETT, CWRE

Record Marking (s) :

1. Original Application# NA-DECREEED RIGHT
2. Old Certificate# 57265

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAVELLE HOLMES
PO BOX 132
ADAMS OR 97810

confirms the right to use the waters of MIDDLE FORK JOHN DAY RIVER, A tributary of the JOHN DAY RIVER, for IRRIGATION.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1890.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	33 E	WM	20	SW SE	ADDITIONAL DIV. PT - 970 FEET NORTH AND 1090 FEET EAST FROM S1/4 CORNER, SECTION 20
					EXISTING DIV. PT - MIDDLE FORK JOHN DAY RIVER

A rate of flow limited to ONE-FORTIETH of one cubic foot per second per acre during the irrigation season. A quantity of water limited to one acre foot per acre during the calendar month and a total quantity during the irrigation season not to exceed five acre feet per acre.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	33 E	WM	19	SW NE	16.0
10 S	33 E	WM	19	SE NW	14.2
10 S	33 E	WM	19	NE SE	19.2
10 S	33 E	WM	19	NW SE	8.4
10 S	33 E	WM	20	NE SW	12.8
10 S	33 E	WM	20	NW SW	21.4
10 S	33 E	WM	20	SW SW	2.0
10 S	33 E	WM	20	SE SW	5.0

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of lawfully water available from the original points of diversions.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

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.

When required by the Department, the water user shall operate and maintain the headgate and measuring device, as needed. The water user 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.

Water shall be acquired from the same surface water source as the original points of diversion.

The water user shall maintain a fish screen or fish by-pass device.

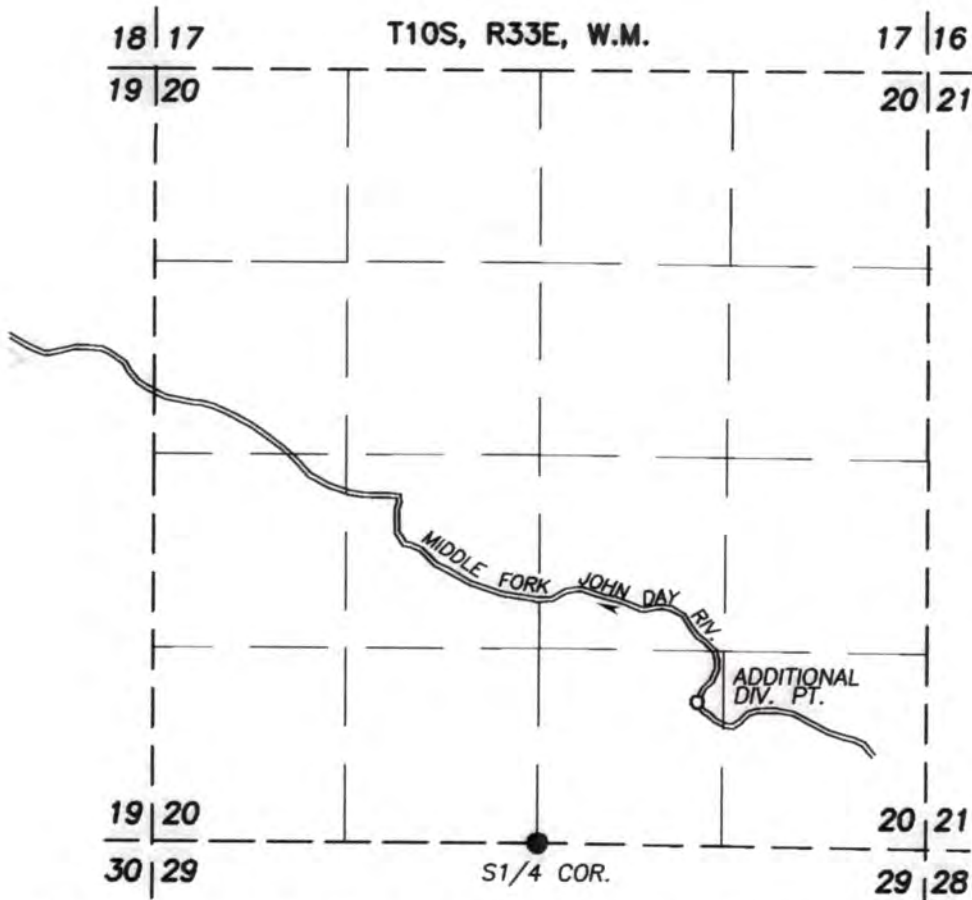
The right to the use of the water for the above purpose is restricted to beneficial use on place of use described, and is subject to all other conditions and limitations contained in said decree.

This certificate is issued to confirm AN ADDITIONAL POINT OF DIVERSION AND CORRECTING SCRIVENER'S ERROR approved by an order of the Water Resources Director entered APRIL 12, 2003, at Special Order Volume 57, Page 1300, approving Transfer Application 8172, supercedes Certificate 57265, State Record of Water Right Certificates.

Issued JUN 12 2015



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department



SCALE: 1" = 1320'

ADDITIONAL DIV. PT. IS 970 FT. NORTH AND 1090 FT. EAST OF S1/4 COR. OF SEC. 20.

● FOUND ALUMINUM PIPE AND CAP

Add'l
POD
FOR T-8172

FINAL PROOF SURVEY
UNDER PERMIT NO. T-8172

IN NAME OF

LEVELLE HOLMES

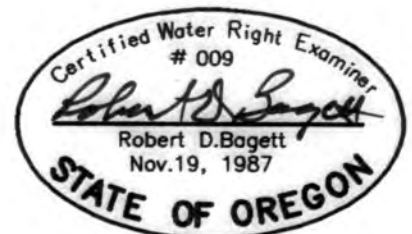
SURVEYED NOVEMBER 4, 2003, BY R.D. BAGETT

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.

RECEIVED

APR 21 2004

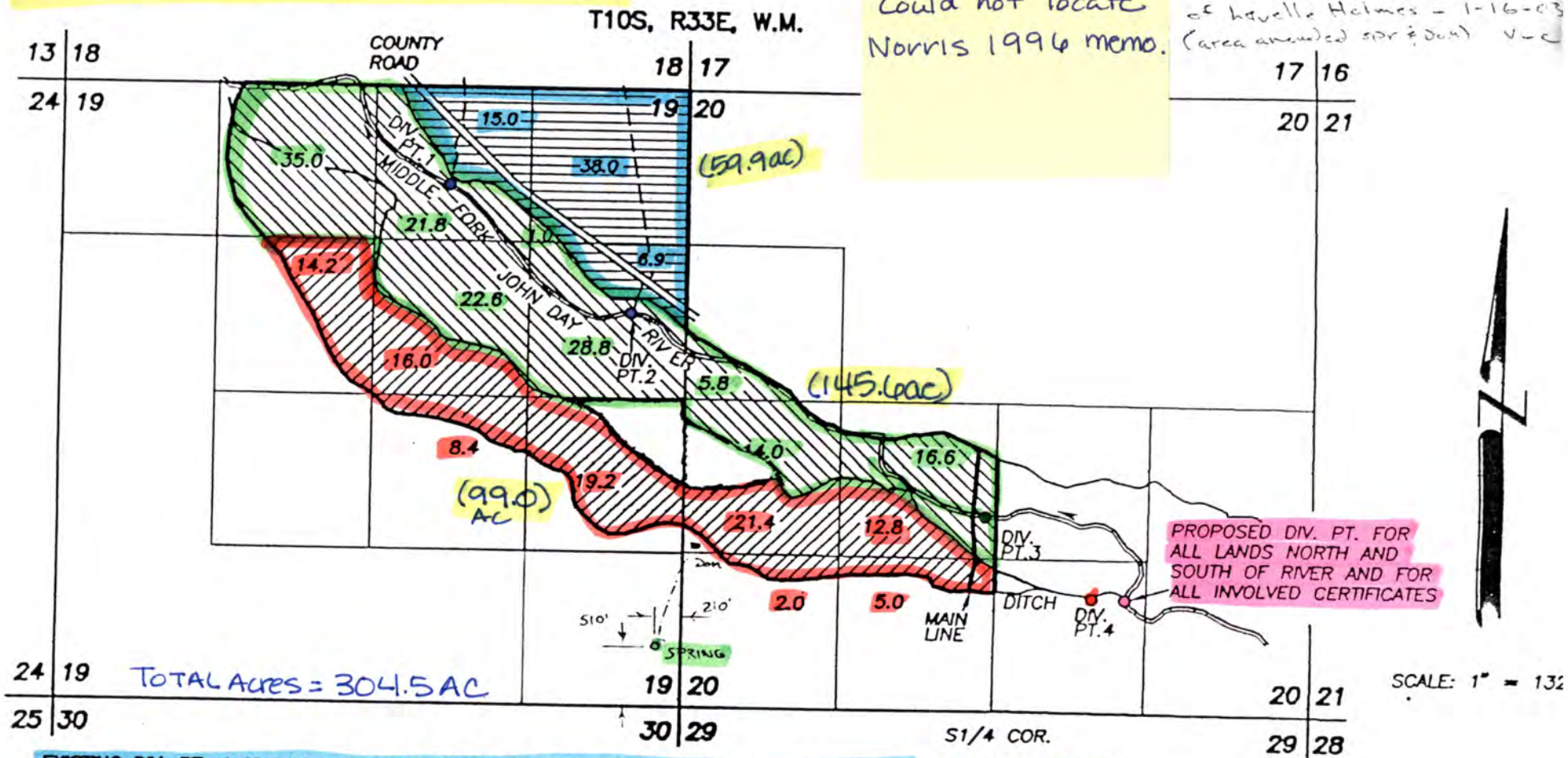
WATER RESOURCES DEPT
SALEM, OREGON



WORK COPY T-8172

Could not locate
Norris 1996 memo.

Map was amended under Norris
1996 memo and with permission
of Levelle Holmes - 1-16-03
(area amended per # 204) V-C



EXISTING DIV. PT. 1 IS 840 FT. SOUTH AND 650 FT. EAST OF N1/4 COR. OF SEC. 19. CERT 34141
 EXISTING DIV. PT. 2 IS 1910 FT. SOUTH AND 2180 FT. EAST OF N1/4 COR. OF SEC. 19.
 EXISTING DIV. PT. 3 IS 1660 FT. NORTH AND 80 FT. WEST OF S1/4 COR. OF SEC. 20. CERT 25387
 EXISTING DIV. PT. 4 IS 980 FT. NORTH AND 810 FT. EAST OF S1/4 COR. OF SEC. 20. CERT 57265
 PROPOSED DIV. PT. IS 970 FT. NORTH AND 1090 FT. EAST OF S1/4 COR. OF SEC. 20. T-8172

C25387

C34141

C57265

APPLICATION MAP
 FOR ADDITIONAL DIVERSION POINT
 IN NAME OF
 LEVELLE HOLMES

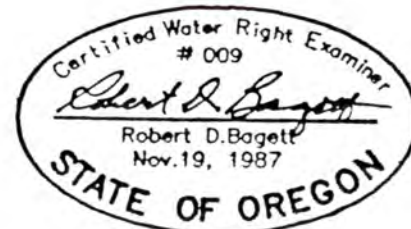
SURVEYED SEPTEMBER 10, 1998 BY R.D. BAGETT

WATER RESOURCES DIST.
 SALEM, OREGON

JAN 28 1999

RECEIVED

T-8172



NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.

DIV. Point #3 is authorized for CERT 57265 + C25387

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION
AND CORRECTING SCRIVENER'S ERROR IN CERTIFICATE 57265

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 8172 submitted by:

LAVELLE HOLMES

~~HER 85, BOX 7~~ ~~PO 132~~ ~~BOX 132~~
~~BATES, OREGON 97817.~~ Adams, OR

/ The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for GRANT County as evidenced by Certificate 25387. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1882.

The right allows the use of a SPRING, tributary of the MIDDLE FORK JOHN DAY RIVER, and the MIDDLE FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION, DOMESTIC AND STOCK. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed:

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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.

SPRING: ONE-FORTIETH of one cubic foot per second per acre irrigated to June 1, and ONE-EIGHTIETH of one 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 the season from April 1 to September 30, measured at the point of diversion from the source.

MIDDLE FORK JOHN DAY RIVER: ONE-FORTIETH of one cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month; total of five acre-feet per acre for season, measured at the point of diversion from the stream.

The authorized place of use is located as follows:

NE¼ NE¼	1.0 ACRES
NW¼ NE¼	21.8 ACRES
SW¼ NE¼	22.6 ACRES
SE¼ NE¼	28.8 ACRES
NE¼ NW¼	35.0 ACRES

SECTION 19

SW¼ NW¼	5.8 ACRES
NE¼ SW¼	16.6 ACRES
NW¼ SW¼	14.0 ACRES

SECTION 20

TOWNSHIP 10 SOUTH, RANGE 33 EAST, W.M.

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

The **SECOND** right to be modified, as evidenced by **Certificate 34141**, was perfected under **Permit 28039** with a date of priority of **APRIL 23, 1962**. The right allows the use of **MIDDLE FORK JOHN DAY RIVER**, a tributary of the JOHN DAY RIVER, for **IRRIGATION**. The amount of water to which this right is entitled is limited to

an amount actually beneficially used and shall not exceed 1.5 cubic feet per second, if available at the authorized point of diversion: NW¼ NE¼, SE¼ NE¼, SECTION 19, T 10 S, R 33 E, W.M.; 1910 FEET SOUTH AND 2180 FEET EAST; AND 840 FEET SOUTH AND 650 FEET EAST, BOTH FROM THE N¼ CORNER, SECTION 19, or its equivalent in case of rotation, measured at the point of diversion from the source.

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-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 for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of the John Day River is more than 30 c.f.s. at USGS No. 14-0465 and more than 20 c.f.s. at USGS Gage No. 14-0480 and the Middle Fork of the John Day River is more than 10 c.f.s. at USGS Gage No. 14-0440 and the North Fork of the John Day River is more than 55 c.f.s. at USGS Gage No. 14-0460.

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

The authorized place of use is located as follows:

NE¼ NE¼	38.0 ACRES
NW¼ NE¼	15.0 ACRES
SE¼ NE¼	6.9 ACRES

SECTION 19

TOWNSHIP 10 SOUTH, RANGE 33 EAST, W.M.

The THIRD right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for GRANT County as evidenced by Certificate 57265. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1890.

REPLACED
CORRECT
CERT

The right allows the use of MIDDLE FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to not more than ONE-FORTIETH of one cubic foot per second per acre irrigated to June 1, and ONE-EIGHTIETH of one 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 the season from April 1 to September 30, measured at the point of diversion from the stream.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$	16.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	14.2 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.2 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.4 ACRES

SECTION 19

NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.8 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0 ACRES

SECTION 20

TOWNSHIP 10 SOUTH, RANGE 33 EAST, W.M.

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

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

(+) POD SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 20, T 10 S, R 33 E, WM; 970 FEET NORTH AND 1090 FEET EAST S $\frac{1}{4}$ CORNER, SECTION 20.

Certificate 57265, issued to Lavelle Holmes, pursuant to an order of the Circuit Court for Grant County, entered May 16, 1988, to

correct and supersede that certain water right certificate heretofore issued to Felix A. Johnson and recorded at page 25388, Volume 17, State Record of Water Right Certificates, so as to correctly describe the source of appropriation. Due to a scrivener's error, the correcting certificate did not accurately describe the maximum rate and duty limitations allowed in the John Day River Decree for rights granted from the Middle Fork John Day River.

C57265

This order approves an additional point of diversion and correctly describes the maximum rate and duty for certificate 57265. The correct rate and duty limitation allowed by the John Day Decree for the Middle Fork John Day River is defined as "A rate of flow limited to ONE-FORTIETH of one cubic foot per second per acre during the irrigation season. A quantity of water limited to one acre foot per acre during any calendar month and a total quantity during the irrigation season not to exceed five acre feet per acre."

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, 2004.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversions.
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.

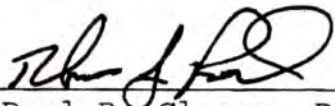
4. When required by the Department, the water user shall operate and maintain the headgate and measuring device, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original points 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.

Certificates 25387, 34141, and 57265 are canceled. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed AUG 12 2003.



Paul R. Cleary, Director

STATE OF OREGON

COURT OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That STEPHEN C. HOLMES

of Monument, , State of Oregon , has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Middle Fork John Day River

a tributary of John Day River
irrigation of 59.9 acres

for the purpose of

under Permit No. 28039 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 23, 1962

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.50 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, T. 10 S., R. 33 E., W. M. Diversion points located 1910 feet South and 2180 feet East; and 840 feet South and 650 feet East, both from the N $\frac{1}{2}$ Corner, Section 19.

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 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of the John Day River is more than 30 c.f.s. at USGS Gage No. 14-0465 and more than 20 c.f.s. at USGS Gage No. 14-0480 and the Middle Fork of the John Day River is more than 10 c.f.s. at USGS Gage No. 14-0440 and the North Fork of the John Day River is more than 55 c.f.s. at USGS Gage No. 14-0460; and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

38.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓
15.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ ✓
6.9 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓
Section 19
T. 10 S., R. 33 E., W. M.

(59.9 ac) (1/40) = 1.50 ✓
cfs

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 State Engineer, affixed

this date. July 31, 1967

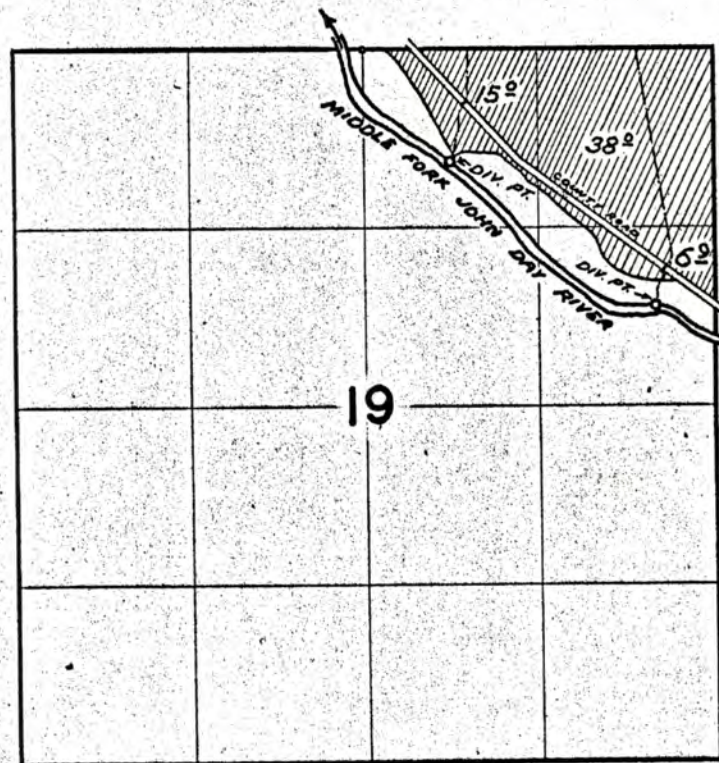
CHRIS L. WHEELER

State Engineer

P28039

34141

T. 10 S. R. 33 E. W. M.



FINAL PROOF SURVEY
UNDER

Application No. 37571 Permit No. 28039
IN NAME OF

STEPHEN C. HOLMES

Surveyed Aug. 6 1965, by G. WARD

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **FELIX A. JOHNSON**

of **Susanville**, State of **Oregon**, has a right to the use of
the waters of **Spring tributary of Middle Fork John Day River and Middle Fork John Day River**
for the purpose of **Irrigation, 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 **STATE ENGINEER**, in Volume **15**, at page **461**; that the priority of the right thereby
confirmed dates from **1882**

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

See Below

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

1.0 acre in NE 1/4 NE 1/4
21.8 acres in NW 1/4 NE 1/4
22.6 acres in SW 1/4 NE 1/4
28.8 acres in SE 1/4 NE 1/4
35.0 acres in NE 1/4 NW 1/4
Section 19,
5.8 acres in SW 1/4 NW 1/4
16.6 acres in NE 1/4 SW 1/4
14.0 acres in NW 1/4 SW 1/4
Section 20,
T. 10 S., R. 33 E., W. M.

$$(145.6 \text{ ac}) \times (1/40) = 3.64 \text{ cfs}$$

Spring: 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 Sept. 30, measured at point of diversion.

Middle Fork John Day River:

1/40 cubic foot per second per acre irrigated from April 1 to Sept. 30;
further limited to one acre-foot per acre per calendar month; total of
five acre-feet per acre for season, measured at point of diversion.

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

WITNESS the signature of the State Engineer, affixed

this **1st** day of **May**, 19 **59**.**LEWIS A. STANLEY**

State Engineer

Recorded in State Record of Water Right Certificates, Volume **17**, page **25387**

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that

LAVELLE HOLMES
of SUSANVILLE, OREGON, has a right to the use of the waters of **MIDDLE
FORK JOHN DAY RIVER** for the purpose of IRRIGATION.

The right has been confirmed by decree of the Circuit Court
of the State of Oregon for GRANT County. The decree is of record at
Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume
15, at page 461. The date of priority is 1890.

The right is limited to not more than 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, MEASURED AT POINT OF DIVERSION.

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

16.0 ACRES SW1/4 NE1/4 ✓
14.2 ACRES SE1/4 NW1/4 ✓
19.2 ACRES NE1/4 SE1/4 ✓
8.4 ACRES NW1/4 SE1/4 ✓
SECTION 19

$(99.0ac)(1/40) = 2.475cfs$

12.8 ACRES NE1/4 SW1/4 ✓
21.4 ACRES NW1/4 SW1/4 ✓
2.0 ACRES SW1/4 SW1/4 ✓
5.0 ACRES SE1/4 SW1/4 ✓
SECTION 20

1/4 SECTION 10 SOUTH, RANGE 33 EAST, WM

of the water for the above purpose is restricted
to the lands or place of use described and shall be
subject to the conditions and limitations
herein set forth.

This certificate is issued pursuant to the order of the Circuit
Court, entered May 16, 1988, to correct and
amend the water right certificate heretofore issued to
LAVELLE HOLMES, recorded at page 25388, Volume 17, State Record of
Orders, so as to correctly describe the source of

WITNESS the signature of the Water Resources Director,
affixed this date MAY 26, 1988.

William H. Young
Water Resources Director

Recorded in State Record of Water Right **Certificates numbered 57265**

T-8172

Incorrectly
described
See T-8172

Corrects C25388, by
removing 'spring tributary'
via Order in 1988.

T-8172 adds POU

A rate due to
Schivener's
error.

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **FELIX A. JOHNSON**

of **Susanville**, State of **Oregon**, has a right to the use of
the waters of **Springs tributary of Middle Fork John Day River**
for the purpose of **Irrigation** **VIA SMITH DITCH**

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 STATE ENGINEER, in Volume **15**, at page **461**; that the priority of the right thereby
confirmed dates from **1890**

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 there-
after; further limited to one acre-foot per calendar month to June 1 and four acre-
feet per acre during season April 1 to Sept. 30, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

16.0 acres in SW¹/₄ NE¹/₄
14.2 acres in SE¹/₄ NW¹/₄
19.2 acres in NE¹/₄ SE¹/₄
8.4 acres in NW¹/₄ SE¹/₄

Section 19,

12.8 acres in NE¹/₄ SW¹/₄
21.4 acres in NW¹/₄ SW¹/₄
2.0 acres in SW¹/₄ SW¹/₄
5.0 acres in SE¹/₄ SW¹/₄

Section 20,

T. 10 S., R. 33 E., W. M. **99 acres**

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 State Engineer, affixed

this **1st** day of **May**, 19**59**.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume **17**, page **25388**



BAGETT, GRIFFITH & BLACKMAN

P. O. Box 476
John Day, Oregon 97845
Phone (541) 575-1251
Office Location — 217 North Canyon Boulevard

Property Surveys
Topographic Surveys
Construction Surveys
Subdivisions
Land Partitioning
Certified Water Right
Examiners

April 7, 2004

TO THE WATER RESOURCES DIRECTOR OF OREGON:

REFERENCE FILE: T-8172

CLAIM OF BENEFICIAL USE AND SITE REPORT

INFORMATION :

This report is in conjunction with the Final Proof Survey for Transfer T-8172 applied for by LaVelle Holmes, HCR 85 Box 7, Bates, OR 97817, telephone number, (541) 421-3728.

Prior to my inspection of the site, I discussed the system with LaVelle Holmes, owner. Mrs. Holmes informed me of her operation of the system, point of diversion location, pipeline and place of use.

The source of the water used is from a spring, tributary of the Middle Fork John Day River, and the Middle Fork John Day River, a tributary of the John Day River. The current use of the water is for irrigation, domestic and stock.

OK- The additional point of diversion is a concrete structure located on the south bank of the Middle Fork of the John Day River. The water flows through the structure and into a ditch for 1390 feet to an inlet structure where a part of the water can be diverted through a 12 inch buried PVC mainline for 1230 feet, crossing under the river to the north side ditch at an outlet structure. It is noted that a fish screen is installed in the ditch just downstream from the POD structure.

The water is used for irrigation, domestic and stock per C25387 and for irrigation per C34141 and C57265.

The system was not in operation on the day of my inspection, November 4, 2003. The water was cut off at the POD, therefore I could not measure the flow. However, I contacted Kenneth Delano, District Manager of the Grant Soil and Water Conservation District. Mr. Delano is familiar with the diversion site and the delivery system. Mr. Delano, through his measurements and calculations, determined that the capacity of the ditch far exceeds the amount of water allowed in the order. See attachments.

The additional point of diversion is tied to a 3 inch aluminum pipe with attached aluminum cap at the South 1/4 corner of Section 20, Twp. 10 S., R.33 E., W.M. This survey was conducted a Wild TC1600 electronic total station.

RECEIVED

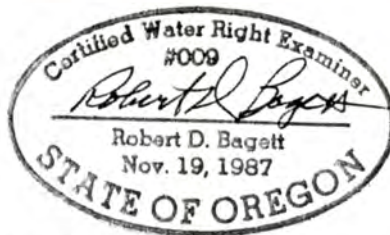
APR 21 2004

WATER RESOURCES DEPT
SALEM, OREGON

Page 2, Final Proof Report T-8172

At this time it is my observation that the conditions of the order have been met. The system is in place and is capable of being used as applied for.

The final proof survey and inspection of the use as found to be completed under the terms and conditions of Transfer No. T-8172 was completed by me on November 4, 2003, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



Certified Water Right Examiner

I, LaVelle Holmes, agree to the findings of the CWRE and do submit this report and map as my claim of Beneficial Use of the water as provided under the terms and conditions of Transfer No. T-8172. I also request that a water right certificate be issued.

LaVelle Holmes
LaVelle Holmes

RECEIVED

APR 21 2004

WATER RESOURCES DEPT
SALEM, OREGON

CALCULATIONS

South side of river:

$$\begin{array}{r} Q \text{ acres} = 227.4 \\ \text{-----} \\ 40 \end{array} = 5.69 \text{ cfs}$$

North side of river:

$$\begin{array}{r} Q \text{ acres} = 90.5 \\ \text{----} \\ 40 \end{array} = 2.27 \text{ cfs}$$

$$\text{Combined rate} = 7.96 \text{ cfs}$$

Combined rate:

$$(304.5 \text{ acres}) \left(\frac{1}{40} \right) = 7.61 \text{ cfs}$$

→ rate exceeds allowed by order.

$$Q \text{ acres} = 317.9 \text{ acres} \quad \text{Acres related to rights w/in T-8172} = 304.5 \text{ acres}$$

South side full ditch capacity, measured by Mr. Delano, near the additional point of diversion, averages 24.4 cfs. See attached data provided by Mr. Delano.

CONCLUSION:

The system is capable of delivering more water than is allowed. The system is limited to 5.69 cfs for the south side of river and 2.27 cfs for the north side of river for a combined rate of 7.96 cfs as per the order.

RECEIVED

APR 21 2004

WATER RESOURCES DEPT
SALEM, OREGON

Ditch Velocity Calculations OPEN FLOW

Holmes Diversion Consolidation

Middle Fork John Day River

$$V = 1.49 / n(rh)^{2/3} S^{1/2}$$

Confirm that the south side ditch will carry 7.96 cfs combined rates of diversion (5.69 cfs south side rate plus 2.27 north side rate). Use 8 cfs.

RECEIVED

APR 21 2004

WATER RESOURCES DEPT
SALEM, OREGON

			Hydraulic radius	
Xsec 1	1.49	0.033	0.72	0.0025
Bank F2	1.49	0.033	1.08	0.0025
Xsec2	1.49	0.033	0.57	0.0025
Bank F2	1.49	0.033	0.9	0.0025

	Flow ft/sec	C/n	rh ^{2/3}	s ^{1/2}	Xsec Area	Q in cfs
Vx1	1.813555	45.15152	0.80332	0.05	5.64	10.22845 At water level measured 5/12/98
Vbf1	2.376429	45.15152	1.052646	0.05	10.57	25.11885 Bank Full
Vx2	1.552002	45.15152	0.687464	0.05	2.69	4.174885 At water level measured 5/12/98
Vbf2	2.104444	45.15152	0.93217	0.05	11.27	23.71708 Bank Full

Average
24.4 cfs

It is clear that the existing ditch will carry 8 cfs at less than the Velocity calculated using the manning equation.

NOTE: The cross section of the ditch varies substantially, probably due to the difficulty in maintaining the ditch with machinery over the years. As shown in the accompanying cross sections, the ditch has ample capacity to carry 8 cfs at 1 ft per second flow velocity.

Ken Delano
04/02/04

RECEIVED

APR 21 2004

WATER RESOURCES DEPT
SALEM, OREGON

HOLMES DIVERSION MIDDLE FORK JOHN DAY RIVER, GRANT COUNTY, OR.

CROSS-SECTIONS TAKEN EAST OF THE EXISTING TURNOUT BOX CONFIRM THAT THE EXISTING DITCH CAN
CONVEY THE COMBINED FLOW RATE OF 8 CFS.

Cross-Section #1

2+00

Area = 10.57 ft ²
Area = 8 ft ²
Area = 5.64 ft ²

WATER LEVEL MEASURED 5/12/98	
x-sect. area	5.64 ft ²
flow	5.64 ft ³

BANK FULL WATER LEVEL	
x-sect. area	10.57 ft ²
flow	10.57 ft ³

WS @ BANK FULL

WS @ 8 CFS

WS MEASURED 5/12/98

$$\text{Slope} = 1.12\text{ft}/446\text{ft} = .0025 \text{ ft/ft}$$

Note: Assumed minimum 1 ft/s flow

Cross-Section #2

4+00

Area = 11.27 ft ²
Area = 8 ft ²
Area = 2.69 ft ²

WATER LEVEL MEASURED 5/12/98	
x-sect. area	2.69 ft ²
flow	2.69 ft ³

BANK FULL WATER LEVEL	
x-sect. area	11.27 ft ²
flow	11.27 ft ³

D:\Documents and Settings\GrayCad\Desktop\Drawings\Holmes Project\dwg\Holmes Project.dwg

KEN DELAND
BRAD ARMSTRONG
04/01/04

COPY

temporary phone - 1-2m
541-421-3177

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

T-8172

Applicant: LaVelle Holmes
Mailing Address: HCR 85 Box 7
Bates, Oregon 97817 541-421-3228
City or town State Zip Phone
Type of change: Additional Point of Diversion
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

- yes for C 57265
A) Is the water right in your name? No for C 25387, C 24141 If not, list name below:
(Yes, No)
C 25387 is under Felix A. Johnson, C 34141 is under Stephen C Holmes
B) Was the water right determined by a court decree? yes for C 25387 and C 57265
(Yes, No)
1. If yes, list the title of the proceedings: John Day River Decree
2. Certificate No: C 25387 and C 57265
C) Was the water right acquired by a water permit? yes for C 34141
(Yes, No)
1. If yes, list the Permit No: 28039
2. Certificate No: C 34141
D) Date of priority right: C 25387 is 1882; C 34141 is Apr. 23, 1962
C 57265 is 1890
E) What are your reasons for the proposed changes?
For a more efficient delivery system to serve lands north of the river and to document current POD location south of river.
F) The water will be completely applied to the proposed use on or before: Oct. 1, 1999

2. LOCATION OF AUTHORIZED USE

- C 25387 = Springs & middle fork John Day River
A) What is the source of water (river, stream, well)? C 57265 & C 34141 = middle fork John Day River

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>See Attachment A</u>				

- C) What is the name of the ditch used? Smith Ditch
D) What is the use to which the water is applied? C 25387 for Irrigation, domestic & stock
C 57265 & C 34141 for irrigation
E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>See Attachment B</u>				

- F) Is the land within an irrigation district? Yes ☐ No ☒
If Yes, which district? _____
G) County Grant

3. LOCATION OF PROPOSED USE:

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

- A) Describe the ~~proposed point of diversion~~ Additional Point of Diversion

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>970' N. & 1090' E. of S 1/4 corner SW 1/4 SE 1/4</u>	<u>20</u>	<u>10S</u>	<u>33E</u>	
<u>Sec. 20, T. 10S, R. 33E, Wm</u>				

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? _____
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- ☒ A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
- ☒ B) A copy of the current recorded deed to the subject lands.
- ☐ C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
- ☒ D) Evidence that the water has been used within the last five years.

5. ~~NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:~~

~~As the landowner, the water has been used every year; for irrigation, domestic & stock.~~

6. REMARKS: For C25387, we are not certain how many acres are north versus south of the river. The intent is to be able to irrigate all lands north of the river from the proposed additional point of diversion.

I (we) _____, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 25 day of Jan, 1999.

L. L. Holmes
(Signature)

(Signature)

Subscribed and sworn to before me

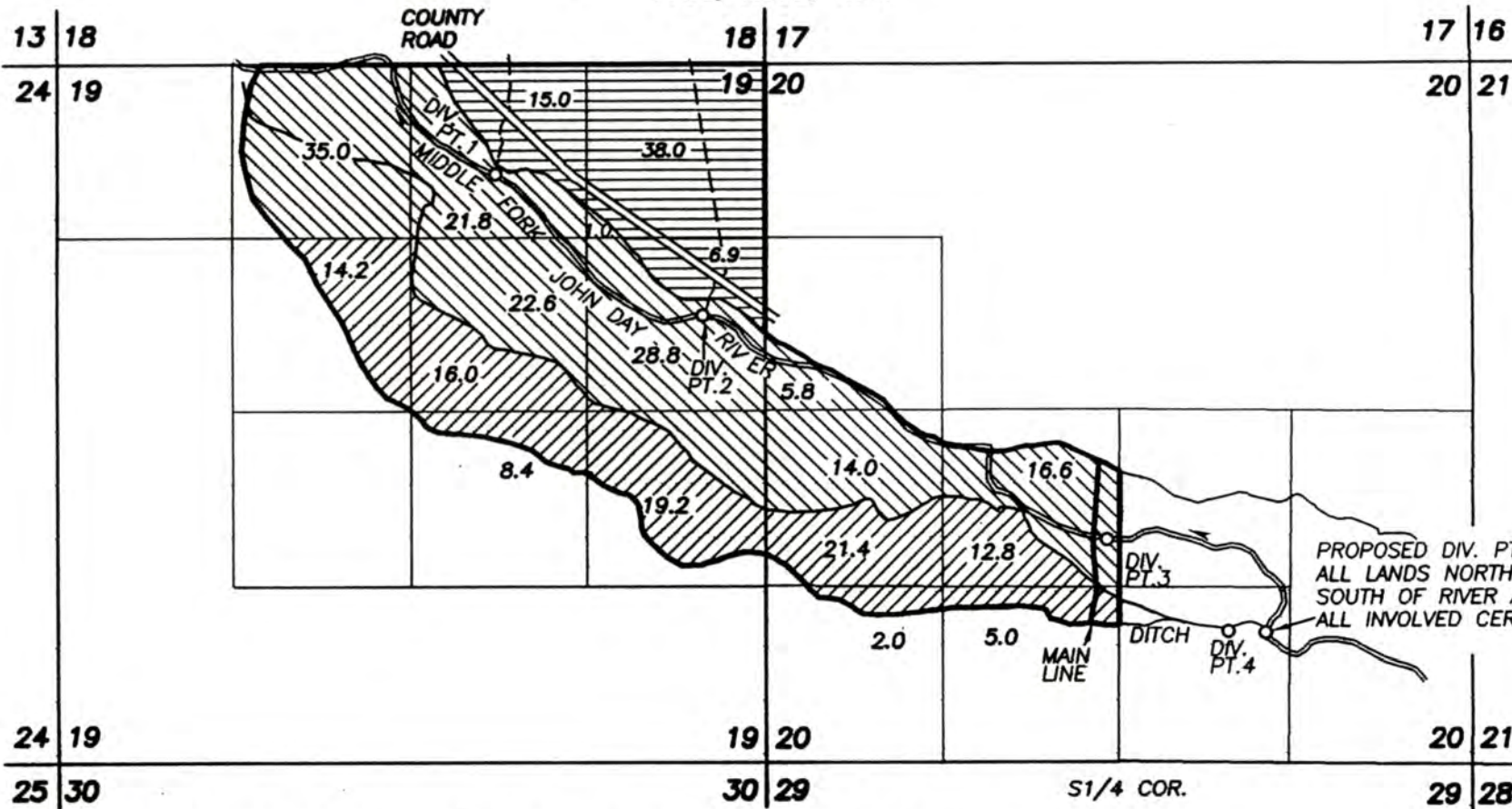


Myla Corley
Notary Public for Oregon

My commission expires: 01-07-00

WATER RESOURCES DEPT.
SALEM, OREGON
JAN 28 1999

T10S, R33E, W.M.



EXISTING DIV. PT. 1 IS 840 FT. SOUTH AND 650 FT. EAST OF N1/4 COR. OF SEC. 19.
 EXISTING DIV. PT. 2 IS 1910 FT. SOUTH AND 2180 FT. EAST OF N1/4 COR. OF SEC. 19.
 EXISTING DIV. PT. 3 IS 1660 FT. NORTH AND 80 FT. WEST OF S1/4 COR. OF SEC. 20.
 EXISTING DIV. PT. 4 IS 980 FT. NORTH AND 810 FT. EAST OF S1/4 COR. OF SEC. 20.
 PROPOSED DIV. PT. IS 970 FT. NORTH AND 1090 FT. EAST OF S1/4 COR. OF SEC. 20.

-  C25387
-  C34141
-  C57265

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.

APPLICATION MAP
 FOR ADDITIONAL DIVERSION POINT
 IN NAME OF
LEVELLE HOLMES

SURVEYED SEPTEMBER 10, 1998 BY R.D. BAGETT

WATER RESOURCES DEPT.
 SALEM, OREGON

JAN 28 1999

RECEIVED



T-8172

T-8172

ATTACHMENT A

AUTHORIZED POINTS OF DIVERSIONS:

- C-34141 = 1910' S. and 2180' E.; 840' S. and 650' E. , both from the N1/4 corner Sec. 19, being within the NW1/4 NE1/4, SE1/4 NE1/4, Sec. 19, T. 10 S., R. 33 E., W.M.
- C-25387 = 1660' N. and 80' W.; about 1100' N. and 400' E. , both from the S1/4 corner Sec. 20, being within the NE1/4 SW1/4, SW1/4 SE1/4 Sec. 20, T. 10 S., R. 33 E., W.M.
- C-57265 = about 1100' N. and 400' E. of the S1/4 corner Sec. 20, being within the SW1/4 SE1/4, Sec. 20, T. 10 S., R. 33 E., W.M.

RECEIVED

JAN 28 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

C-25387

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	19	NE NE	1
"	"	"	NW NE	21.8
"	"	"	SW NE	22.8
"	"	"	SE NE	28.8

RECEIVED

NOV 02 1998
WATER RESOURCES DEPT.
SALEM, OREGON

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

C-34141

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	19	NE NW	35.0
"	"	20	SW NW	5.8
"	"	"	NE SW	16.6
"	"	"	NW SW	14.0

RECEIVED

JAN 28 1998

WATER RESOURCES DEPT.
SALEM, OREGON

C-57265

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	19	NE NE	38.0
"	"	"	NW NE	15.0
"	"	"	SE NE	6.9
Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	20	NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.8
"	"	"	NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.4
"	"	"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0
"	"	"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0
Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	16.0
"	"	"	SE $\frac{1}{4}$ NW $\frac{1}{4}$	14.2
"	"	"	NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.2

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
158 12th ST NE, Salem, OR 97301
(503) 378-8455
www.wrd.state.or.us



FAXED
8-18-03

FAX TRANSMITTAL

TO: Mike Ladd FAX NUMBER: #05
DATE: 8-18-03 PAGES: 7, INCLUDING COVER SHEET
FROM: Sarah PHONE: (503) 378-8455 EXT. 310

COMMENTS: _____

T-8172 order

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD & TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

FAX: (503) 378-2496

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FIELD & TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Regional Liaisons
- Transfers

FAX: (503) 378-8130

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

NORTHWEST REGION

- District 16 Watermaster

FAX: (503) 378-6203

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION
AND CORRECTING SCRIVENER'S ERROR IN CERTIFICATE 57265

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 8172 submitted by:

LAVELLE HOLMES
HCR 85, BOX 7
BATES, OREGON 97817.

The FIRST right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for GRANT County as evidenced by Certificate 25387. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1882.

The right allows the use of a SPRING, tributary of the MIDDLE FORK JOHN DAY RIVER, and the MIDDLE FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION, DOMESTIC AND STOCK. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed:

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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.

SPRING: ONE-FORTIETH of one cubic foot per second per acre irrigated to June 1, and ONE-EIGHTIETH of one 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 the season from April 1 to September 30, measured at the point of diversion from the source.

MIDDLE FORK JOHN DAY RIVER: ONE-FORTIETH of one cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month; total of five acre-feet per acre for season, measured at the point of diversion from the stream.

The authorized place of use is located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$	1.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	21.8 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	22.6 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	28.8 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	35.0 ACRES

SECTION 19

SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.8 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	16.6 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	14.0 ACRES

SECTION 20

TOWNSHIP 10 SOUTH, RANGE 33 EAST, W.M.

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

The SECOND right to be modified, as evidenced by Certificate 34141, was perfected under Permit 28039 with a date of priority of APRIL 23, 1962. The right allows the use of MIDDLE FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to

an amount actually beneficially used and shall not exceed 1.5 cubic feet per second, if available at the authorized point of diversion: NW¼ NE¼, SE¼ NE¼, SECTION 19, T 10 S, R 33 E, W.M.; 1910 FEET SOUTH AND 2180 FEET EAST; AND 840 FEET SOUTH AND 650 FEET EAST, BOTH FROM THE N¼ CORNER, SECTION 19, or its equivalent in case of rotation, measured at the point of diversion from the source.

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-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 for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of the John Day River is more than 30 c.f.s. at USGS No. 14-0465 and more than 20 c.f.s. at USGS Gage No. 14-0480 and the Middle Fork of the John Day River is more than 10 c.f.s. at USGS Gage No. 14-0440 and the North Fork of the John Day River is more than 55 c.f.s. at USGS Gage No. 14-0460.

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

The authorized place of use is located as follows:

NE¼ NE¼	38.0 ACRES
NW¼ NE¼	15.0 ACRES
SE¼ NE¼	6.9 ACRES

SECTION 19

TOWNSHIP 10 SOUTH, RANGE 33 EAST, W.M.

The THIRD right to be modified was confirmed by decree of the Circuit Court of the State of Oregon for GRANT County as evidenced by Certificate 57265. The decree is recorded in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1890.

The right allows the use of MIDDLE FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION. The amount of water to which this right is entitled is limited to not more than ONE-FORTIETH of one cubic foot per second per acre irrigated to June 1, and ONE-EIGHTIETH of one 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 the season from April 1 to September 30, measured at the point of diversion from the stream.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$	16.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	14.2 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.2 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.4 ACRES

SECTION 19

NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.8 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0 ACRES

SECTION 20

TOWNSHIP 10 SOUTH, RANGE 33 EAST, W.M.

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

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

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 20, T 10 S, R 33 E, WM; 970 FEET NORTH AND 1090 FEET EAST S $\frac{1}{4}$ CORNER, SECTION 20.

Certificate 57265, issued to Lavelle Holmes, pursuant to an order of the Circuit Court for Grant County, entered May 16, 1988, to

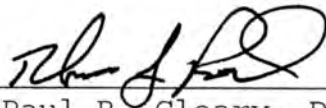
4. When required by the Department, the water user shall operate and maintain the headgate and measuring device, as needed. The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.
5. Water shall be acquired from the same surface water source as the original points 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.

Certificates 25387, 34141, and 57265 are canceled. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources

Director, affixed AUG 12 2003.



For Paul R. Cleary, Director

correct and supersede that certain water right certificate heretofore issued to Felix A. Johnson and recorded at page 25388, Volume 17, State Record of Water Right Certificates, so as to correctly describe the source of appropriation. Due to a scrivener's error, the correcting certificate did not accurately describe the maximum rate and duty limitations allowed in the John Day River Decree for rights granted from the Middle Fork John Day River.

This order approves an additional point of diversion and correctly describes the maximum rate and duty for certificate 57265. The correct rate and duty limitation allowed by the John Day Decree for the Middle Fork John Day River is defined as "A rate of flow limited to ONE-FORTIETH of one cubic foot per second per acre during the irrigation season. A quantity of water limited to one acre foot per acre during any calendar month and a total quantity during the irrigation season not to exceed five acre feet per acre."

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, 2004.
2. The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversions.
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.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

August 18, 2003

Lavelle Holmes
HCR 85, Box 7
Bates, Oregon 97817

REFERENCE: File T-8172

Enclosed is a copy of the order approving your water right transfer application T-8172.

A time to complete the transfer is given in the order. YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT. The water right for any portion of the authorized change in use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change within the time allowed.

You have the requirement to hire a Certified Water Right Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this department within one year of the date you completed the change or within one year of the completion date authorized in the transfer, whichever occurs first.

Sincerely,

BERNADETTE WILLIAMS
Transfer Program Coordinator

BW:sh

Enclosures

cc: Kelly Rise, Watermaster
Robert D. Bagett, CWRE
Vern, Church, Watermaster #21
Ken Dowden, North Central Region

STATE OF OREGON

COUNTY OF GRANT

ORDER APPROVING AN ADDITIONAL POINT OF DIVERSION
AND CORRECTING SCRIVENER'S ERROR IN CERTIFICATE 57265

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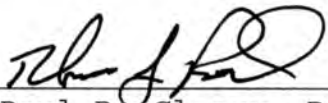
Certificate 57265, issued to Lavelle Holmes, pursuant to an order of the Circuit Court for Grant County, entered May 16, 1988, to

4. When required by the Department, the water user shall operate and maintain the headgate and measuring device, as needed. The water user 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.
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WITNESS the signature of the Water Resources
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For Paul R. Cleary, Director

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Tom Paul - 8/8/12/03

To: BERNIE

Here's a hard copy
of what I faxed to
you. I also added
a copy of an e-mail
that I didn't fax.
I hope this helps.

Mthe

FAXFAXFAXFAXFAXFAXFAXFAXFAXFAX
N WATER RESOURCES DEPARTMENT
NORTH CENTRAL REGION
RION AVENUE, PENDLETON, OR 97801
(541) 278-5456

FAX # (541) 278-0287

TO: Tom Paul DATE: 8-11-03

FROM: Mthe Ladd PHONE # (541) 278-5456

PAGES 4 (INCLUDING COVER)

MESSAGE: RE: Lavelle Holmes cert.
correction. I'm faxing my diary
entries that indicate we were in
agreement on how to correct the
certificate. Also attached is a copy
of Jerry's affidavit supporting the
original decree correction. I'll talk
to Jerry on Wed to confirm the
need to change cert. from 1 A.F. to
5 A.F.

RECEIVED

AUG 14 2003

WATER RESOURCES DEPT.
SALEM, OREGON



Monthly Focus:

Abundance—Live with the attitude that there is an abundance of resources and opportunities

— Emma Goldman

23

Tuesday
July 2002

Daily Record of Events

204th Day 161 Left Week 30

Had Amb call. Talked briefly with Paul re: CIVIC issues. Talking with rights on Res. & getting info from CIVIC for accumulated impact analysis.

Read through LaVelle Holmes' file from Kelly. My recommendation to Kelly is to fix art in transfer order process. I called Reed Markert - he agrees.

Called & left a message for Debbie Collett to discuss Sub-Bair planning.

Jay Buntz stopped us to get a copy of the City of Windsor Report.

Talked to B. Main re: interpretation of J. Day Decree on Dom. & livestock. Want sure how much use include as dom. Did agree with inclusion of rights allowed gr. id. use.

Talked to Debbie Collett re: the Umatata Sub-Bair planning process.



Monthly Focus:

Abundance—Live with the attitude that there is an abundance of resources and opportunities

— Joseph Murphy

15

Monday
July 2002

Daily Record of Events

196th Day 169 Left Week 29

Talked to B. Main re: lounge wheel & long letter to Mayor. Need info a well, withdrawal a place on hold.

Kelly, Reed & I discussed LaVelle Holmes' advice correct & Downing. I'll write for info on Kelly & talk to Jay Rodgers.

Talked to Neal Green with Jimore: Cullen's - Diana's Property. Harries - he'll probably withdraw. I told her about my talk with an Manta.

Talked to Tracy re: Sub-Bair planning. He dropped off CD-Rom.

Talked to Cory re: Warden NFO. Not sure he interpreted Bair properly correctly. He'll check with Ingrid. I gave him Paul - Heads-up.

Talked to Larry Bird re: ~~action~~ for Kline.

Typed memo on CIVIC agreement with copy to Reed, Paul Cherry & Jay Jacobs.



Monthly Focus
Abundance—Live with the
attitude that there is an
abundance of resources
and opportunities

*This man says that I am the only person who
this, the Good Life is waiting for us—here and now.*
— B. F. Skinner

24

Wednesday
July 2002

Daily Record of Events

20th Day 160 Left Week 30

Talked to Jim Paul re:
giving Laveille Thomas W.R.
Will fix in transfer order
he's OK.

Don & I talked to Scott
O'Daniel re: Do tech & mounting
wells & what the requirements
are. Off monitor - then Paul said.
Do tech - sign off by Laveille Thomas.
We asked Scott if he would like a
letter & would that help - he said
yes.

Talked to Kate Ely re: G.W. Study
in Umanas Road. We are trying to
go forward with it.

Talked to Shad re: Guest
on mat area & using channel
for conveyance. I'll look for
space but or rule - I don't
think we have one.

Called Steve Bloom & update him
on Linda's transfer re: Mares case -
re subject to transfer to a live
canal only. But Linda looks pretty
good except fungus; Scurvis - photo
did show him - but Chuck may have
more info - photo taken early
year.

Talked to Shad re: questions on
conveyance water. I discussed & also
talked to Don Paul. I sent a
e-mail to Shad & copy Don, Rick & Jerry.

I talked to Bob re: well construction &
the Ordinance City passed. I sent
him a letter.

Called Shad to check
11:40 AM

AFFIDAVIT

I, Jerry Rodgers, being first duly sworn, do hereby dispose and say that I am the duly appointed watermaster for the John Day River Basin, and that I have management responsibilities for the public waters of the State of Oregon within said basin.

During the summer of 1987, as part of my duties, I undertook a comprehensive review of water rights of record compared with actual use on the Middle Fork John Day River sub basin. During this review, I investigated in detail Certificate of Water Right numbered 25388 State Record of Water Right Certificates. This certificate describes the irrigation of 99.0 acres from Springs, tributary of Middle Fork John Day River with a priority date of 1890, on land currently owned by LaVelle Holmes, Bates OR, 97817.

The actual source in use during my 1987 inspections was the Middle Fork John Day River. Springs with adequate volume to irrigate 99.0 acres at any time during the year are non existent. Maps made by the Oregon State Engineer in June of 1926, for the purpose of adjudication of the waters of the John Day River and tributaries indicate that a similar ditch system from the Middle Fork John Day River was used in 1926 as was in use in 1987 for flood irrigation of the described 99.0 acres. For this reason, it is indicated that the actual source being the Middle Fork John Day River was either overlooked or mistakenly not listed on this certificate.

I have no objection and support an order amending and correcting the decree describing the Middle Fork John Day River as the source of water for said lands.

If an order is issued correcting or changing a court decree involving water use, the Water Resources Director requests a true and accurate certified copy be served to the Oregon Water Resources Dept. at 3850 Portland Rd. NE, Salem OR 97310. A correcting certificate would then be issued to the landowner(s) involved.

Jerry S. Rodgers

Subscribed and sworn to before me this 5 day of February, 1988.

Mary J. Newton
Notary Public for Oregon

My Commission Expires 6/7/91

To: Kelly Rise <Kelly.G.RISE@wrd.state.or.us>

Subject: Lavelle Holmes Correction Cert.

Cc: Tom Paul <Thomas.J.PAUL@wrd.state.or.us>, Reed Marbut <Reed.MARBUT@wrd.state.or.us>

I talked to Tom and he is ok with us correcting certificate 57265 to identify the proper rate and duty in the transfer order. He said to make sure we cover the tracks in the order on why we are correcting the cert. Make sure to give the background on the order from the court amending the state engineers findings and the court decree.

With that direction, you, me, Tom Paul and Reed Marbut are all in agreement on how to correct the certificate. Let me see a Draft order before to send out the transfer. Any questions, give me a call.

Michael F. Ladd

North Central Region Manager

116 S.E. Dorion

Pendleton, Or 97801

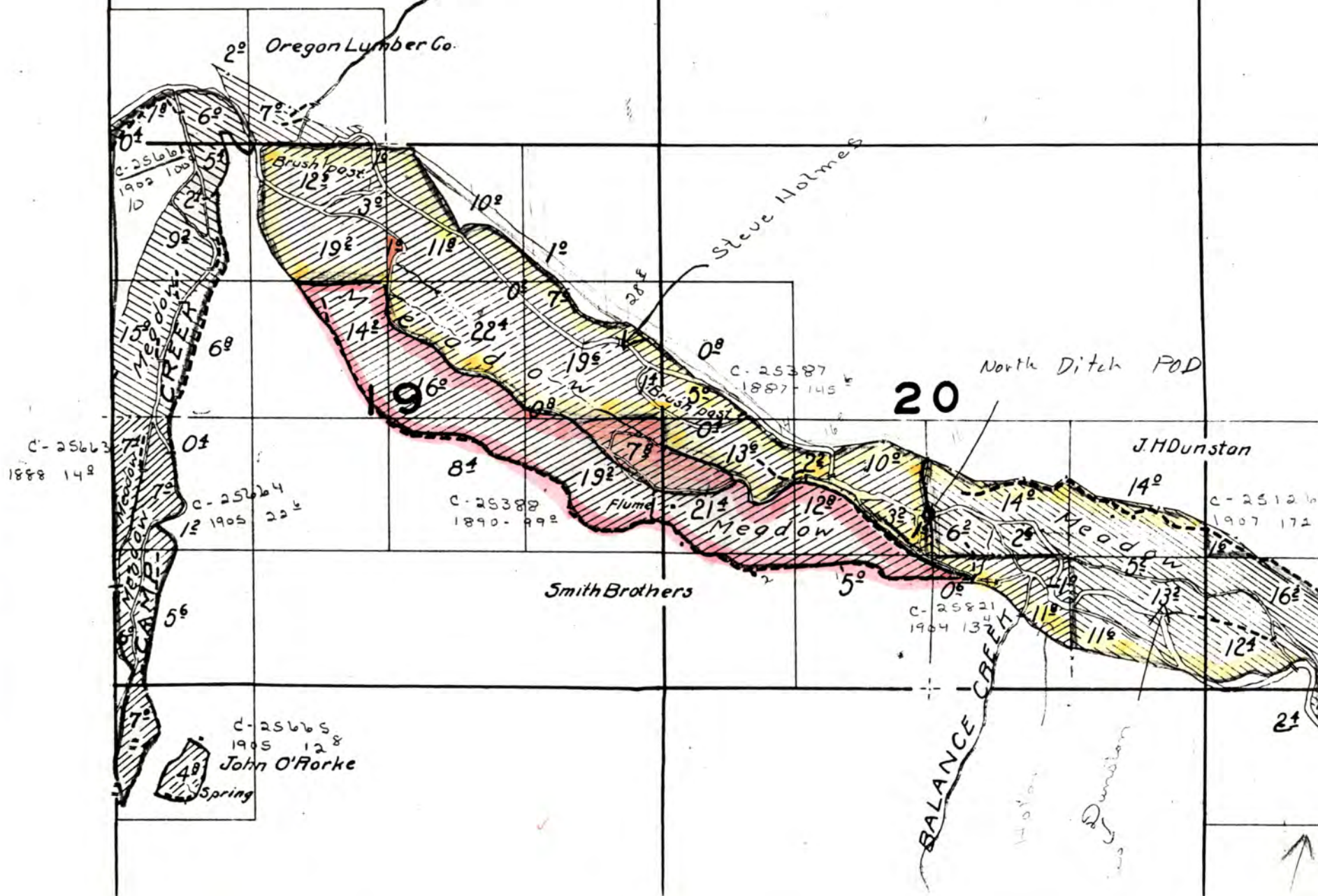
Voice: 541-278-5456

Fax: 541-278-0287

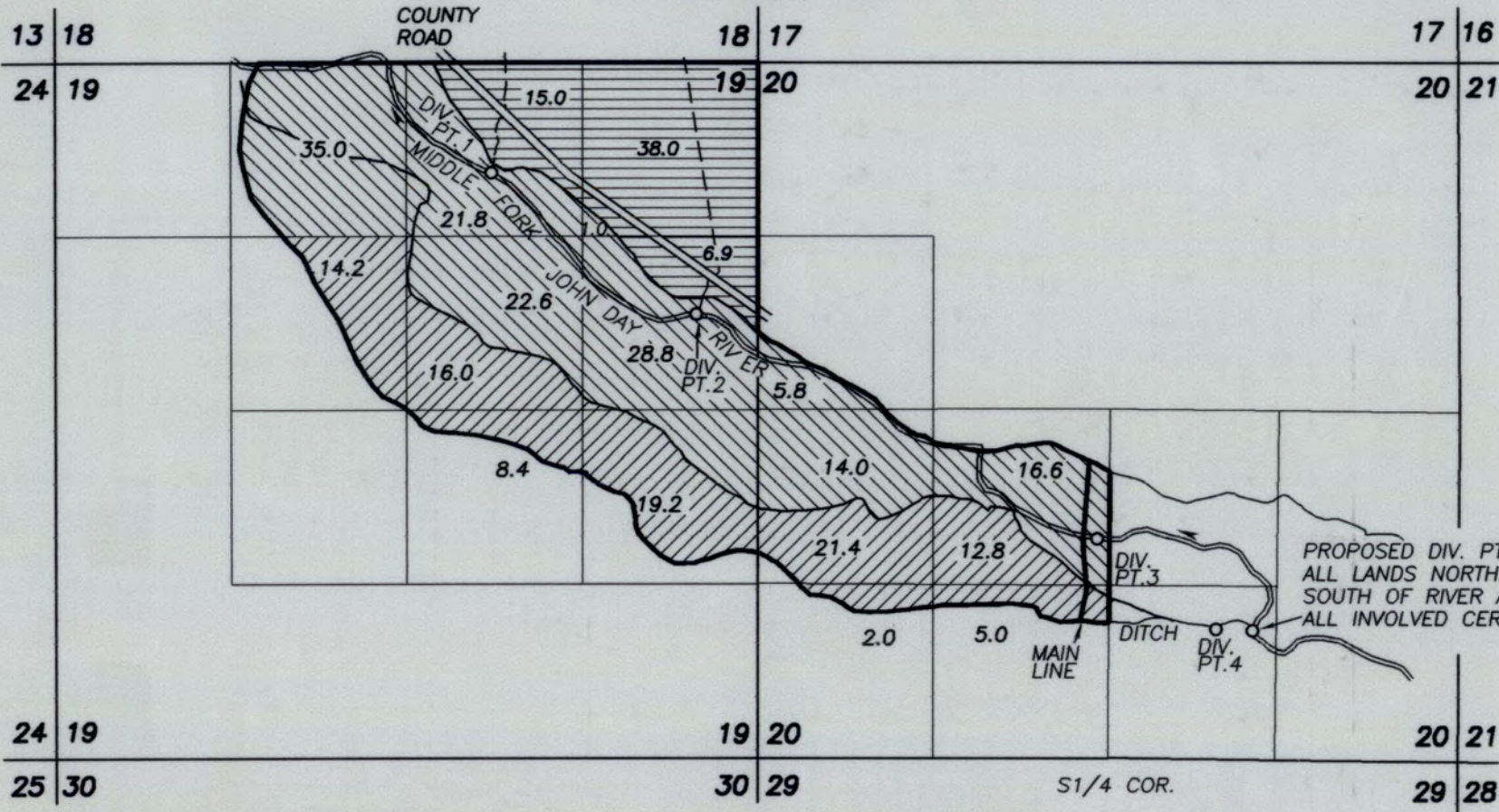
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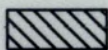
Benadette



T10S, R33E, W.M.



EXISTING DIV. PT. 1 IS 840 FT. SOUTH AND 650 FT. EAST OF N1/4 COR. OF SEC. 19.
 EXISTING DIV. PT. 2 IS 1910 FT. SOUTH AND 2180 FT. EAST OF N1/4 COR. OF SEC. 19.
 EXISTING DIV. PT. 3 IS 1660 FT. NORTH AND 80 FT. WEST OF S1/4 COR. OF SEC. 20.
 EXISTING DIV. PT. 4 IS 980 FT. NORTH AND 810 FT. EAST OF S1/4 COR. OF SEC. 20.
 PROPOSED DIV. PT. IS 970 FT. NORTH AND 1090 FT. EAST OF S1/4 COR. OF SEC. 20.

-  C25387
-  C34141
-  C57265

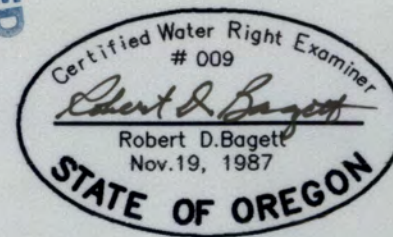
APPLICATION MAP
 FOR ADDITIONAL DIVERSION POINT
 IN NAME OF
LEVELLE HOLMES

SURVEYED SEPTEMBER 10, 1998 BY R.D. BAGETT

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.

RECEIVED
 JAN 28 1999
 WATER RESOURCES DEPT.
 SALEM, OREGON

T-8172



Mailing List for Transfer Certificate

Application: T-8172

Certificate: 90032 (C25387)

90033 (C34141)

90034 (C57265)

Copies Mailed

by: JH
(STAFF)

on: 4/3/15
(DATE)

Certificate Holder/Transfer Holder:

☒ LAVELLE HOLMES
PO BOX 132
ADAMS OR 97810

Copies of Final Certificate to be sent to:

- ☒ 1. Watermaster # : 4
- ☒ 2. Data Center (include copy of map)
- ☒ 3. Water Availability
- ☒ 4. Vault
- ☒ 5. File

Other persons to receive copies: (include map):

- ☒ 1. ROBERT D. BAGETT, CWRE

Record Marking (s) :

- 1. Original Application# NA-DECREEED RIGHT
- 2. Old Certificate# 25387
- 3. Original Application# S-37571
- 4. Old Certificate# 34141
- 5. Original Application# NA-DECREEED RIGHT
- 6. Old Certificate# 57265



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

Date Mailed: April 3, 2015

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water rights established under the terms of a transfer order issued by this Department.

This certificate is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Gerry Clark at 503-986-0811.

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAVELLE HOLMES
PO BOX 132
ADAMS OR 97810

confirms the right to use the waters of MIDDLE FORK JOHN DAY RIVER, A tributary of the JOHN DAY RIVER, for IRRIGATION.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1890.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	33 E	WM	20	SW SE	ADDITIONAL DIV. PT - 970 FEET NORTH AND 1090 FEET EAST FROM S1/4 CORNER, SECTION 20
					EXISTING DIV. PT – MIDDLE FORK JOHN DAY RIVER

A rate of flow limited to ONE-FORTIETH of one cubic foot per second per acre during the irrigation season. A quantity of water limited to one acre foot per acre during the calendar month and a total quantity during the irrigation season not to exceed five acre feet per acre.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	33 E	WM	19	SW NE	16.0
10 S	33 E	WM	19	SE NW	14.2
10 S	33 E	WM	19	NE SE	19.2
10 S	33 E	WM	19	NW SE	8.4
10 S	33 E	WM	20	NE SW	12.8
10 S	33 E	WM	20	NW SW	21.4
10 S	33 E	WM	20	SW SW	2.0
10 S	33 E	WM	20	SE SW	5.0

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of lawfully water available from the original points of diversions.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

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.

When required by the Department, the water user shall operate and maintain the headgate and measuring device, as needed. The water user 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.

Water shall be acquired from the same surface water source as the original points of diversion.

The water user shall maintain a fish screen or fish by-pass device.

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

This certificate is issued to confirm AN ADDITIONAL POINT OF DIVERSION AND CORRECTING SCRIVENER'S ERROR approved by an order of the Water Resources Director entered APRIL 12, 2003, at Special Order Volume 57, Page 1300, approving Transfer Application 8172, supercedes Certificate 57265, State Record of Water Right Certificates.

Issued _____

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAVELLE HOLMES
PO BOX 132
ADAMS OR 97810

confirms the right to use the waters of MIDDLE FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION.

This right was perfected under Permit 28039. The date of priority is APRIL 23, 1962. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.5 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	33 E	WM	20	SW SE	ADDITIONAL DIV. PT - 970 FEET NORTH AND 1090 FEET EAST FROM S1/4 CORNER, SECTION 20
10 S	33 E	WM	19	NW NE	EXISTING DIV. PT 1 - 840 FEET SOUTH AND 650 FEET EAST FROM N1/4 CORNER, SECTION 19
10 S	33 E	WM	19	SE NE	EXISTING DIV. PT 2 - 1910 FEET SOUTH AND 2180 FEET EAST FROM N1/4 CORNER, SECTION 19

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-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 for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of the John Day River is more than 30 c.f.s at USGS No. 14-0465 and more than 20 c.f.s. at USGS No. 14-0480 and the Middle Fork of the John Day River is more than 10 c.f.s. at USGS Gage No. 14-0440 and the North Fork of the John Day River is more than 55 c.f.s. at USGS Gage No. 14-0460.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	33 E	WM	19	NE NE	38.0
10 S	33 E	WM	19	NW NE	15.0
10 S	33 E	WM	19	SE NE	6.9

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of lawfully water available from the original points of diversions.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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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.

When required by the Department, the water user shall operate and maintain the headgate and measuring device, as needed. The water user 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.

Water shall be acquired from the same surface water source as the original points of diversion.

The water user shall maintain a fish screen or fish by-pass device.

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.

This certificate is issued to confirm a change AN ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered April 12, 2003, at Special Order Volume 57, Page 1300, approving Transfer Application 8172, supercedes Certificate 34141, State record of Water Right Certificates.

Issued _____.

A handwritten signature in black ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAVELLE HOLMES
PO BOX 132
ADAMS OR 97810

confirms the right to use the waters of a SPRING, tributary of the MIDDLE FORK JOHN DAY RIVER, and the MIDDLE FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION, DOMESTIC AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County. The decree is of record at Salem, in the Order Record of the Water Resources Director Volume 15, at Page 461. The date of priority is 1882.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	33 E	WM	20	SW SE	ADDITIONAL DIV. PT - 970 FEET NORTH AND 1090 FEET EAST FROM S1/4 CORNER, SECTION 20
					EXISTING DIV. PT - SPRING
					EXISTING DIV. PT - MIDDLE FORK JOHN DAY RIVER

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed:

SPRING: ONE-FORTIETH of one cubic foot per second per acre irrigated to June 1, and ONE-EIGHTIETH of one 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 the season from April 1 to September 30, measured at the point of diversion from the source.

MIDDLE FORK JOHN DAY RIVER: ONE-FORTIETH of one cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month; total of five acre-feet per acre for season, measured at the point of diversion from the stream.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	33 E	WM	19	NE NE	1.0
10 S	33 E	WM	19	NW NE	21.8
10 S	33 E	WM	19	SW NE	22.6
10 S	33 E	WM	19	SE NE	28.8
10 S	33 E	WM	19	NE NW	35.0
10 S	33 E	WM	20	SW NW	5.8
10 S	33 E	WM	20	NE SW	16.6
10 S	33 E	WM	20	NW SW	14.0

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of lawfully water available from the original points of diversions.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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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.

When required by the Department, the water user shall operate and maintain the headgate and measuring device, as needed. The water user 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.

Water shall be acquired from the same surface water source as the original points of diversion.

The water user shall maintain a fish screen or fish by-pass device.

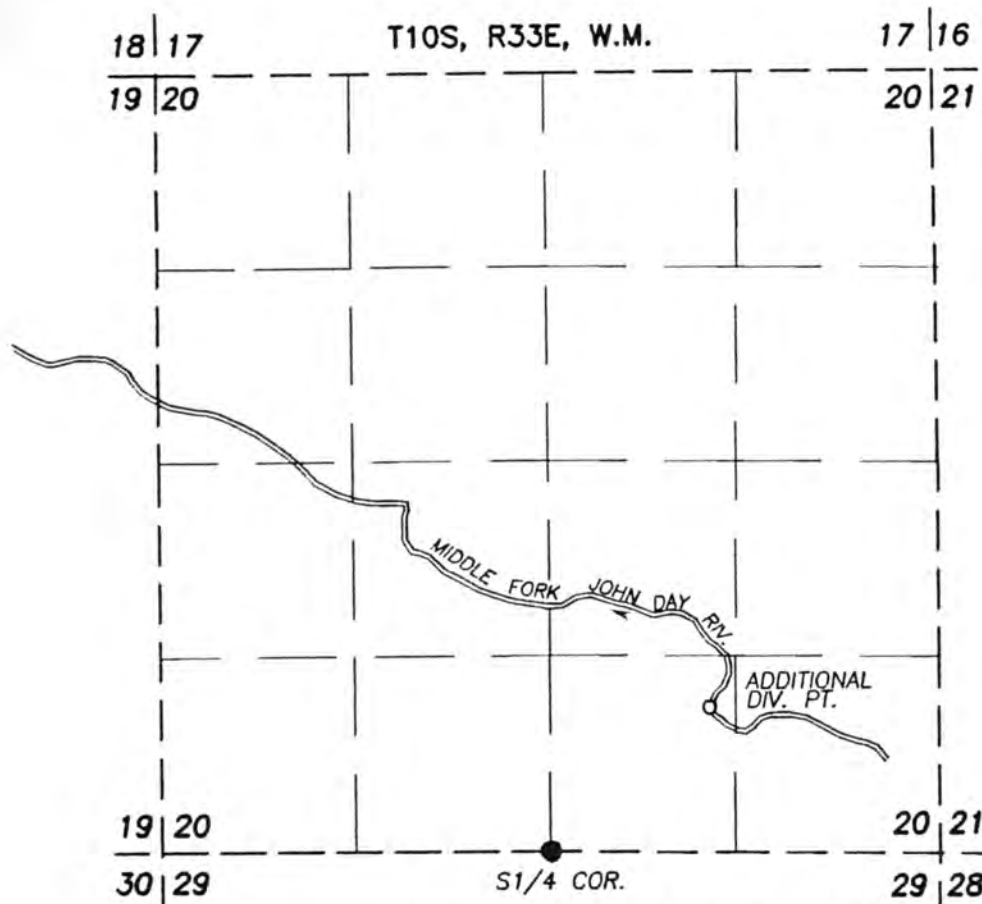
The right to the use of the water for the above purpose is restricted to beneficial use on place of use described, and is subject to all other conditions and limitations contained in said decree.

This certificate is issued to confirm AN ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered April 12, 2003, at Special Order Volume 57, Page 1300, approving Transfer Application 8172, supercedes Certificate 25387, State record of Water Right Certificates.

Issued APR 03 2015.



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department



SCALE: 1" = 1320'

ADDITIONAL DIV. PT. IS 970 FT. NORTH AND 1090 FT. EAST OF S1/4 COR. OF SEC. 20.

● FOUND ALUMINUM PIPE AND CAP

FINAL PROOF SURVEY
 UNDER PERMIT NO. T-8172
 IN NAME OF
LEVELLE HOLMES

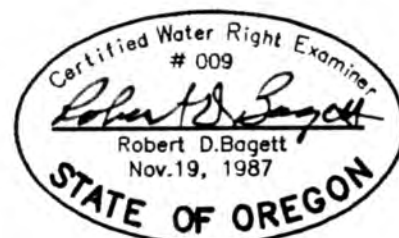
SURVEYED NOVEMBER 4, 2003, BY R.D. BAGETT

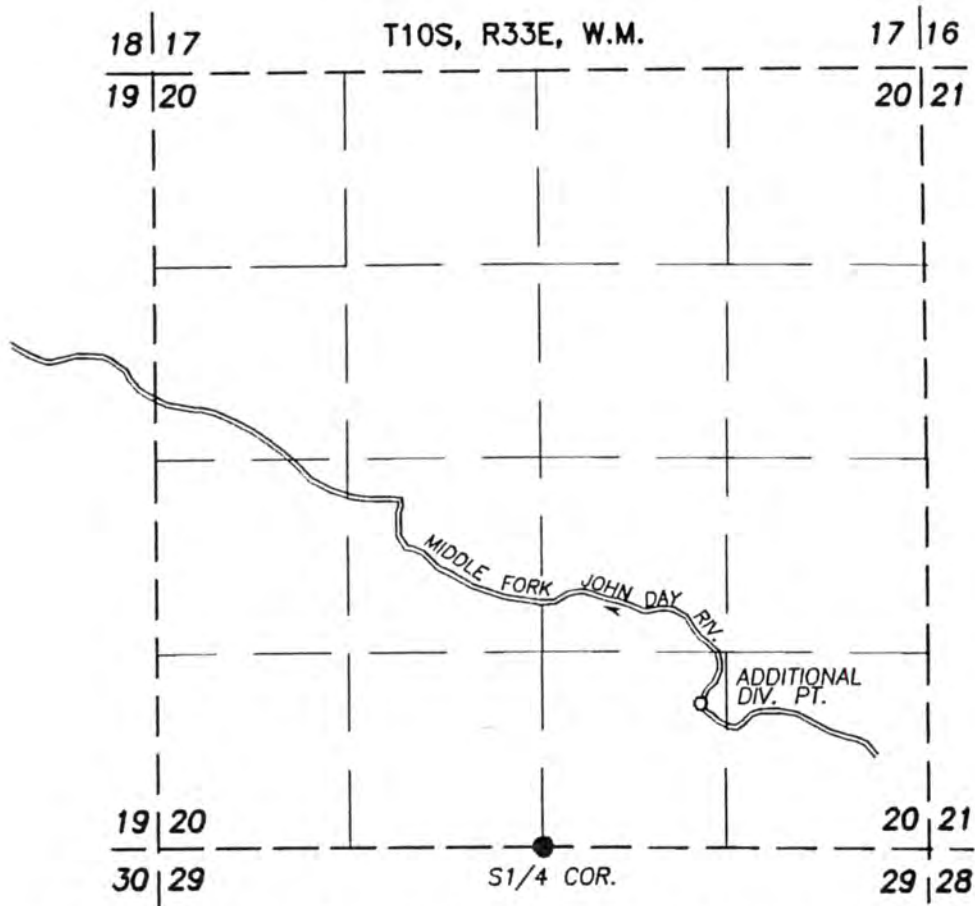
NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.

RECEIVED

APR 21 2004

WATER RESOURCES DEPT
 SALEM, OREGON





SCALE: 1" = 1320'

ADDITIONAL DIV. PT. IS 970 FT. NORTH AND 1090 FT. EAST OF S1/4 COR. OF SEC. 20.

● FOUND ALUMINUM PIPE AND CAP

FINAL PROOF SURVEY
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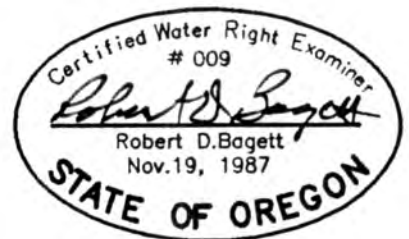
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NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.

RECEIVED

APR 21 2004

WATER RESOURCES DEPT
 SALEM, OREGON



STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAVELLE HOLMES
PO BOX 132
ADAMS OR 97810

confirms the right to use the waters of a SPRING, tributary of the MIDDLE FORK JOHN DAY RIVER, and the MIDDLE FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION, DOMESTIC AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County. The decree is of record at Salem, in the Order Record of the Water Resources Director Volume 15, at Page 461. The date of priority is 1882.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	33 E	WM	20	SW SE	ADDITIONAL DIV. PT - 970 FEET NORTH AND 1090 FEET EAST FROM S1/4 CORNER, SECTION 20
					EXISTING DIV. PT - SPRING
					EXISTING DIV. PT - MIDDLE FORK JOHN DAY RIVER

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed:

SPRING: ONE-FORTIETH of one cubic foot per second per acre irrigated to June 1, and ONE-EIGHTIETH of one 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 the season from April 1 to September 30, measured at the point of diversion from the source.

MIDDLE FORK JOHN DAY RIVER: ONE-FORTIETH of one cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month; total of five acre-feet per acre for season, measured at the point of diversion from the stream.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	33 E	WM	19	NE NE	1.0
10 S	33 E	WM	19	NW NE	21.8
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10 S	33 E	WM	19	SE NE	28.8
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10 S	33 E	WM	20	SW NW	5.8
10 S	33 E	WM	20	NE SW	16.6
10 S	33 E	WM	20	NW SW	14.0

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of lawfully water available from the original points of diversions.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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Water shall be acquired from the same surface water source as the original points of diversion.

The water user shall maintain a fish screen or fish by-pass device.

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

This certificate is issued to confirm AN ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered April 12, 2003, at Special Order Volume 57, Page 1300, approving Transfer Application 8172, supercedes Certificate 25387, State record of Water Right Certificates.

Issued _____.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

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PO BOX 132
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Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

LAVELLE HOLMES
PO BOX 132
ADAMS OR 97810

confirms the right to use the waters of MIDDLE FORK JOHN DAY RIVER, a tributary of the JOHN DAY RIVER, for IRRIGATION.

This right was perfected under Permit 28039. The date of priority is APRIL 23, 1962. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.5 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
10 S	33 E	WM	20	SW SE	ADDITIONAL DIV. PT - 970 FEET NORTH AND 1090 FEET EAST FROM S1/4 CORNER, SECTION 20
10 S	33 E	WM	19	NW NE	EXISTING DIV. PT 1 - 840 FEET SOUTH AND 650 FEET EAST FROM N1/4 CORNER, SECTION 19
10 S	33 E	WM	19	SE NE	EXISTING DIV. PT 2 - 1910 FEET SOUTH AND 2180 FEET EAST FROM N1/4 CORNER, SECTION 19

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-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 for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of the John Day River is more than 30 c.f.s at USGS No. 14-0465 and more than 20 c.f.s. at USGS No. 14-0480 and the Middle Fork of the John Day River is more than 10 c.f.s. at USGS Gage No. 14-0440 and the North Fork of the John Day River is more than 55 c.f.s. at USGS Gage No. 14-0460.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
10 S	33 E	WM	19	NE NE	38.0
10 S	33 E	WM	19	NW NE	15.0
10 S	33 E	WM	19	SE NE	6.9

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of lawfully water available from the original points of diversions.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and 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.

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.

When required by the Department, the water user shall operate and maintain the headgate and measuring device, as needed. The water user 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.

Water shall be acquired from the same surface water source as the original points of diversion.

The water user shall maintain a fish screen or fish by-pass device.

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.

This certificate is issued to confirm a change AN ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered April 12, 2003, at Special Order Volume 57, Page 1300, approving Transfer Application 8172, supercedes Certificate 34141, State record of Water Right Certificates.

Issued_____.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application #	Permit #	Transfer # <u>T-8172</u>
WRD Reviewer <u>Jessica Joye</u>	Date <u>3/3/15</u>	
WRD Peer Reviewer <u>Mary BjorE</u>	Date <u>3-11-15</u>	

Research

5-14-15 superseding cert to support staff. corrects rate of duty paragraph. 14B

- ☒ Organize file in chronological order
- ☒ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- ☒ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ☒ Water Organization identified using AOI? ☒ No ☐ Yes
If "Yes" cc: _____ & Add to Mailing List
- ☒ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- ☒ Print Platcard & check for Place of Use Conflict? ☒ No ☐ Yes
If "Yes", provide copy of certificate & relevant map
- ☒ Print BLM Cadastral Survey
- ☒ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ☐ No ☒ Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- YES Fish Conditions
- N/A Meter/measuring device
- N/A Water Use Reporting
- N/A Pump Test (post December 19, 1988)
- N/A Other Conditions _____
- N/A SWL
- YES C-Date _____

*3/4/15 -
Spoke w/ Gemy
about fish
screen. OK!*

NA Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

NOTES:

DITCH INFO. NOT ENOUGH TO ^{RUN} CALCULATOR. SEE calc. sheets w/ CBU.

C-Date - 10/1/04

CBU
REC'D - 4/21/04

Determination

☒ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

☐ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

☐ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

☐ Stamp PROPOSED or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

☐ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

☐ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

☐ Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

NOTES:

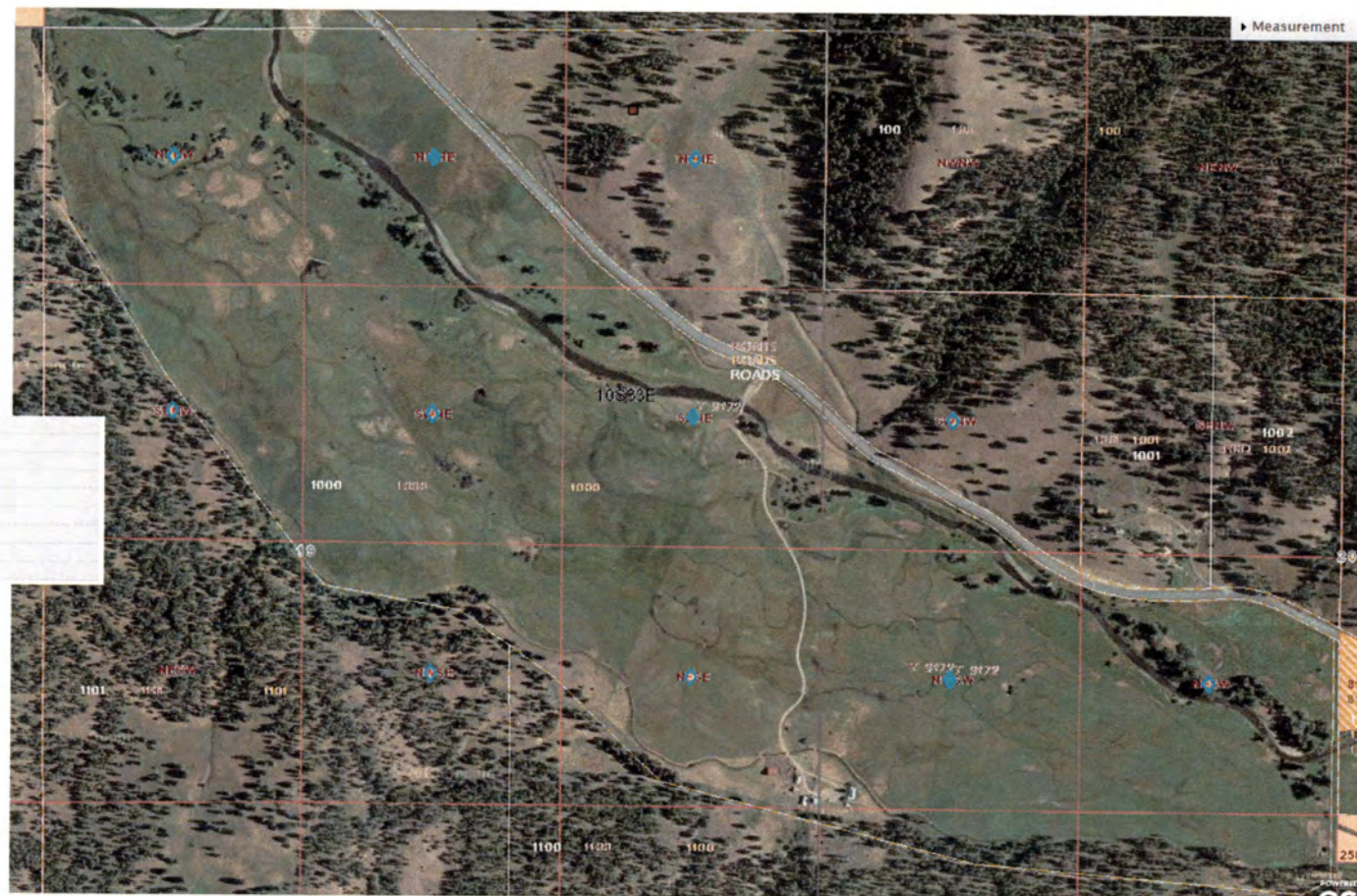
8172-CF- 25387-90032

8172-CF- 34141- 90033

8172-CF- 57265-90034

T-8172

County:	Grant
Taxlot:	10S33E01000
Owner1:	Null
Owner2:	Null
Owner Address:	Null
Site Address:	Null
Acres:	379.2
FRSQQ:	WM10.00533.00E0XXXX
Effective Date:	April 1, 2012



T-8172

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 1,000 2,000 3,000 4,000 Feet

T.10S. R.33E. W.M.
GRANT COUNTY
1" = 2000'

10S33E

Cancelled
600A1
1102
1400

OWNER - mailing Address:

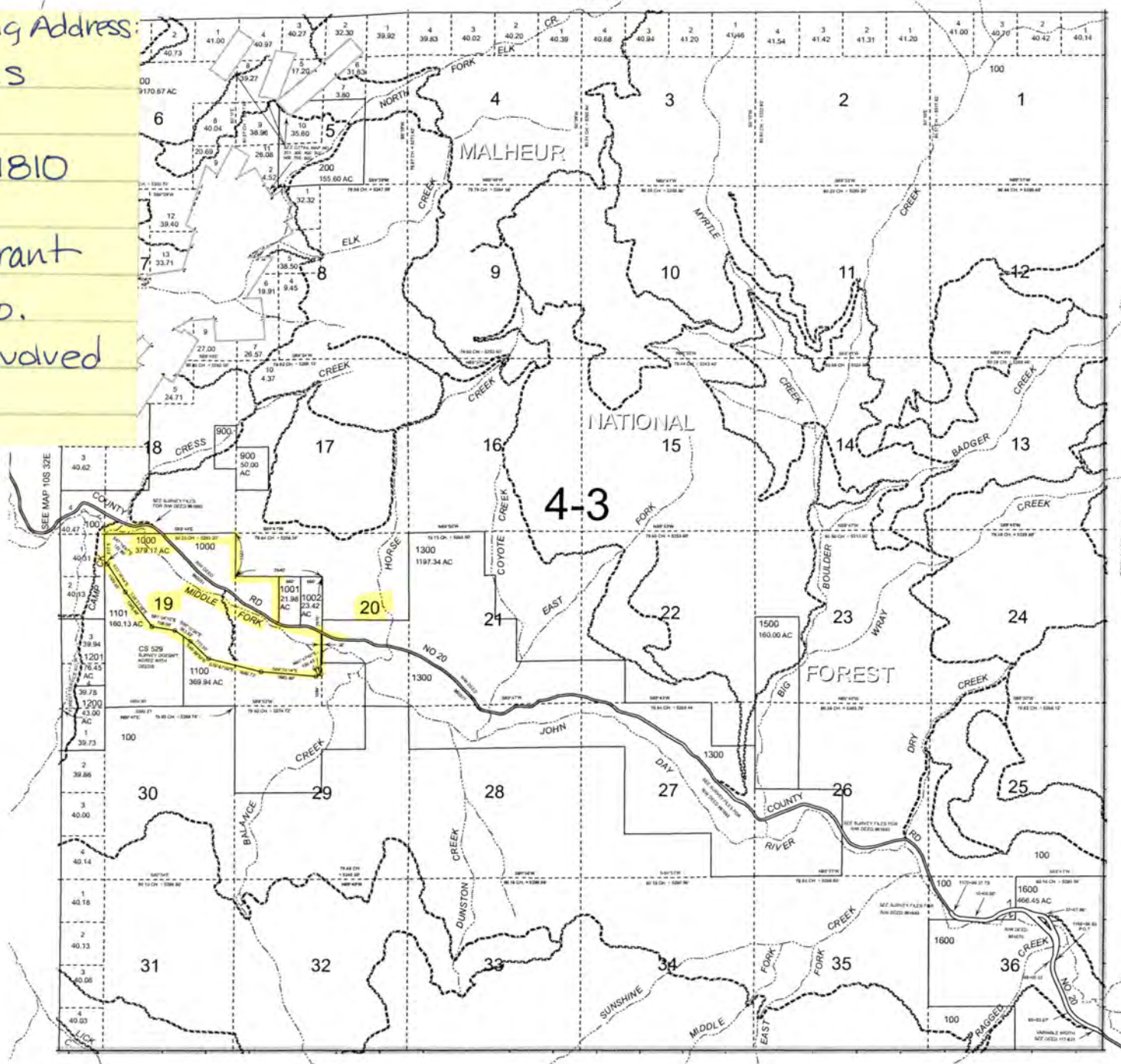
Lavelle Holmes

PO Box 132

Adams, OR 97810

Verified w/Grant
Co.

*only 1 taxlot involved
10S33E 01000



Revised: SH
04/04/2014

10S33E

Water Rights Platcard Report

Meridian: Township: South East Records per Page: Search [Platcards Maps!](#) [Learn about](#) [View Map](#)

Water Right		Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40):	Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown Q2
Select	Cert:25387 OR CN	T8172, T8110	12/31/1882	DOMESTIC	CN					▲	▲	▲	▲	▲												
Additional Info: FELIX JOHNSON Decree: JOHN DAY RIVER (F) Cert: 25387																										
Select	Inchoate: T 8172 CF (REG) *		12/31/1882	DOMESTIC						(*)	(*)	(*)	(*)	(*)												
Additional Info: LAVELLE HOLMES Decree: JOHN DAY RIVER (F)																										
Select	Cert:25387 OR CN	T8172, T8110	12/31/1882	IRRIGATION	CN					±	21.8	22.6	28.8	35												
Additional Info: FELIX JOHNSON Decree: JOHN DAY RIVER (F) Cert: 25387																										
Select	Cert:25388 OR CN		12/31/1890	IRRIGATION	CN							16					14.2					19.2	8.4			
Additional Info: FELIX A JOHNSON Decree: JOHN DAY RIVER (F) Cert: 25388																										
Select	Cert:25661 OR *		12/31/1902	IRRIGATION											20	25										
Additional Info: OREGON LUMBER CO. Decree: JOHN DAY RIVER (F) Cert: 25661																										
Select	Cert:25663 OR *		12/31/1888	IRRIGATION																7.4	6					
Additional Info: JOHN O'RORKE Decree: JOHN DAY RIVER (F) Cert: 25663																										
Select	Cert:25664 OR *		12/31/1905	IRRIGATION																8.6	5.6					
Additional Info: JOHN O'RORKE Decree: JOHN DAY RIVER (F) Cert: 25664																										
Select	Cert:34141 OR CN	T8172	4/23/1962	IRRIGATION	CN					38	15		6.9													
Additional Info: STEPHEN HOLMES App: S37571 Permit: S28039 Cert: 34141																										
Select	Cert:57265 CR CN	T8172	12/31/1890	IRRIGATION	CN							16					14.2					19.2	8.4			
Additional Info: LAVELLE HOLMES Decree: JOHN DAY RIVER (F) Cert: 57265																										
Select	Inchoate: T 8172 CF (REG) *		12/31/1882	IRRIGATION						(1)	(21.8)	(22.6)	(28.8)	(35)												
Additional Info: LAVELLE HOLMES Decree: JOHN DAY RIVER (F)																										
Select	Inchoate: T 8172 CF (REG) *		4/23/1962	IRRIGATION						(38)	(15)		(6.9)													
Additional Info: LAVELLE HOLMES App: S37571 Permit: S28039																										
Select	Inchoate: T 8172 CF (REG) *		12/31/1890	IRRIGATION								(16)					(14.2)					(19.2)	(8.4)			
Additional Info: LAVELLE HOLMES Decree: JOHN DAY RIVER (F)																										
Select	Cert:25387 OR CN	T8172, T8110	12/31/1882	LIVESTOCK	CN					▲	▲	▲	▲	▲												
Additional Info: FELIX JOHNSON Decree: JOHN DAY RIVER (F) Cert: 25387																										

12

12

Acreage Legend: 12.25 Regular acreage 12.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

NCR

Water Rights Platcard Report

Meridian: Township: Range: Section: Records per Page:

Platcards Maps!
[Learn about](#) * [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
Select	Inchoate: T 8172 CF (REG) *	12/31/1882	LIVESTOCK					(*)	(*)	(*)	(*)	(*)												
Additional Info: LAVELLE HOLMES Decree: JOHN DAY RIVER (F)																								
12																								

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Water Rights Platcard Report

Meridian: Township: South Range: East Section: Records per Page: Search

Platcards Maps!
Learn about * View Map

Water Right	Changing Area	Priority	Use	Use Status	DLC	Gov't Lot	Q(40)	Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown
Select Cert:25126 OR CN Additional Info: LENA DUNSTON Decree: JOHN DAY RIVER (F) Cert: 25126	IL12	2/5/1907	DOMESTIC	CN																					
Select Cert:25387 OR CN Additional Info: FELIX JOHNSON Decree: JOHN DAY RIVER (F) Cert: 25387	T8172, T8110	12/31/1882	DOMESTIC	CN																					
Select Inchoate: T 8172 CF (REG) * Additional Info: LAVELLE HOLMES Decree: JOHN DAY RIVER (F)		12/31/1882	DOMESTIC																						
Select Cert:81550 RR * Additional Info: THE NATURE CONSERVANCY Decree: JOHN DAY RIVER (F) Cert: 81550	T10022	2/5/1907	DOMESTIC																						
Select Cert:25126 OR CN Additional Info: LENA DUNSTON Decree: JOHN DAY RIVER (F) Cert: 25126	IL12	2/5/1907	IRRIGATION	CN																					
Select Cert:25387 OR CN Additional Info: FELIX JOHNSON Decree: JOHN DAY RIVER (F) Cert: 25387	T8172, T8110	12/31/1882	IRRIGATION	CN																					
Select Cert:25388 OR CN Additional Info: FELIX A JOHNSON Decree: JOHN DAY RIVER (F) Cert: 25388		12/31/1890	IRRIGATION	CN																					
Select Cert:25821 OR * Additional Info: SMITH BROTHERS Decree: JOHN DAY RIVER (F) Cert: 25821		12/31/1904	IRRIGATION																						
Select Cert:57265 CR CN Additional Info: LAVELLE HOLMES Decree: JOHN DAY RIVER (F) Cert: 57265	T8172	12/31/1890	IRRIGATION	CN																					
Select Inchoate: T 8172 CF (REG) * Additional Info: LAVELLE HOLMES Decree: JOHN DAY RIVER (F)		12/31/1882	IRRIGATION																						

Acreage Legend: 12.25 Regular acreage 12.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

NCR

Water Rights Platcard Report

Meridian: Township: South East Records per Page: Search

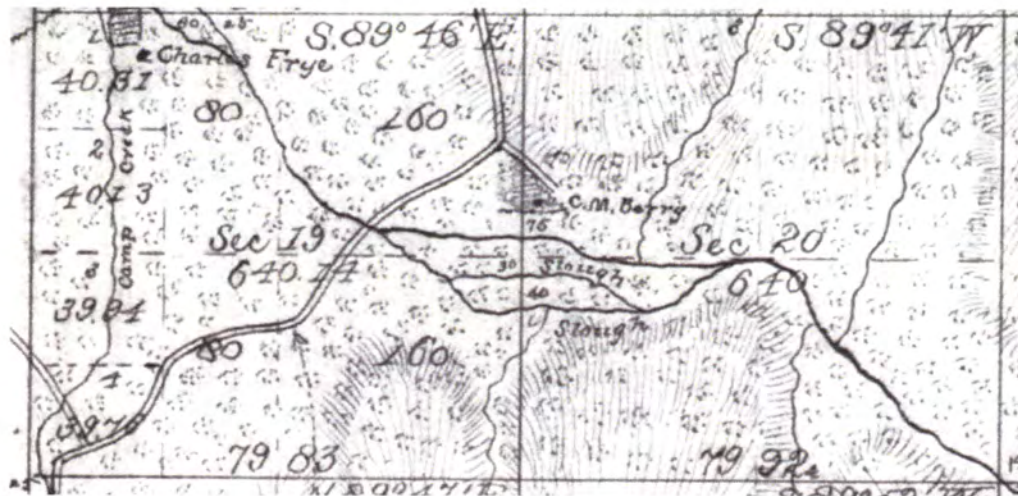
Platcards Maps!
Learn about * View Map

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
Select Inchoate: T 8172 CF (REG) *		12/31/1890	IRRIGATION													(12.8)	(21.4)	(2)	(5)					
Additional Info: LAVELLE HOLMES Decree: JOHN DAY RIVER (F)																								
Select Cert:81550 RR *	T10022	2/5/1907	IRRIGATION																	14	14		28	
Additional Info: THE NATURE CONSERVANCY Decree: JOHN DAY RIVER (F) Cert: 81550																								
Select Cert:25126 OR CN	IL12	2/5/1907	LIVESTOCK	CN																				
Additional Info: LENA DUNSTON Decree: JOHN DAY RIVER (F) Cert: 25126																								
Select Cert:25387 OR CN	T8172, T8110	12/31/1882	LIVESTOCK	CN																				
Additional Info: FELIX JOHNSON Decree: JOHN DAY RIVER (F) Cert: 25387																								
Select Inchoate: T 8172 CF (REG) *		12/31/1882	LIVESTOCK													(*)	(*)	(*)						
Additional Info: LAVELLE HOLMES Decree: JOHN DAY RIVER (F)																								
Select Cert:81550 RR *	T10022	2/5/1907	LIVESTOCK																	*	*		*	
Additional Info: THE NATURE CONSERVANCY Decree: JOHN DAY RIVER (F) Cert: 81550																								

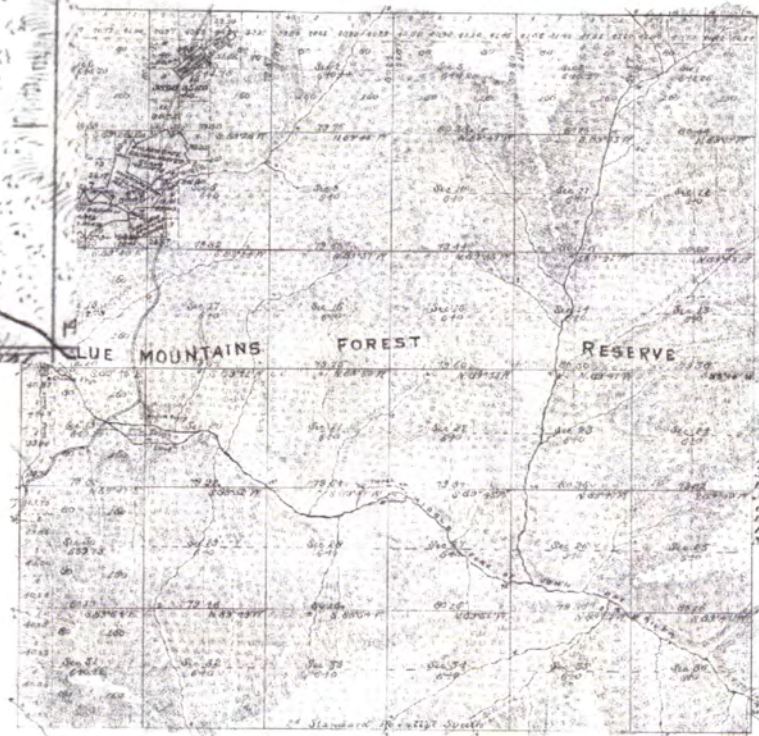
12

Acreege Legend: 12.25 Regular acreage ~~12.25~~ Acreege is on a canceled right (12.25) Acreege is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreege has been suspended * Acreege is not specified

T-8172



Township No. 10 South Range No. 33 East Willamette Meridian, Oregon.





BAGETT, GRIFFITH & BLACKMAN

P. O. Box 476
John Day, Oregon 97845
Phone (541) 575-1251
Office Location — 217 North Canyon Boulevard

Property Surveys
Topographic Surveys
Construction Surveys
Subdivisions
Land Partitioning
Certified Water Right
Examiners

April 7, 2004

TO THE WATER RESOURCES DIRECTOR OF OREGON:

REFERENCE FILE: T-8172

CLAIM OF BENEFICIAL USE AND SITE REPORT

INFORMATION :

This report is in conjunction with the Final Proof Survey for Transfer T-8172 applied for by LaVelle Holmes, HCR 85 Box 7, Bates, OR 97817, telephone number, (541) 421-3728.

Prior to my inspection of the site, I discussed the system with LaVelle Holmes, owner. Mrs. Holmes informed me of her operation of the system, point of diversion location, pipeline and place of use.

The source of the water used is from a spring, tributary of the Middle Fork John Day River, and the Middle Fork John Day River, a tributary of the John Day River. The current use of the water is for irrigation, domestic and stock.

The additional point of diversion is a concrete structure located on the south bank of the Middle Fork of the John Day River. The water flows through the structure and into a ditch for 1390 feet to an inlet structure where a part of the water can be diverted through a 12 inch buried PVC mainline for 1230 feet, crossing under the river to the north side ditch at an outlet structure. It is noted that a fish screen is installed in the ditch just downstream from the POD structure.

The water is used for irrigation, domestic and stock per C25387 and for irrigation per C34141 and C57265.

The system was not in operation on the day of my inspection, November 4, 2003. The water was cut off at the POD, therefore I could not measure the flow. However, I contacted Kenneth Delano, District Manager of the Grant Soil and Water Conservation District. Mr. Delano is familiar with the diversion site and the delivery system. Mr. Delano, through his measurements and calculations, determined that the capacity of the ditch far exceeds the amount of water allowed in the order. See attachments.

The additional point of diversion is tied to a 3 inch aluminum pipe with attached aluminum cap at the South 1/4 corner of Section 20, Twp. 10 S., R.33 E., W.M. This survey was conducted a Wild TC1600 electronic total station.

RECEIVED

APR 21 2004

WATER RESOURCES DEPT
SALEM, OREGON

Page 2, Final Proof Report T-8172

At this time it is my observation that the conditions of the order have been met. The system is in place and is capable of being used as applied for.

The final proof survey and inspection of the use as found to be completed under the terms and conditions of Transfer No. T-8172 was completed by me on November 4, 2003, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



Certified Water Right Examiner

I, LaVelle Holmes, agree to the findings of the CWRE and do submit this report and map as my claim of Beneficial Use of the water as provided under the terms and conditions of Transfer No. T-8172. I also request that a water right certificate be issued.

LaVelle Holmes
LaVelle Holmes

RECEIVED

APR 21 2004

**WATER RESOURCES DEPT
SALEM, OREGON**

CALCULATIONS

South side of river:

$$\begin{array}{rcl} Q \text{ acres} & = & 227.4 \\ & \text{-----} & \\ & 40 & \end{array} \quad = 5.69 \text{ cfs}$$

North side of river:

$$\begin{array}{rcl} Q \text{ acres} & = & 90.5 \\ & \text{----} & \\ & 40 & \end{array} \quad = 2.27 \text{ cfs}$$

$$\text{Combined rate} \quad = 7.96 \text{ cfs}$$

South side full ditch capacity, measured by Mr. Delano, near the additional point of diversion, averages 24.4 cfs. See attached data provided by Mr. Delano.

CONCLUSION:

The system is capable of delivering more water than is allowed. The system is limited to 5.69 cfs for the south side of river and 2.27 cfs for the north side of river for a combined rate of 7.96 cfs as per the order.

RECEIVED

APR 21 2004

WATER RESOURCES DEPT
SALEM, OREGON

Ditch Velocity Calculations OPEN FLOW

Holmes Diversion Consolidation

Middle Fork John Day River

$$V = 1.49 / (n(rh)^{2/3} S^{1/2})$$

Confirm that the south side ditch will carry 7.96 cfs combined rates of diversion (5.69 cfs south side rate plus 2.27 north side rate). Use 8 cfs.

			Hydraulic radius	
Xsec 1	1.49	0.033	0.72	0.0025
Bank F2	1.49	0.033	1.08	0.0025
Xsec2	1.49	0.033	0.57	0.0025
Bank F2	1.49	0.033	0.9	0.0025

	Flow ft/sec	C/n	rh ^{2/3}	s ^{1/2}	Xsec Area	Q in cfs
Vx1	1.813555	45.15152	0.80332	0.05	5.64	10.22845 At water level measured 5/12/98
Vbf1	2.376429	45.15152	1.052646	0.05	10.57	25.11885 Bank Full
Vx2	1.552002	45.15152	0.687464	0.05	2.69	4.174885 At water level measured 5/12/98
Vbf2	2.104444	45.15152	0.93217	0.05	11.27	23.71708 Bank Full

It is clear that the existing ditch will carry 8 cfs at less than the Velocity calculated using the manning equation.

NOTE: The cross section of the ditch varies substantially, probably due to the difficulty in maintaining the ditch with machinery over the years. As shown in the accompanying cross sections, the ditch has ample capacity to carry 8 cfs at 1 ft per second flow velocity.

Ken Delano
04/02/04

RECEIVED
APR 21 2004
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

APR 21 2004

WATER RESOURCES DEPT
SALEM, OREGON

HOLMES DIVERSION MIDDLE FORK JOHN DAY RIVER, GRANT COUNTY, OR.

CROSS-SECTIONS TAKEN EAST OF THE EXISTING TURNOUT BOX CONFIRM THAT THE EXISTING DITCH CAN
CONVEY THE COMBINED FLOW RATE OF 8 CFS.

Cross-Section #1

2+00

Area = 10.57 ft ²
Area = 8 ft ²
Area = 5.64 ft ²

WATER LEVEL MEASURED 5/12/98	
x-sect. area	5.64 ft ²
flow	5.64 ft ³

BANK FULL WATER LEVEL	
x-sect. area	10.57 ft ²
flow	10.57 ft ³

WS @ BANK FULL

WS @ 8 CFS

WS MEASURED 5/12/98

$$\text{Slope} = 1.12\text{ft}/446\text{ft} = .0025 \text{ ft/ft}$$

Note: Assumed minimum 1 ft/s flow

Cross-Section #2

4+00

Area = 11.27 ft ²
Area = 8 ft ²
Area = 2.69 ft ²

WATER LEVEL MEASURED 5/12/98	
x-sect. area	2.69 ft ²
flow	2.69 ft ³

BANK FULL WATER LEVEL	
x-sect. area	11.27 ft ²
flow	11.27 ft ³

C:\Documents and Settings\GrayCad\Desktop\Drawings\Holmes Project\dwg\Holmes Project.dwg

KEN DELAND
BRAD ARMSTRONG
04/01/04

Vern Church

From: Kelly Rise [Kelly.G.RISE@wrd.state.or.us]
Sent: Thursday, August 08, 2002 4:05 PM
To: Vernon.L.CHURCH@wrd.state.or.us
Cc: LaVelle Holmes, LaVelle Holmes
Subject: Re: LeVelle Holmes/T-8172

Vernon, first of all, thanks again for your offer to help us out with LaVelle's transfer. I spoke with LaVelle today to discuss her transfer and the issues you documented below. She verbally authorized the following changes to her application and map which will be confirmed by copy of this e-mail to her. The answers are in capitol letters below.

At 07:46 AM 7/24/02 -0700, you wrote:

>kelly, there is three items that need to be addressed before we can proceed.

>1. On the application, the question: is the water right in your
>name? 24141
>is listed, it should read 34141. PLEASE CHANGE THE NUMBER TO THE CORRECT
>NUMBER AND INITIAL IT.

>2. The map and application disagree on the location of diversion
>point #4.
>They need to agree. PLEASE CHANGE THE COORDINATES ON THE APPLICATION TO
>MATCH THE MAP AND INITIAL IT.

>3. The map has acreage crosshatched that does not have a right. It
>needs to
>be removed. PLEASE REMOVE OR BLOCK THE AREA OUT AND INITIAL THE CHANGE.

4. CERTIFICATE 25387 STATES AS SOURCES A "SPRING TRIB. OF MIDDLE FORK
JOHN DAY RIVER AND MIDDLE FORK JOHN DAY RIVER FOR IRRIGATION, DOMESTIC AND
STOCK. PLEASE DELETE THE SOURCE SPRING AND DOMESTIC USE FROM THE
TRANSFER APPLICATION AND ISSUE A REMAINING RIGHT CONFIRMING THE USE OF THE
SPRING FOR DOMESTIC USE.

IF YOU HAVE OTHER QUESTIONS PLEASE CONTACT LAVELLE AND/OR ME TO DISCUSS.

THANKS AGAIN FOR YOUR HELP. KELLY AND LAVELLE

>Vernon L. Church
>Watermaster, District 21
>Oregon Water Resources Department
>Gilliam County Courthouse
>PO Box 427
>Condon, Oregon 97823
>Ph: 541-384-4207
>email: Vernon.L.CHURCH@wrd.state.or.us

X-Sender: risekg@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Mon, 28 Jul 2003 11:30:06 -0700
To: Stephen.C.BROWN@wrd.state.or.us
From: Kelly Rise <Kelly.G.RISE@wrd.state.or.us>
Subject: T - 8172 confirmation certificate
Cc: LaVelle Holmes <minnie@oregontrail.net>

Hi Steve, this is another request for issuance of the confirming certificate for the above referenced transfer in the name of LaVelle Holmes. The transfer is complete, Vernon put together the draft certificate, and it should be ready to finalize.

Ms. Holmes is concerned that the certificate correctly reflect her water rights and about the amount of time it seems to take to process her certificate.

The lack of certification is not stopping any projects at this time. That said, Ms. Holmes is very concerned with protection of her land and water rights, and wishes to complete this project.

Thank you very much for any help you may be able to offer in this regard. kelly

Memo

To: Mike Ladd, North-Central Region Manager
From: Vern Church
Date: October 28, 2002
Re: Transfer application 8172

Transfer application 8172 was filed to add an additional point of diversion on the Middle Fork John Day River. This application had a problem with the rate and duty of water on certificate 57265. That correction of the rate and duty is included in this order.

The Watermaster and Oregon Department Fish & Wildlife staff have reviewed the transfer application and found that no injury to existing rights or enlargement would result from the change.

The change was published in the paper pursuant to ORS 540.520 (5), and no comments or protests were received.

I recommend that the transfer be approved.

FAXFAXFAXFAXFAXFAXFAXFAXFAXFAXFAXFAXFAX

OREGON WATER RESOURCES DEPARTMENT

NORTH CENTRAL REGION

116 S.E. DORION AVENUE, PENDLETON, OR 97801

(541) 278-5456

FAX # (541) 278-0287

TO: Tom Paul DATE: 8-11-03

FROM: Mike Ladd PHONE # (541) 278-5456

PAGES 4 (INCLUDING COVER)

MESSAGE: RE: Lavale Holmes cert.
corrections. I'm faxing my diary
entries that indicate we were in
agreement on how to correct the
certificate. Also attached is a copy
of Jerry's affidavit supporting the
original decree correction. I'll talk
to Jerry on Wed to confirm the
need to change cert. from 1 A.F. to
S A.F.



Monthly Focus:
Abundance—Live with the
abundance that there is in
abundance of resources
and opportunities

23

Tuesday
July 2002

Daily Record of Events

Tues Day, 12th Jan, 1992

Had AMB call. Talked briefly
with Paul re: CIVIC issues
filing with rights on Res.
+ getting info from CIVIC
for accelerated impact analysis.

Read through LaVelle Holmes
file from Kelly. My recommendation
to Kelly to do this with
transfer order process. I called
Reed Marlett - he agrees.

Called a left a message for Debbie
Collett to discuss sub-bar planing

Gay Dunne stopped in to get
a copy of the City of London
Report.

Talked to B. Main re: interpretation
of J. Day Decree on Don. + livestock.
Want sub how much use includes in
don. Did agree with inclusion of rights
allowed for. id. use.

Talked to Debbie Collett re:
the Umatilla Sub-bar planing
process.



Monthly Focus:
Abundance—Live with the
abundance that there is in
abundance of resources
and opportunities

15

Monday
July 2002

Daily Record of Events

Tues Day, 12th Jan, 1992

Talked to Brian re: Lough
weel + Longhills to Ryan.
Need info on weel, withdrawal
place on hold.

Kelly, Reed + I discussed LaVelle
Holmes decree correct +
downgrading child with an
info on Kelly + talk to
Gary Rodgers.

Talked real quick with Jim re:
Cullen's - Diamond, Piquette
Thompson - he'll probably withdraw.
I also heard about my talk with an
Morton.

Talked to Tracy re: Sub-bar
planing. He dropped off CD-Rom.

Talked to Corey re: Norton PD
Not sure he interpreted Doni proper
correctly. He is check was right. I
gave him Paul - Meadows up.

Talked to Larry Bird re:
about for Kevin.

Typed memo on CIVIC agreement
with copy to Reed, Paul, Cheryl
+ Gary Jones.



Monthly Focus

August 2002

August 2002

August 2002

August 2002

24

Wednesday

July 2002

Daily Record of Events

Talked to Jim Paul re:
piling laurel plumes w/2
w/2 for a paper order
his OK.

Don & I talked to Scott
O'Brien re: Do Sea & moving
wells & what the requirements
are. Off minute - then Don said
Do Sea - say off by launce butyrie
We asked Scott if he would like to
litter & would that help - he said
yes.

Talked to Kate re: G.W. Study
in Umanah Park. We are trying to
Ap. Board more at.

Talked to Shad re: quest
on map area & using channel
for conveyance. I'll look for
space land or rule - I also
think we have one.

Called Steve Olson & update him
on lands to transfer re: Mako case -
he subject to transfer to a land
canal only. First lands look pretty
good except for the surprise - photo
did show him - but check may have
more info - photo taken 2 years
ago.

Talked to Shad re: question on
conveyance water. I'll handle & also
take to Jim Paul. I sent a
e-mail to Shad & copy to Jim, Rob & Amy.

I talked to Bob re: well construction &
the drainage (by passed) for
the latter.

Called Shad to check

11.1.02

11.1.02

11.1.02

11.1.02

08/11/03 05:17P P.003

AFFIDAVIT

I, Jerry Rodgers, being first duly sworn, do hereby dispose and say that I am the duly appointed watermaster for the John Day River Basin, and that I have management responsibilities for the public waters of the State of Oregon within said basin.

During the summer of 1987, as part of my duties, I undertook a comprehensive review of water rights of record compared with actual use on the Middle Fork John Day River sub basin. During this review, I investigated in detail Certificate of Water Right numbered 25388 State Record of Water Right Certificates. This certificate describes the irrigation of 99.0 acres from Springs, tributary of Middle Fork John Day River with a priority date of 1890, on land currently owned by LaVelle Holmes, Bates OR, 97817.

The actual source in use during my 1987 inspections was the Middle Fork John Day River. Springs with adequate volume to irrigate 99.0 acres at any time during the year are non existent. Maps made by the Oregon State Engineer in June of 1926, for the purpose of adjudication of the waters of the John Day River and tributaries indicate that a similar ditch system from the Middle Fork John Day River was used in 1926 as was in use in 1987 for flood irrigation of the described 99.0 acres. For this reason, it is indicated that the actual source being the Middle Fork John Day River was either overlooked or mistakenly not listed on this certificate.

I have no objection and support an order amending and correcting the decree describing the Middle Fork John Day River as the source of water for said lands.

If an order is issued correcting or changing a court decree involving water use, the Water Resources Director requests a true and accurate certified copy be served to the Oregon Water Resources Dept. at 3850 Portland Rd. NE, Salem OR 97310. A correcting certificate would then be issued to the landowner(s) involved.

Jerry D. Rodgers

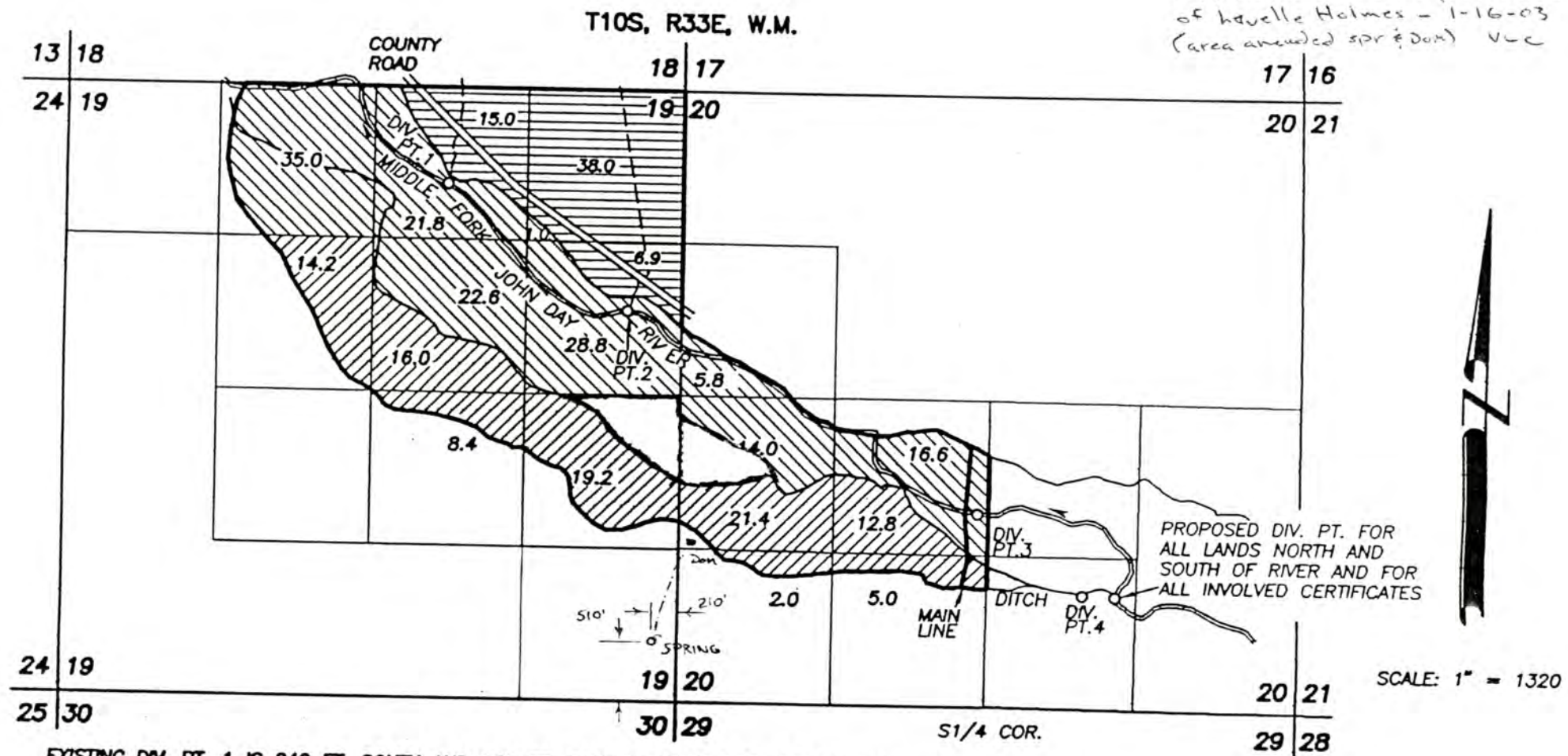
Subscribed and sworn to before me this 5 day of February, 1988.

Mary J. Newton
Notary Public for Oregon

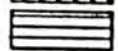
My Commission Expires 6/7/91

EXHIBIT "A" - PAGE 7 OF 1

Map was amended under Norris
1996 memo and with permission
of Levelle Holmes - 1-16-03
(area amended spr & Don) V.C.



EXISTING DIV. PT. 1 IS 840 FT. SOUTH AND 650 FT. EAST OF N1/4 COR. OF SEC. 19.
 EXISTING DIV. PT. 2 IS 1910 FT. SOUTH AND 2180 FT. EAST OF N1/4 COR. OF SEC. 19.
 EXISTING DIV. PT. 3 IS 1660 FT. NORTH AND 80 FT. WEST OF S1/4 COR. OF SEC. 20.
 ✓ EXISTING DIV. PT. 4 IS 980 FT. NORTH AND 810 FT. EAST OF S1/4 COR. OF SEC. 20.
 PROPOSED DIV. PT. IS 970 FT. NORTH AND 1090 FT. EAST OF S1/4 COR. OF SEC. 20.

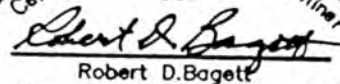
-  C25387
-  C34141
-  C57265

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.

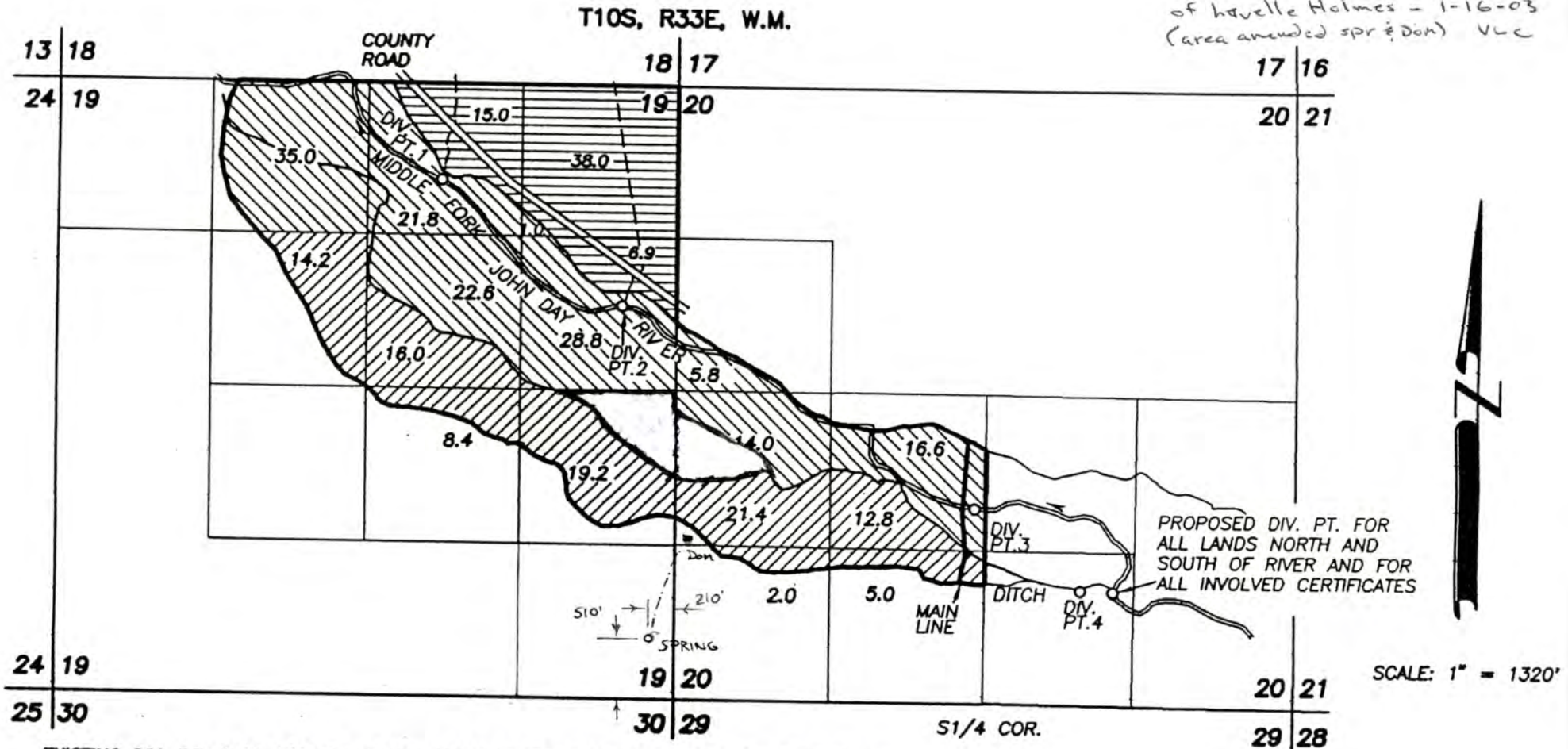
APPLICATION MAP
 FOR ADDITIONAL DIVERSION POINT
 IN NAME OF
LEVELLE HOLMES
 SURVEYED SEPTEMBER 10, 1998 BY R.D. BAGETT

RECEIVED
 JAN 28 1999
 WATER RESOURCES DEPT.
 SALEM, OREGON

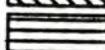
T-8172

Certified Water Right Examiner
 # 009

 Robert D. Bagett
 Nov. 19, 1987
 STATE OF OREGON

Map was amended under Norris
1996 memo and with permission
of Levelle Holmes - 1-16-03
(area amended spr & don) V.L.C.



EXISTING DIV. PT. 1 IS 840 FT. SOUTH AND 650 FT. EAST OF N1/4 COR. OF SEC. 19.
EXISTING DIV. PT. 2 IS 1910 FT. SOUTH AND 2180 FT. EAST OF N1/4 COR. OF SEC. 19.
EXISTING DIV. PT. 3 IS 1660 FT. NORTH AND 80 FT. WEST OF S1/4 COR. OF SEC. 20.
✓ EXISTING DIV. PT. 4 IS 980 FT. NORTH AND 810 FT. EAST OF S1/4 COR. OF SEC. 20.
PROPOSED DIV. PT. IS 970 FT. NORTH AND 1090 FT. EAST OF S1/4 COR. OF SEC. 20.

 C25387
 C34141
 C57265

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.

APPLICATION MAP
FOR ADDITIONAL DIVERSION POINT
IN NAME OF
LEVELLE HOLMES

SURVEYED SEPTEMBER 10, 1998 BY R.D. BAGETT

WATER RESOURCES DEPT.
SALEM, OREGON

JAN 28 1999

RECEIVED



STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that

LAVELLE HOLMES
of SUSANVILLE, OREGON, has a right to the use of the waters of MIDDLE
FORK JOHN DAY RIVER for the purpose of IRRIGATION.

The right has been confirmed by decree of the Circuit Court
of the State of Oregon for GRANT County. The decree is of record at
Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume
15, at page 461. The date of priority is 1890.
The right is limited to not more than 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, MEASURED AT POINT OF DIVERSION.

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

16.0 ACRES SW1/4 NE1/4 ✓
14.2 ACRES SE1/4 NW1/4 ✓
19.2 ACRES NE1/4 SE1/4 72
8.4 ACRES NW1/4 SE1/4 ✓
SECTION 19

12.8 ACRES NE1/4 SW1/4 ✓
21.4 ACRES NW1/4 SW1/4 ✓
2.0 ACRES SW1/4 SW1/4 ✓
5.0 ACRES SE1/4 SW1/4 ✓
SECTION 20

TOWNSHIP 10 SOUTH, RANGE 33 EAST, WM

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

NOTE: This certificate is issued pursuant to the order of the Circuit
Court for Grant County, entered May 16, 1988, to correct and
supersede that certain water right certificate heretofore issued to
Benton C. Ingle and recorded at page 25388, Volume 17, State Record of
Water Right Certificates, so as to correctly describe the source of
appropriation.

WITNESS the signature of the Water Resources Director,
affixed this date MAY 26, 1988.

William H. Young
Water Resources Director (W)

Recorded in State Record of Water Right Certificates numbered 57265

T-8172

X-Sender: risekg@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Fri, 01 Aug 2003 11:25:57 -0700
To: Bernadette Williams <Bernadette.N.WILLIAMS@wrd.state.or.us>
From: Kelly Rise <Kelly.G.RISE@wrd.state.or.us>
Subject: Re: T - 8172 confirmation certificate
Cc: Stephen.C.BROWN@wrd.state.or.us, Thomas.J.PAUL@wrd.state.or.us

Hey Bernadette, thanks for keeping the old eagle eye on us. But as we discussed over the phone, I would like to offer a couple comments for Steve and Tom's benefit.

1) The instream water rights on the middle fork are involved with a stream reach far below this transfer area, and thus should not be a factor in the injury or enlargement decisions.

2) The requested change in rate and duty is, to me, a clarification of the water rights. When the courts corrected the source from a spring to the mainstem of the Middle Fork John Day River, they neglected to clarify that the adjudicated rights on the Middle Fork John Day river have set rates at 1/40 cfs and 5 af per acre which is different than the tributary rates that would have fit the spring.

I believe whoever drew up the certificate to confirm the source change from the spring to the middle fork john day river made an error on the certificate by not correcting the rate and duty. Please note that the court document correcting the source did not mention any setting of rate and duty. They would have, in my opinion, assumed the proper rates and duties for the corrected source would be reflected in the correction certificate.

Think of it this way, why would the courts correct the source to the middle fork and not mean for the rates and duties to match those set in the decree for middle fork john day river water rights? I do not believe there is any enlargement, only a past error by whoever drafted the certificate.

Thanks to all of you for your help. The landowner is very concerned about this issue. Please keep me posted if my assessment is in error. kelly

At 03:53 PM 7/31/03 -0700, you wrote:

Kelly,

First, I need to thank Steve Brown for taking a closer look at this transfer and for finding a couple of important issues that need to be resolved. Good eye Steve!

I have the transfer file on my desk and will contact you either later today or tomorrow afternoon. I am hoping that we can easily resolve the issues, but not putting any money on it. So, till then....take care and stay cool!!

Bernie

At 01:16 PM 07/31/2003 -0700, Steve Brown wrote:

Kelly,

What a case. I believe this transfer request will require careful consideration. Vern drafted an order, but the draft order is subject to review and approval by Bernadette and Tom Paul. There are concerns about moving a pod upstream and the changing of the rate and duty. I understand the merits of changing the duty to agree with the source, however to do so would be an enlargement of the use authorized for fifty years.

Please contact Bernadette for further information.

Thank you.

Steve

At 11:30 AM 7/28/03 -0700, you wrote:

Hi Steve, this is another request for issuance of the confirming certificate for the above referenced transfer in the name of LaVelle Holmes. The transfer is complete, Vernon put together the draft certificate, and it should be ready to finalize.

Ms. Holmes is concerned that the certificate correctly reflect her water rights and about the amount of time it seems to take to process her certificate.

The lack of certification is not stopping any projects at this time. That said, Ms. Holmes is very concerned with protection of her land and water rights, and wishes to complete this project.

Thank you very much for any help you may be able to offer in this regard. kelly

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **FELIX A. JOHNSON**of **Susanville**, State of **Oregon**

, has a right to the use of

the waters of **Spring tributary of Middle Fork John Day River and Middle Fork John Day River**for the purpose of **Irrigation, 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 STATE ENGINEER, in Volume **15**, at page **461**; that the priority of the right thereby confirmed dates from **1882**

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

See Below

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

1.0 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓
 21.8 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ ✓ 100
 22.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ ✓
 28.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓ 023
 35.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓ 02
 Section 19,
 5.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ ✓
 16.6 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓
 14.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ ✓
 Section 20,

T. 10 S., R. 33 E., W. M. 145.6

Spring: $\frac{1}{40}$ cubic foot per second per acre irrigated to June 1 and $\frac{1}{80}$ 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 Sept. 30, measured at point of diversion.

Middle Fork John Day River:

$\frac{1}{40}$ cubic foot per second per acre irrigated from April 1 to Sept. 30; further limited to one acre-foot per acre per calendar month; total of five acre-feet per acre for season, measured at point of diversion.

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 State Engineer, affixed

this **1st** day of **May**, 19 **59**.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume **17**, page **25387**

T-8172 T-8110

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

This Is to Certify, That STEPHEN C. HOLMES

of Monument, , State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Middle Fork John Day River

a tributary of John Day River for the purpose of irrigation of 59.9 acres

under Permit No. 28039 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from April 23, 1962

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.50 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, T. 10 S., R. 33 E., W. M. Diversion points located 1910 feet South and 2180 feet East; and 640 feet South and 650 feet East, both from the N $\frac{1}{4}$ Corner, Section 19.

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 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of the John Day River is more than 30 c.f.s. at USGS Gage No. 14-0465 and more than 20 c.f.s. at USGS Gage No. 14-0480 and the Middle Fork of the John Day River is more than 10 c.f.s. at USGS Gage No. 14-0440 and the North Fork of the John Day River is more than 55 c.f.s. at USGS Gage No. 14-0460; and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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

38.0 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
15.0 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
6.9 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 19
T. 10 S., R. 33 E., W. M.

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 State Engineer, affixed

this date. July 31, 1967

CHRIS L. WHEELER

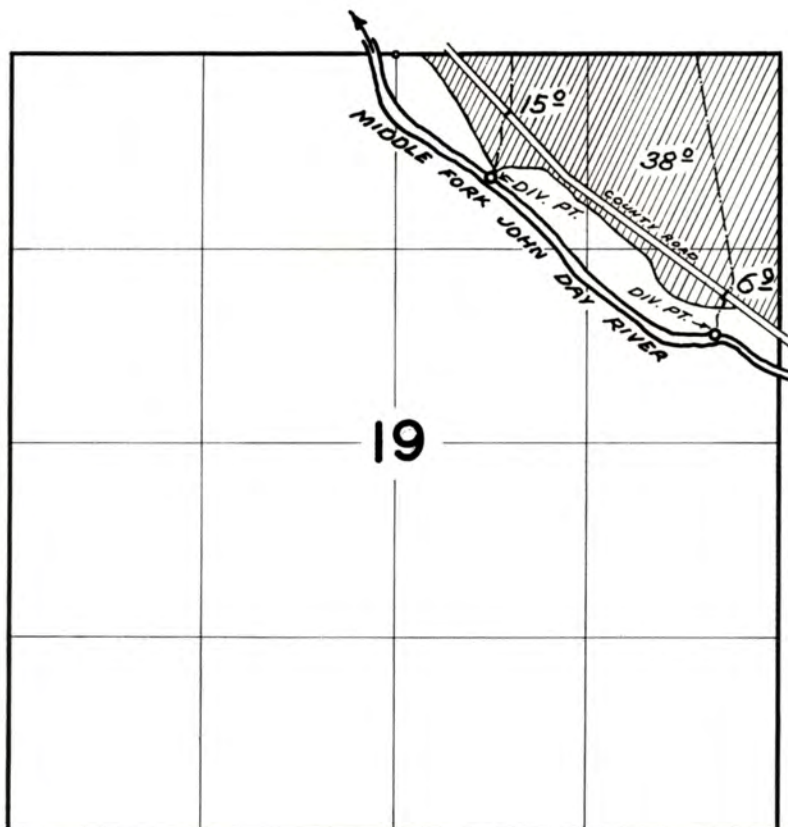
State Engineer

Recorded in State Record of Water Right Certificates, Volume 26, page 34141

T-8172 T-8110

V OR

T. 10 S. R. 33 E. W. M.



FINAL PROOF SURVEY
UNDER

Application No. 37571 Permit No. 28039

IN NAME OF

STEPHEN C. HOLMES

Surveyed Aug. 6 1965, by G. WARD

***** the right to the use of the water from the John Day River and tributaries is herein tentatively determined and shall be limited to the diversion of the amount which can be applied to beneficial use and shall be further limited as follows:

MAIN JOHN DAY RIVER ABOVE PICTURE GORGE: A rate of flow limited to one-fortieth of one cubic foot per second per acre during the irrigation season. A quantity of water limited to one acre foot per acre during any calendar month prior to July 1st, and thereafter not to exceed three-fourths of one acre foot per acre, and a total limitation during the irrigation season not to exceed five acre feet per acre.

MAIN JOHN DAY RIVER BELOW PICTURE GORGE, AND THE NORTH AND MIDDLE FORKS OF THE JOHN DAY RIVER: A rate of flow limited to one-fortieth of one cubic foot per second per acre during the irrigation season. A quantity of water not to exceed one acre foot per acre during any calendar month and a total quantity during the irrigation season not to exceed five acre feet per acre.

SOUTH FORK OF JOHN DAY RIVER AND TRIBUTARIES, ALL TRIBUTARIES OF THE MAIN JOHN DAY RIVER AND OF THE NORTH AND MIDDLE FORKS OF THE JOHN DAY: A rate of flow limited to one-fortieth of one cubic foot per second per acre prior to June 1st, and thereafter not to exceed one-eightieth of one cubic foot per second per acre during the remainder of the irrigation season. A quantity of water limited to one acre foot per acre during any calendar month prior to June 1st, and not to exceed, during the irrigation season, four acre feet per acre.

$\frac{1}{40} = .025$
 $\frac{1}{80} = .0125$

(Vol. 10, p. 444)

The irrigation season of the John Day River and its tributaries is hereby fixed as the period from April 1st to September 30th of each year.

(Vol. 10, p. 442)

A number of claims were filed in these proceedings for water to be used in connection with mining purposes without designating the period of use. In all such cases where it appears a conflict might occur with irrigation rights the season for which the water may be used for mining will be restricted to the non-irrigation season.

(Vol. 10, p. 445)

All parties herein allowed the right to the use of water for irrigation shall be entitled to use such water for stock and domestic purposes; provided, that during the irrigation season such appropriators shall not be entitled to any water for stock or domestic purposes in addition to the quantity which they are entitled to divert for irrigation purposes.

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That, FELIX A. JOHNSON

of Susanville, State of Oregon, has a right to the use of
the waters of Springs tributary of Middle Fork John Day River
for the purpose of Irrigation

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 STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby
confirmed dates from 1890

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 there-
after; further limited to one acre-foot per calendar month to June 1 and four acre-
feet per acre during season April 1 to Sept. 30, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

16.0 acres in SW 1/4 NE 1/4
14.2 acres in SE 1/4 NW 1/4
19.2 acres in NE 1/4 SE 1/4
8.4 acres in NW 1/4 SE 1/4
Section 19,
12.8 acres in NE 1/4 SW 1/4
21.4 acres in NW 1/4 SW 1/4
2.0 acres in SW 1/4 SW 1/4
5.0 acres in SE 1/4 SW 1/4
Section 20,
T. 10 S., R. 33 E., W. M.

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 State Engineer, affixed

this 1st day of May, 1959.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25388

To: Kelly Rise <Kelly.G.RISE@wrld.state.or.us>
Subject: Re: T - 8172 confirmation certificate
Cc: Bernadette.N.WILLIAMS@wrld.state.or.us, Thomas.J.PAUL@wrld.state.or.us

Kelly,

I have no concern regarding the pod change. I continue to have a concern regarding the change in rate and duty. The Department made the changes ordered by the Circuit Court, no more no less. Please refer to ORS 540.610, Section 1. The water user may have received a certificate with a greater rate and duty, but they didn't. Just because someone should have received a certificate at a greater rate, if the source was the main stem and not the tributary is not justification for the change.

In 1988, Larry Jebousek was in charge of the Adjudication Section. He made the recommendation to the Director to issue the correction certificate as ordered by the court. No request to change the rate was made or approved.

If an order is approved changing the rate to 1/40th and 5 af, the transfer would in effect enlarge the right.

Please take this into consideration. I asked the Adjudication Section Staff what they thought and were in agreement that no change in the rate and duty should occur. But, please remember, I am only providing input and will agree with whatever the Department does as this issue is not my concern other than the original request was to process the transfer to certificate.

I know this may seem to be a bit odd, but while one water user may benefit, another water user may be injured.

Thanks again.

Steve

At 03:26 PM 8/4/03 -0700, Kelly Rise wrote:

Hi Steve, I have to reply to your comments, as I do not understand your position. Regarding the point of diversion movement, the actual movement would be upstream, not downstream. But the fact both instream water rights on the middle fork John Day river name the reach from the Ritter gage to the mouth indicate to me those water rights have no bearing on this issue, due to the fact that reach is far below the Holmes property. I am not aware of any other rights that would be adversely affected.

Regarding the enlargement issue. Again I see the issue as a failure of OWRD to issue a certificate with the correct rates and duties when the courts corrected the source. Why would the courts have claimed a scrivener's error was the cause of the error in the court decree, then correct the source to the mainstem of the middle fork John Day river for the adjudicated water right, and not intend for the claimant to enjoy the standard rates and duties for the middle fork and its adjudicated water rights? Remember, the courts recognized the property had always been irrigated from the middle fork John Day river, therefore it was proper to correct the source to the middle fork John Day river.

Further, if we claim rates and duties for the lessor tributary amounts are correct, where is your basis? Is it simply that the original certificate named tributary rates and duties, and that those same rates and duties made it onto the correction certificate? If that is the case, we have a whole bunch of problems. We have numerous examples of errors in certificates naming incorrect ditches, locations, etc.

For adjudicated water rights, the tributary rates are for tribs, not the mainstem of the middle fork. That the courts meant for the tributary rates and duties to remain in effect when they corrected the source to the middle fork would not make sense. They did not even mention the rates and duties.

Our department is wonderful in that we try to look at the intent of the legislature and the courts, why would we see this one differently?

Steve, you are doing a good job and I thank you for helping us out by processing this order. It is good that we can share our opinions to get a solution to this matter. If you stand by your position after this mail, please inform me so I can sort options. Thanks again for your assistance. Kelly

At 09:01 AM 8/4/03 -0700, you wrote:

Dear Folks:

I checked our water availability for instream water rights and agree with Kelly in that the movement of a diversion point downstream should not interfere with or injure an instream right in this case.

In regards to the change in duty. The water user was never authorized to take more than was allowed by the original right, including the rate and duty. No change was granted by the court. To change the duty would enlarge the right. I would recommend to deny the enlargement of the rate and duty. Other people and the instream rights would be injured.

Pursuant to ORS 540.610, beneficial use is the measure and limits of all rights. The water user was never authorized to use more than the original certificate and therefore any claim to the higher rate and duty was lost, even though the decree would afford the greater rate at the time of the original certificate.

Please take into consideration the potential injury to junior water users including instream rights. I would recommend to deny and allow the applicant a hearing if requested, however, as you know this is not my decision and will agree with the agency decision.

Thanks for allowing me an opportunity to comment.

Steve

At 11:25 AM 8/1/03 -0700, Kelly Rise wrote:

Hey Bernadette, thanks for keeping the old eagle eye on us. But as we discussed over the phone, I would like to offer a couple comments for Steve and Tom's benefit.

- 1) The instream water rights on the middle fork are involved with a stream reach far below this transfer area, and thus should not be a factor in the injury or enlargement decisions.
- 2) The requested change in rate and duty is, to me, a clarification of the water rights. When the courts corrected the source from a spring to the mainstem of the Middle Fork John Day River, they neglected to clarify that the adjudicated rights on the Middle Fork John Day river have set rates at 1/40 cfs and 5 af per acre which is different than the tributary rates that would have fit the spring.

I believe whoever drew up the certificate to confirm the source change from the spring to the middle fork John day river made an error on the certificate by not correcting the rate and duty. Please note that the court document correcting the source did not mention any setting of rate and duty. They would have, in my opinion, assumed the proper rates and duties for the corrected source would be reflected in the correction

certificate.

Think of it this way, why would the courts correct the source to the middle fork and not mean for the rates and duties to match those set in the decree for middle fork john day river water rights? I do not believe there is any enlargement, only a past error by whoever drafted the certificate.

Thanks to all of you for your help. The landowner is very concerned about this issue. Please keep me posted if my assessment is in error. kelly

At 03:53 PM 7/31/03 -0700, you wrote:

Kelly,

First, I need to thank Steve Brown for taking a closer look at this transfer and for finding a couple of important issues that need to be resolved. Good eye Steve!

I have the transfer file on my desk and will contact you either later today or tomorrow afternoon. I am hoping that we can easily resolve the issues, but not putting any money on it. So, till then....take care and stay cool!!

Bernie

At 01:16 PM 07/31/2003 -0700, Steve Brown wrote:

Kelly,

What a case. I believe this transfer request will require careful consideration. Vern drafted an order, but the draft order is subject to review and approval by Bernadette and Tom Paul. There are concerns about moving a pod upstream and the changing of the rate and duty. I understand the merits of changing the duty to agree with the source, however to do so would be an enlargement of the use authorized for fifty years.

Please contact Bernadette for further information.

Thank you.

Steve

At 11:30 AM 7/28/03 -0700, you wrote:

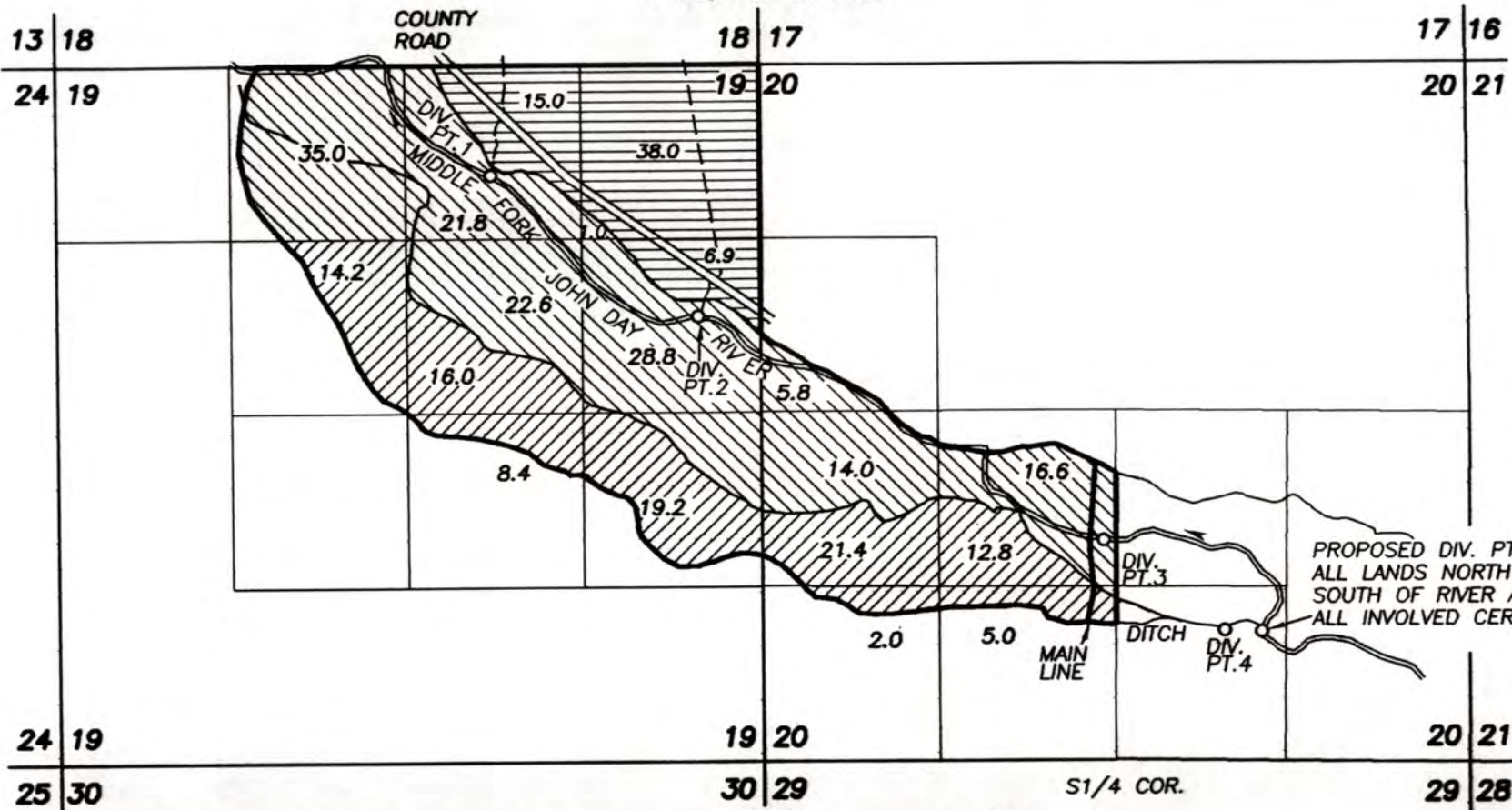
Hi Steve, this is another request for issuance of the confirming certificate for the above referenced transfer in the name of LaVelle Holmes. The transfer is complete, Vernon put together the draft certificate, and it should be ready to finalize.

Ms. Holmes is concerned that the certificate correctly reflect her water rights and about the amount of time it seems to take to process her certificate.

The lack of certification is not stopping any projects at this time. That said, Ms. Holmes is very concerned with protection of her land and water rights, and wishes to complete this project.

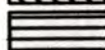
Thank you very much for any help you may be able to offer in this regard. kelly

T10S, R33E, W.M.



SCALE: 1" = 1320'

EXISTING DIV. PT. 1 IS 840 FT. SOUTH AND 650 FT. EAST OF N1/4 COR. OF SEC. 19.
 EXISTING DIV. PT. 2 IS 1910 FT. SOUTH AND 2180 FT. EAST OF N1/4 COR. OF SEC. 19.
 EXISTING DIV. PT. 3 IS 1660 FT. NORTH AND 80 FT. WEST OF S1/4 COR. OF SEC. 20.
 EXISTING DIV. PT. 4 IS 980 FT. NORTH AND 810 FT. EAST OF S1/4 COR. OF SEC. 20.
 PROPOSED DIV. PT. IS 970 FT. NORTH AND 1090 FT. EAST OF S1/4 COR. OF SEC. 20.

-  C25387
-  C34141
-  C57265

APPLICATION MAP
 FOR ADDITIONAL DIVERSION POINT
 IN NAME OF
LEVELLE HOLMES

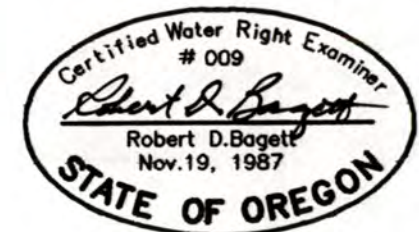
SURVEYED SEPTEMBER 10, 1998 BY R.D. BAGETT

WATER RESOURCES DEPT.
 SALEM, OREGON

JAN 28 1999

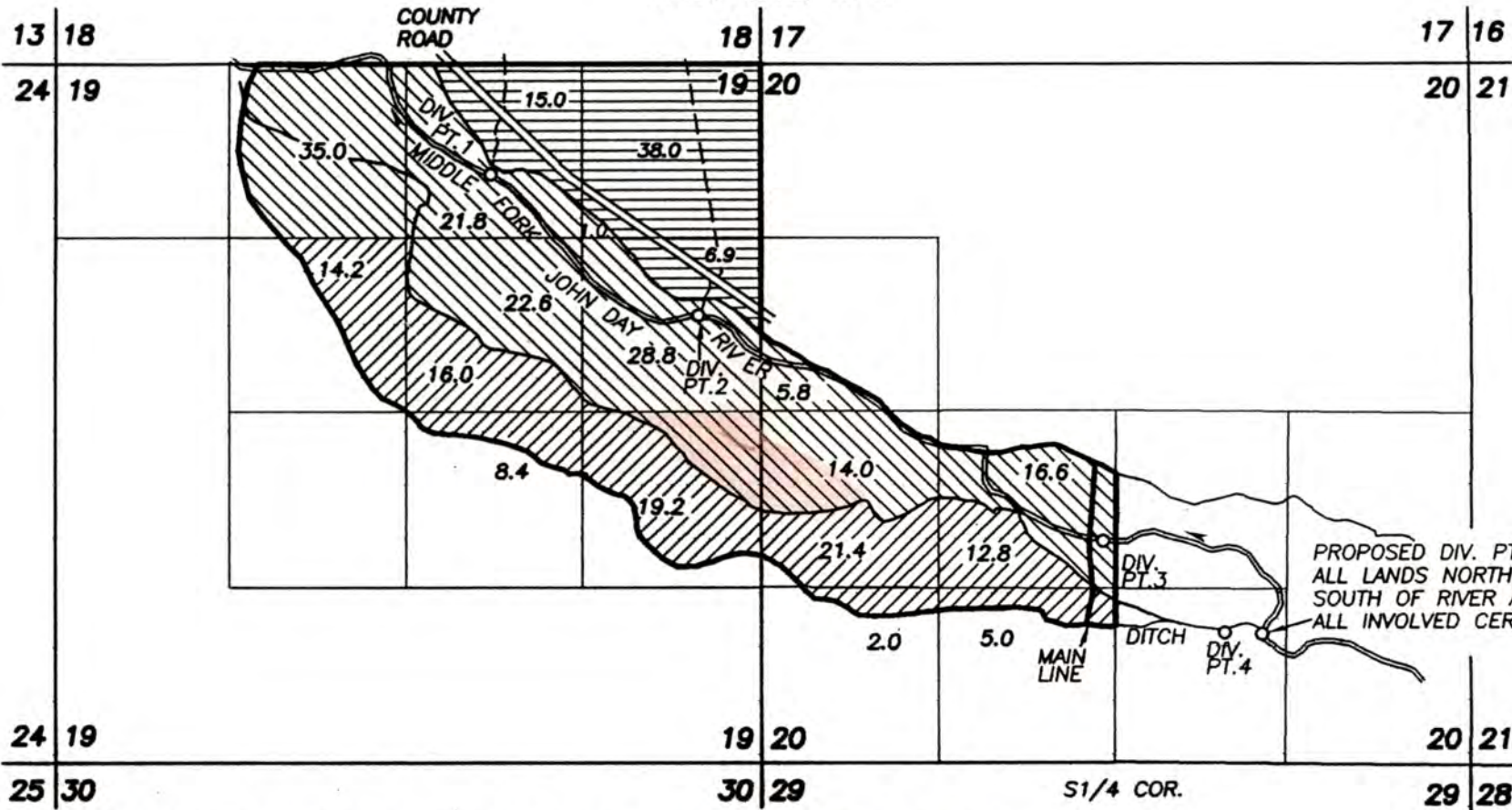
RECEIVED

T-8172



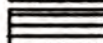
NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.

T10S, R33E, W.M.



SCALE: 1" = 1320'

EXISTING DIV. PT. 1 IS 840 FT. SOUTH AND 650 FT. EAST OF N1/4 COR. OF SEC. 19.
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-  C25387
-  C34141
-  C57265

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.

APPLICATION MAP
 FOR ADDITIONAL DIVERSION POINT
 IN NAME OF
LEVELLE HOLMES

SURVEYED SEPTEMBER 10, 1998 BY R.D. BAGETT

WATER RESOURCES DEPT.
 SALEM, OREGON

JAN 28 1999

RECEIVED



T-8172



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department ²⁻⁴⁻⁹⁹

Commerce Building

158 12th Street NE

Salem, OR 97310-0210

(503) 378-3739

FAX (503) 378-8130

INTEROFFICE MEMO

TO:

Bernadette Williams
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 2/16/99

FROM:

X WATERMASTER, DISTRICT # 04
GROUNDWATER SECTION

(SIGNATURE) Kelvin G. Rio

SUBJECT: WATER RIGHT TRANSFER # 8172

A change in: **POU** APOD **POA** **USE** of water.

In the name(s) of Lavelle Holmes

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY
right.

WOULD RESULT IN INJURY* to an existing water

*The approval of this transfer application would result in injury to other water rights because _____

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

But it has a headgate.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) 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 . . .

✓ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.

Vern Church

From: Tim Unterwegner [tjunterwegner@centurytel.net]
Sent: Monday, October 28, 2002 11:03 AM
To: Vern Church
Subject: Water Right 8172

Vern,

In order to facilitate issuance of the above water right for the Middle Fork John Day River I have the following that should be included as condition: the Middle Fork John Day River is occupied by spring chinook, redband trout, steelhead, and bull trout. In order to protect these fish, a screen and measuring device on the diversion should be required.

Tim Unterwegner
District Fish Biologist
John Day District

10/28/02

COPY

temporary phone - 1-2m
541-421-3177

State of Oregon
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

T-8172

Applicant: Lavelle Holmes

Mailing Address: HCR 85 Box 7
Bates, Oregon 97817 541-421-3728
City or town State Zip Phone

Type of change: Additional Point of Diversion
(In point of diversion: place of use; use heretofore made of the water)

1. WATER RIGHT

A) Is the water right in your name? yes for C 57265
(Yes, No) No for C 25387, C 34141 If not, list name below:

C 25387 is under Felix A. Johnson, C 34141 is under Stephen C. Holmes

B) Was the water right determined by a court decree? yes for C 25387 and C 57265
(Yes, No)

1. If yes, list the title of the proceedings: John Day River Decree

2. Certificate No: C 25387 and C 57265

C) Was the water right acquired by a water permit? yes for C 34141
(Yes, No)

1. If yes, list the Permit No: 28039

2. Certificate No: C 34141

D) Date of priority right: C 25387 is 1882; C 34141 is Apr. 23, 1962
C 57265 is 1890

E) What are your reasons for the proposed changes?

For a more efficient delivery system to serve lands north of the river and to document current POD location south of river.

F) The water will be completely applied to the proposed use on or before: Oct. 1, 1999

2. LOCATION OF AUTHORIZED USE

A) What is the source of water (river, stream, well)? C 25387 = Springs & middle Fork John Day River
C 57265 & C 34141 = middle fork John Day River

B) Describe the authorized point of diversion:

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>See Attachment A</u>				

C) What is the name of the ditch used? Smith Ditch

D) What is the use to which the water is applied? C 25387 for Irrigation, domestic & stock
C 57265 & C 34141 for irrigation

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
<u>See Attachment B</u>				

F) Is the land within an irrigation district? Yes ☐ No ☒

If Yes, which district? _____

G) County Grant

3. LOCATION OF PROPOSED USE:

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

A) Describe the ~~proposed point of diversion~~ Additional Point of Diversion

Location in Reference to Survey Corner	1/4, 1/4 of Section	Section	Township	Range
<u>920' N. & 1090' E. of S 1/4 corner SW 1/4 SE 1/4</u>	<u>20</u>	<u>10S</u>	<u>33E</u>	
<u>Sec. 20, T. 10S, R. 33E., Wm</u>				

NOTE: Answer questions B, C, D, and E only if the application is for a change in use or place of use.

B) Are the lands from which you propose to transfer your water right free of all encumbrances? _____
(Yes, No)

C) If no, give the description below of existing encumbrances:

Encumbrance	Held by	Amount

D) What is the use to which the water will be applied? _____

E) Give the proposed location of the area irrigated, or place of use if other than for irrigation:

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated

4. EXHIBITS

The following exhibits shall be attached to and made part of the application:

- See map ✓
- X A) A map prepared by a Certified Water Right Examiner showing the location of the present and proposed points of diversion, the authorized and proposed places of use and, if any, lands from the existing right that would not be subject to transfer.
 - X B) A copy of the current recorded deed to the subject lands.
 - C) Affidavits from any other landowners or encumbrance holders with interest in the original water right stating that they have no objection to the proposed transfer.
 - X D) Evidence that the water has been used within the last five years.

5. NAME AND ADDRESS OF RECEIVING LANDOWNER(S) IF OTHER THAN APPLICANT:

~~As the landowner, the water has been used every year; for irrigation, domestic & stock.~~

6. REMARKS: For C 25387, we are not certain how many acres are North versus South of the River. The intent is to be able to irrigate all lands North of the River from the proposed additional point of diversion.

I (we) _____, applicant(s), hereby swear that I (we) have read the above application for transfer of water right and that the statements made are true and correct. Dated and signed this 25 day of Jan, 1999.

L. L. Halmer
(Signature)

(Signature)

Subscribed and sworn to before me



Myla Corley
Notary Public for Oregon

My commission expires: 01-07-00

WATER RESOURCES DEPT.
SALEM, OREGON
JAN 28 1999

Plat Card Report for: Township: **10S**, Range: **33E** Section: **19**

Page 1 of 1

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12/31/1890	D 2588 *	57265				16.000 IR					14.200 IR					19.200 IR	8.400 IR				
12/31/1882	D 25387 *	25387		1.000 I*	21.800 I*	22.600 I*	28.800 I*	35.000 I*													
12/31/1890	D 25388 *	25388	Cncl'd			16.000 IR Cncl'd					14.200 IR Cncl'd					19.200 IR Cncl'd	8.400 IR Cncl'd				
12/31/1902	D 25661 *	25661							10.000 IR	10.000 IR											
12/31/1902	D 25661 *	25661							10.000 IR	15.000 IR											
12/31/1888	D 25663 *	25663											7.400 IR	6.000 IR							
12/31/1905	D 25664 *	25664											8.600 IR	5.600 IR							
S 37571 4/23/1962	S 28039	34141		38.000 IR	15.000 IR		6.900 IR														

Go to 10S, 33E, 19 page: **1**Go to Section: **19** 20Return to Plat Card Search Page.

Plat Card Report for: Township: **10S**, Range: **33E** Section: **20**

Page 1 of 1

Application	Permit	Certificate	Status lot/dlc	NE				NW				SW				SE				Gov't Lot	dlc
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
12/31/1890	D 2588 *	57265										12.800 IR	21.400 IR	2.000 IR	5.000 IR						
2/5/1907	D 25126 *	25126														14.000 I*	22.800 I*		30.000 I*		
12/31/1882	D 25387 *	25387								5.800 I*		16.600 I*	14.000 I*								
12/31/1890	D 25388 *	25388	Cncl'd									12.800 IR Cncl'd	21.400 IR Cncl'd	2.000 IR Cncl'd	5.000 IR Cncl'd						
12/31/1904	D 25821 *	25821																13.400 IR			

Go to 10S, 33E, 20 page: **1**Go to Section: **19 20**[Return to Plat Card Search Page.](#)

NOTICE OF WATER RIGHT TRANSFER 8172

LaVelle Holmes filed an application with the Water Resources Department to add an additional point of diversion of water as provided by ORS 540.510 to 540.530 and clarify the rate and duty of water right certificate 57265.

Certificate 57265, in the name of LaVelle Holmes, includes a right limited to 2.47 cubic feet per second to June 15 and 1.23 cubic feet per second thereafter with a priority of 1890 from Middle Fork John Day River for irrigation of 99.0 acres.

The point of diversion for this right is: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T10S, R33E.WM; 980'N & 810'E from S $\frac{1}{4}$ cor, Sec. 20.

Certificate 25387, in the name of Felix A. Johnson, includes a right limited to 3.64 cubic feet per second with a priority of 1882 from Middle Fork John Day River for irrigation of 145.6 acres.

The point of diversion for this right is: #4 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T10S, R33E, WM; 980'N & 810'E from S $\frac{1}{4}$ cor, Sec. 20. #3 - NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T10S, R33E, WM; 1660'N & 80'W from S $\frac{1}{4}$ cor, Sec. 20.

Certificate 34141, in the name of Stephen C. Holmes, includes a right limited to 1.50 cubic feet per second with a priority of April 23, 1962 from Middle Fork John Day River for irrigation of 59.9 acres.

The point of diversion for this right is: #1 - NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T10S, R33E, WM; 840'S & 650'E from N $\frac{1}{4}$ cor, Sec. 19. #2 - SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T10S, R33E, WM; 1910'S & 2180'E from N $\frac{1}{4}$ cor, Sec. 19.

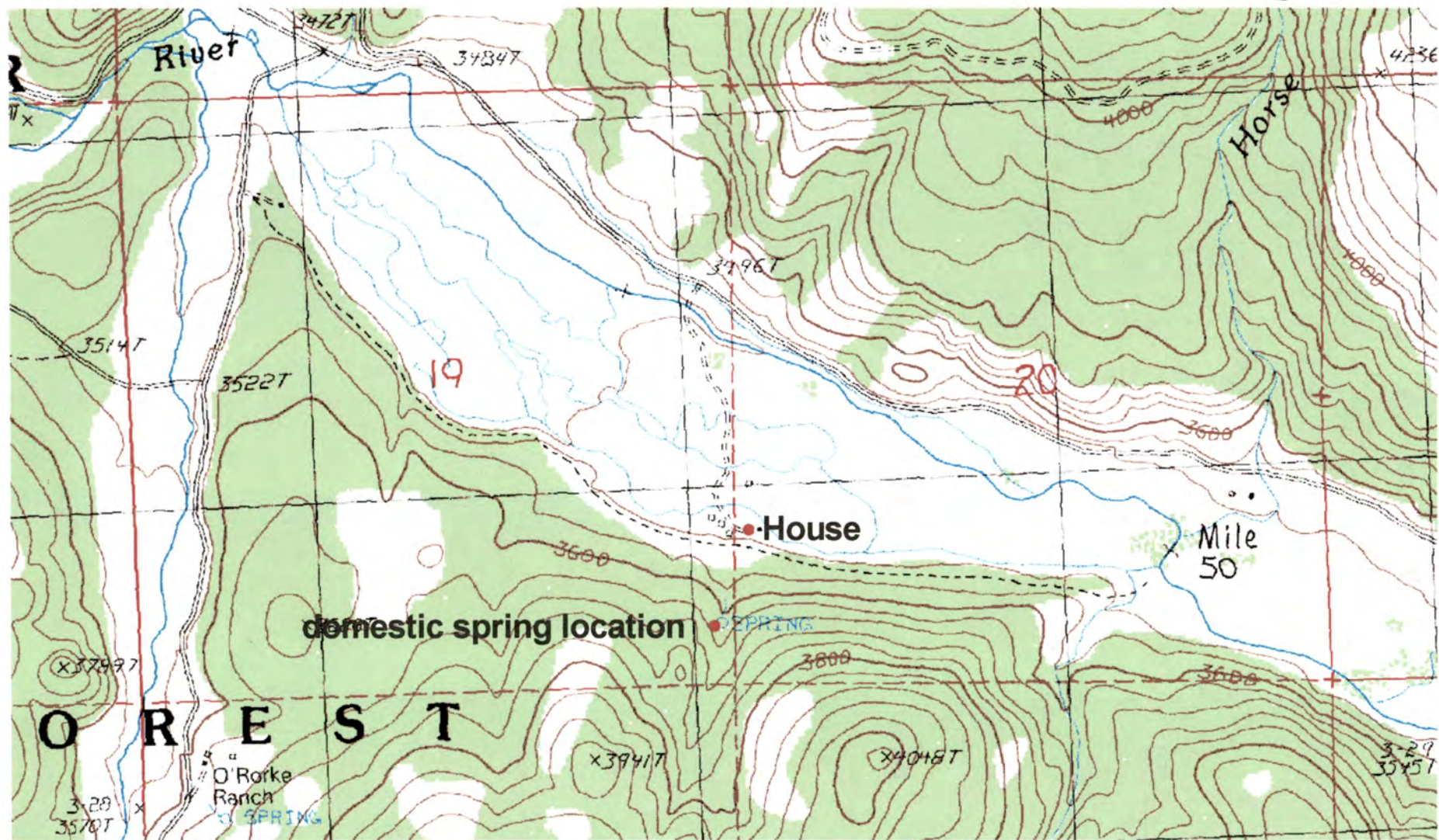
The applicant proposes to change the point of diversion to SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T10S, R33E.WM; 970'N & 1090'E from S $\frac{1}{4}$ cor, Sec. 20.

Protests may be filed by persons who think their water right may be injured by this change. The fee to file a protest is \$25.00. Additional information or forms and rules for filing protests are available from the Water Resources Department by calling (541) 378-8455, ext. 262. If a protest is filed a hearing may be held.

The last date of publication is [DATE OF LAST PUBLICATION]. IF NO PROTEST IS FILED BY [30 DAYS AFTER DATE OF LAST PUBLICATION], THE CHANGE MAY BE APPROVED WITHOUT A HEARING.

Holmes spring and house site

T. 10 S., R. 33 E., W.M.



SCALE 4" = 1 MILE

by: kelly 1-14-03

*October 25, 2002
PO Box 263
Long Creek, Ore. 97856*

Dear Mr. Church;

*This is my Affidavit of Publication received from the
Blue Mountain Eagle last week.*

*Kelly Rise has told me of the work you have done in
assisting on my application for an additional water right
point of diversion and other items. I appreciate your
help and am looking forward to having closure on this
matter.*

*I felt the project associated with this request was a win
for all interested in water use. However, it has been a
long four years. Without Kelly's support and
encouragement, I would have thrown up my hands in
defeat a long time ago.*

Thank you for your help.

LeVelle Holmes

AFFIDAVIT OF PUBLICATION

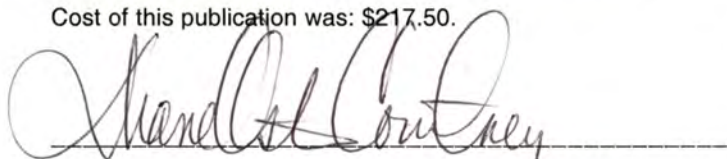
STATE OF OREGON

County of Grant

ss.

I, Diane Oster-Courtney, being first duly sworn, depose and say that I am the general manager 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, County of Grant, State of Oregon; that I know from my personal knowledge that the WATER RIGHTS 8172 PLACED BY LAVELLE HOLMES a copy of which is hereto annexed, was published in the entire issue of said newspaper 4,000 times in the following issue(s): September 18 and 25, October 2, 2002.

Cost of this publication was: \$217.50.



Diane Oster-Courtney, General Manager

Subscribed and sworn to before me on October 15, 2002.



DIANE S. REIMERS,
Notary Public for Oregon

My commission expires on May 31, 2005.



PUBLIC NOTICE

NOTICE OF WATER RIGHT TRANSFER 8172

LaVelle Holmes filed an application with the Water Resources Department to add an additional point of diversion of water as provided by ORS 540.510 to 540.530 and clarify the rate and duty of water right certificate 57265.

Certificate 57265, in the name of LaVelle Holmes, includes a right limited to 2.47 cubic feet per second to June 15 and 1.23 cubic feet per second thereafter with a priority of 1890 from Middle Fork John Day River for irrigation of 99.0 acres.

The point of diversion for this right is: SW1/4 SE1/4, Sec. 20, T10S, R33E, WM; 980'N & 810'E from S1/4 cor, Sec. 20.

Certificate 25387, in the name of Felix A. Johnson, includes a right limited to 3.64 cubic feet per second with a priority of 1882 from Middle Fork John Day River for irrigation of 145.6 acres.

The point of diversion for this right is: #4 - SW1/4 SE1/4, Sec. 20, T10S, R33E, WM; 980'N & 810'E from S1/4 cor, Sec. 20. #3 - NE1/4, SW1/4, Sec. 20, T10S, R33E, WM; 1660'N & 80'W from S1/4 cor, Sec. 20.

Certificate 34141, in the name of Stephen C. Holmes, includes a right limited to 1.50 cubic feet per second with a priority of April 23, 1962 from Middle Fork John Day River for irrigation of 59.9 acres.

The point of diversion for this right is: #1 - NW1/4 NE1/4, Sec. 19, T10S, R33E, WM; 840'S & 650'E from N1/4 cor, Sec. 19. #2 - SE1/4 NE1/4, Sec. 19, T10S, R33E, WM; 1910'S & 2180'E from N1/4 cor, Sec. 19.

The applicant proposes to change the point of diversion to SW1/4 SE1/4, Sec. 20, T10S, R33E, WM; 970'N & 1090'E from S1/4 cor, Sec. 20.

Protests may be filed by persons who think their water right may be injured by this change. The fee to file a protest is \$25.00. Additional information or forms and rules for filing protests are available from the Water Resource Department by calling (541) 378-8455, ext. 262. If a protest is filed a hearing may be held.

The last date of publication is Sept. 18, 2002. If no protest is filed by Nov. 1, 2002, the change may be approved without a hearing.

T-8172

ATTACHMENT A

AUTHORIZED POINTS OF DIVERSIONS:

- C-34141 = 1910' S. and 2180' E., 840' S. and 650' E., both from the NE1/4 corner Sec. 19, being within the NW1/4 NE1/4, SE1/4 NE1/4, Sec. 19, T. 10 S., R. 33 E., W.M.
- C-25387 = 1660' N. and 80' W.; ~~about 1100'~~⁹⁸⁰ N. and ~~400'~~⁸¹⁰ E., both from the S1/4 corner Sec. 20, being within the NE1/4 SW1/4, SW1/4 SE1/4 Sec. 20, T. 10 S., R. 33 E., W.M.
- C-57265 = ~~about 1100'~~⁹⁸⁰ N. and ~~400'~~⁸¹⁰ E. of the S1/4 corner Sec. 20, being within the SW1/4 SE1/4, Sec. 20, T. 10 S., R. 33 E., W.M.

RECEIVED

JAN 28 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount, Cubic Feet Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
25387 Johnson, Felix A., Susanville, Oregon. (Proof No. 690)	1882		145.6	Irrigation domestic and stock	Overflow, dykes, dams and ditches	Spring trib. of Middle Fork John Day River and Middle Fork John Day River	1 acre in NE-NE- 21.8 acres in NW-NE- 22.6 acres in SW-NE- 28.8 acres in SE-NE- 35 acres in NE-NW- Section 19, 5.8 acres in SW-NW- 16.6 acres in NE-SW- 14 acres in NW-SW- Section 20, T. 10 S. R. 33 E. W. M.
25388 (Proof No. 691)	1890		99	Irrigation	Smith ditch	Springs trib. of Middle Fork John Day River	16 acres in SW-NE- 14.2 acres in SE-SW- 19.2 acres in NE-SE- 8.4 acres in NW-SE- Section 19, 12.8 acres in NE-SW- 21.4 acres in NW-SW- 2 acres in SW-SW- 5 acres in SE-SW- Section 20, T. 10 S. R. 33 E. W. M.
25389 Johnson, Henry A. Estate, and Susie E. Cameron, by Jessie M. Johnson, Admrx., Prairie City, Oregon. (Proof No. 692)	1875		0.29	Irrigation	Bradford ditch	Straw- berry Creek	0.29 acre in NE-SW- Section 11, T. 13 S. R. 33 E. W. M. Being Lots 5 and 6, Block C. in George Bradford's Railroad Addition to Prairie City, Oregon.

CONF-57265

T-8172

ATTACHMENT A

AUTHORIZED POINTS OF DIVERSIONS:

- C-34141 = 1910' S. and 2180' E.; 840' S. and 650' E. , both from the N1/4 corner Sec. 19, being within the NW1/4 NE1/4, SE1/4 NE1/4, Sec. 19, T. 10 S., R. 33 E., W.M.
- C-25387 = 1660' N. and 80' W.; about 1100' N. and 400' E. , both from the S1/4 corner Sec. 20, being within the NE1/4 SW1/4, SW1/4 SE1/4 Sec. 20, T. 10 S., R. 33 E., W.M.
- C-57265 = about 1100' N. and 400' E. of the S1/4 corner Sec. 20, being within the SW1/4 SE1/4, Sec. 20, T. 10 S., R. 33 E., W.M.

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JAN 28 1999

WATER RESOURCES DEPT.
SALEM, OREGON

T-8172

ATTACHMENT A

AUTHORIZED POINTS OF DIVERSIONS:

- ✓ C-34141 = 1910' S. and 2180' E.; 840' S. and 650' E. , both from the N1/4 corner Sec. 19, being within the NW1/4 NE1/4, SE1/4 NE1/4, Sec. 19, T. 10 S., R. 33 E., W.M.
- ✓ C-25387 = 1660' N. and 80' W.; about 1100' N. and 400' E. , both from the S1/4 corner Sec. 20, being within the NE1/4 SW1/4, SW1/4 SE1/4 Sec. 20, T. 10 S., R. 33 E., W.M.
- ✓ C-57265 = about 1100' N. and 400' E. of the S1/4 corner Sec. 20, being within the SW1/4 SE1/4, Sec. 20, T. 10 S., R. 33 E., W.M.

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**WATER RESOURCES DEPT.
SALEM, OREGON**

To: Kelly Rice watermaster
From: vev

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

C-25387

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	19	NE NE	1
"	"	"	NW NE	21.8
"	"	"	SW NE	22.4
"	"	"	SE NE	28.8

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1 NOV 02 1998

WATER RESOURCES DEPT.
SALEM, OREGON

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

C34141

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	19	NE NW	35.0
"	"	20	SW NW	5.8
"	"	"	NE SW	16.6
"	"	"	NW SW	14.0

RECEIVED

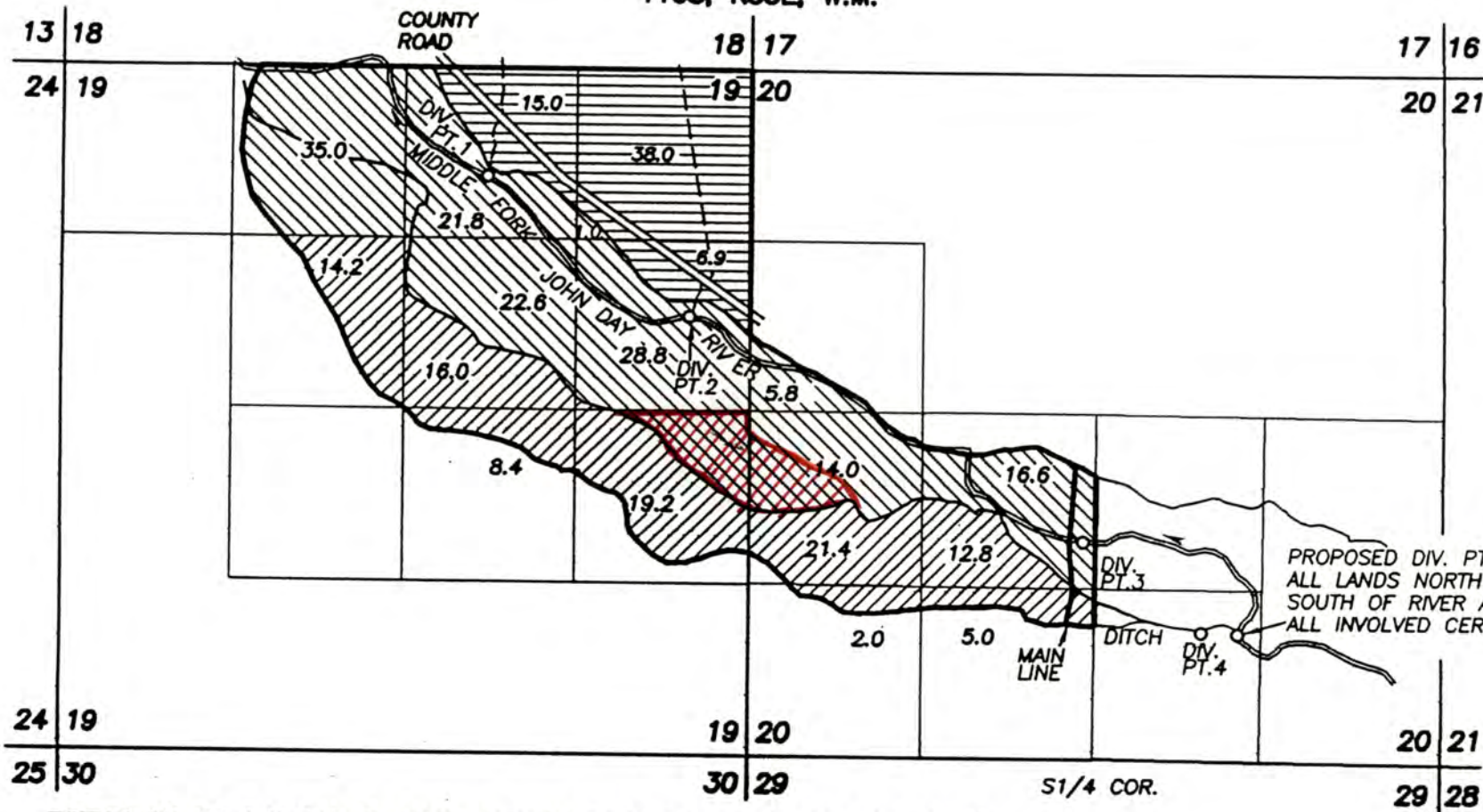
JAN 28 1998

WATER RESOURCES DEPT.
SALEM, OREGON

C57265

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	19	NE NE	38.0
"	"	"	NW NE	15.0
"	"	"	SE NE	6.9
Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	20	NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.8
"	"	"	NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.4
"	"	"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0
"	"	"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0
Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	16.0
"	"	"	SE $\frac{1}{4}$ NW $\frac{1}{4}$	14.2
"	"	"	NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.2

T10S, R33E, W.M.



EXISTING DIV. PT. 1 IS 840 FT. SOUTH AND 650 FT. EAST OF N1/4 COR. OF SEC. 19.
 EXISTING DIV. PT. 2 IS 1910 FT. SOUTH AND 2180 FT. EAST OF N1/4 COR. OF SEC. 19.
 EXISTING DIV. PT. 3 IS 1880 FT. NORTH AND 80 FT. WEST OF S1/4 COR. OF SEC. 20.
 ✓ EXISTING DIV. PT. 4 IS 980 FT. NORTH AND 810 FT. EAST OF S1/4 COR. OF SEC. 20.
 PROPOSED DIV. PT. IS 970 FT. NORTH AND 1090 FT. EAST OF S1/4 COR. OF SEC. 20.

-  C25387
-  C34141
-  C57265

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines.

APPLICATION MAP
 FOR ADDITIONAL DIVERSION POINT
 IN NAME OF
LEVELLE HOLMES
 SURVEYED SEPTEMBER 10, 1998 BY R.D. BAGETT

WATER RESOURCES DEPT.
 SALEM, OREGON

JAN 28 1999

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E) Give the location of the authorized area irrigated or place of use other than for irrigation:

RECEIVED

C-25387

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	19	NE NE	21.8
"	"	"	NW NE	22.4
"	"	"	SW NE	28.8
"	"	"	SE NE	

NOV 02 1998
WATER RESOURCES DEPT.
SALEM, OREGON

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

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WATER RESOURCES DEPT.
SALEM, OREGON

234141

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	19	NE NW	35.0
"	"	20	SW NW	5.8
"	"	"	NE SW	16.6
"	"	"	NW SW	14.0

257265

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	19	NE NE	38.0
"	"	"	NW NE	15.0
"	"	"	SE NE	6.9

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	20	NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.8
"	"	"	NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.4
"	"	"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.0
"	"	"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0

Township	Range	Section	1/4, 1/4 of Section	No. of acres irrigated
10S	33E	19	SW $\frac{1}{4}$ NE $\frac{1}{4}$	16.0
"	"	"	SE $\frac{1}{4}$ NW $\frac{1}{4}$	14.2
"	"	"	NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.2
"	"	"	NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.4

97874

BOOK 126 #4 516

8172
T-8110

MICROFILM

STATUTORY WARRANTY DEED

STEPHEN C. HOLMES, Grantor, conveys and warrants to LA
VELLE HOLMES, Grantee, the following described real property,
free of encumbrances except as specifically set forth herein:

All that land in Grant County, Oregon, described
in the attached Exhibit, SUBJECT TO AND EXCEPTING
those items set out in the exhibit.

The true and actual consideration for this transfer is division
of property.

DATED, June 29, 1982.

Stephen C Holmes
Stephen C. Holmes

RECEIVED

JAN 28 1999

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON)
) ss.
COUNTY OF GRANT)

The foregoing instrument was acknowledged before me on
June 29, 1982, by Stephen C. Holmes.

Charles Blank
Notary Public for Oregon

My Commission expires: 4/8/84

Until a change is requested, all tax statements are to be
sent to the following address: LaVelle Holmes

~~Box 296~~ HCR 85 Box 7

~~Monument, OR 97864~~

BATES, OR 97817

4/10/17

126 517

In Twp. 10 S., R. 33 E., W.M.:

Secs. 19 and 20; Commencing at a point on the East line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 20, said point being 1084.0 feet North of the Southeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 20;

thence S. 83° 30' W. 200 feet;

thence N. 84° 16' W. 1608.3 feet;

thence N. 79° 45' W. 1623.7 feet;

thence N. 42° 45' W. 783.0 feet;

thence N. 73° 04' W. 1268.4 feet;

thence N. 40° 05' W. 1341.6 feet;

thence N. 31° 40' W. 1150.6 feet to a point on the West line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 19; said point being 837.5 feet South of the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 19;

thence North 837.5 feet to the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 19;

thence East, along the Section line, 3960.0 feet to the Northeast corner of said Sec. 19;

thence South, along the Section line, 1320 feet to the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Sec. 19;

thence East, along the 40 lines, 2640.0 feet to the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 20;

thence South, along the 40 lines, 2876.0 feet to the POINT OF BEGINNING.

SUBJECT TO AND EXCEPTING:

6. As disclosed by the tax rolls, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
7. This report does not include a search for financing statements covering crops filed in the office of the Secretary of State, and no liability is assumed on account thereof.
8. DEED from Felix A. Johnson and Maude L. Johnson, his wife, to G. S. Leeston Smith and A. P. Leeston Smith, dated Nov. 15, 1926, recorded Nov. 20, 1926 in Book 36, Page 575, Deeds, conveying a right of way for a road, including logging road, described as follows:

Commencing at a point on the 40 line between the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 20; whence the quarter corner common to Secs. 20 and 29, Twp. 10 S., R. 33 E., W.M. bears South 1084 feet;

thence S. 83° 30' W. 30 feet;

thence due North to the County Road;

thence East, 30 feet to the above mentioned 40 line;

thence South on said 40 line to the point of beginning.

Grantors expressly reserve the right to lay out, locate, establish and maintain a ditch for the purpose of conveying water from the Middle Fork of John Day River over and across said right of way hereby granted for road purposes, said ditch to be located between the existing highway and the said Middle Fork of the John Day River, and also reserve the right to lay out, locate, establish and maintain a ditch from the Middle Fork of the John Day River on the opposite side of said stream from said highway for the purpose of conveying water from said Middle Fork of said John Day River over and across said right of way; all bridges across said ditches upon said strip of land hereby granted to be erected, kept up and maintained at all times in good repair at the expense of the grantees, their executors, administrators, heirs and assigns. This right of way was conveyed

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WATER RESOURCES DEPT.
SALEM, OREGON

97874

126 518

MICROFILM

by Dorothy Mary Leeston Smith, et al, to Leslie Holland by Deed dated Dec. 18, 1963, recorded Dec. 24, 1963 in Book 90, Page 43, Deeds.

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JAN 28 1999

WATER RESOURCES DEP
SALEM, OREGON

9. The effect and result of that certain VACATION ORDER of the County Court of the State of Oregon for the County of Grant, entitled "In the Matter of the Proposed Vacation of a Certain Portion of the Middle Fork of the John Day River Road from Big Boulder Creek to Slide Creek in Grant County, Oregon", dated Jan. 8, 1947, in which the County Road was vacated and in which certain rights were granted to the Oregon Lumber Company, a corp. (now Edward Hines Lumber Co., a corp.), and the conditions therein contained.
10. Rights and interest of EDWARD HINES LUMBER CO., a corp., by reason of that certain Deed from Oregon Lumber Company, a corp., dated Dec. 30, 1960, recorded March 21, 1962 in Book 86, Page 388, Deeds, conveying all right, title and interest, including easements, licenses and rights of way on the N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 19; All of Sec. 20, Twp. 10 S., R. 33 E., W.M.
11. LAND SALE CONTRACT, including the terms and provisions thereof, between Maude L. Johnson, a widow, as Seller, and Stephen C. Holmes and LaVelle Holmes, husband and wife, as Purchasers, dated April 20, 1966, recorded Oct. 15, 1970 in Book 104, Page 358, Deeds, which Grantor agrees to pay.
12. The RESULT of that certain Deed from Edward Hines Lumber Co., a Delaware corp., to Grant County, Oregon, a municipal corp., dated July 1, 1971, recorded Aug. 26, 1971 in Book 107, Page 271, Deeds, conveying all of the grantors interest in and to what is known as "The Middle Fork Road" in Grant County, Oregon.
13. The result of that certain BOUNDARY LINE AGREEMENT, dated Feb. 13, 1979, recorded Feb. 13, 1979 in Book 120, Pages 462-63, Deeds, between S. C. Holmes and LaVelle Holmes, husband and wife, and Robert Holland and Pauline Holland, husband and wife. (See Copy attached.)



97874

STATE OF OREGON
County of Grant

} ss.

I hereby certify that the within instrument was filed in the office of the County Clerk on this 13 day of July, 1982 at 9:05 o'clock A.M. in Book 126 of Deeds at 516 to 518 inclusive.

Witness my hand and official seal

Carol Yoist, County Clerk

Bonnie Lawrence Deputy

Fees \$ 12.00

MICROFILM

Return to: Mr. Robert W. Collins
Collins & Collins
Attorneys at Law
P.O. Box 1457
Pendleton, Or 97801

Land Use Information Form: Water Right Transfers, Use of Conserved Water, Exchanges

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the request for water use. DO NOT FILL OUT THIS FORM IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) you are applying for a water right transfer involving: a) a change in the place of use with no structural changes, and b) irrigation uses located in irrigation districts or exclusive farm use zones.

Applicant's Name: Lavelle Holmes
 Address: HCR 85 Box 7 State: Ore Zip: 97817
 City: Bates WRD Application No.:
 Phone: 541-421-3728

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JAN 28 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

T 10 S, R 33 E., W. M.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
<u>1000</u>	<u>Forest</u>		☒	☒
<u>1100</u>	<u>Forest</u>	☒		

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant for inclusion in the application.

a) Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): article 65/Primary Forest Zone. Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

b) Please provide printed name and written signature.

Name: Debra M. Kowalski

Title: Planning Secretary

Signature: Debra M. Kowalski

Date: 9/1/98

Phone: 525-1519

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Continuations or Additional Comments:

17

20 Oregon Lumber Co.

Steve Holmes

North Ditch POD

J. H. Dunstan

Smith Brothers

25821
1964 13⁴
BALANCE CREEK

21

C-2566
1888 142

C-25264
12 1905 22 1/2

C-25388
1890-992

C. 25387
1887-145

20

C-25121n
1907 172

C-25665
1905 128
John O'Rourke
Spring

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **27440**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Lavelle Holmes
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>T-8172</u>

CASH: ☐ CHECK: # 96-7460 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

(new) TC165 DEPOSIT LIAB. (IDENTIFY) _____

\$

(existing) TC168

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

RECORD FEE

0203 GROUND WATER

\$

0202

\$

0205 TRANSFER

\$

0204

\$

\$ 200.00

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT #

27440

DATED:

1-28-99

BY:

Loz...

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

8172

Division 15 Transfers must have

- ✓ 1. Completely filled out and signed application
- ✓ 2. CWRE map
- ✓ 3. Signed land use form
- ✓ 4. Copy of current deed
5. Affidavits from any other landowners or encumbrance holders with interest in original right
- ✓ 6. Notorized statement that water has been used within past five years
- ✓ 7. Money as shown on fee schedule

Temporary Transfers must have

1. Completely filled out and signed application marked **temporary**
2. A map showing location of present and proposed POD....
Authorized and proposed places of use....
Lands from existing right not subject to transfer, if any
3. Copy of current deed
4. Affidavits from any other landowners w/interest in original WR stating no objection to transfer
5. Notorized statement that water has been used within past five years
6. Money as shown on fee schedule

Permit Amendments must have (cannot be in certificate stage)

1. Completely filled out and signed application marked **permit amendment**
2. A map showing location of present and proposed POD...
Authorized and proposed places of use....
Lands from existing right not subject to transfer, if any
3. Money as shown on fee schedule

10/30/98glo



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

February 4, 1999

Lavelle Holmes
HCR 85 Box 7
Bates, OR 97817

REFERENCE: Transfer 8172

On 01-28-99 we received your water right transfer application requesting a **change in APOD** for use of water from **Spring/M Fork John Day River**. The application was accompanied by \$ 200.00. Our receipt 27440 is enclosed.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to existing water rights which may be caused by the change.

Your application will be examined to determine if additional information is needed. You will be contacted following this examination. If you have a specific reason why your application should be examined ahead of other applications, please send us a letter describing your reason. We may be able to examine your application ahead of others.

You may not use water from the new point of diversion until the transfer application has been approved. In order to avoid any possible forfeiture of the water right, you should continue to use the water as described by your existing water right. If the land is sold before the transfer is approved, you will need to obtain consent from the buyer to complete the transfer.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (800) 624-3199 or (503) 378-3739.

cc: Watermaster #04, Kelly Rise
CWRE #09, Robert D. Bagett

enclosure



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

February 4, 1999

Mike Gray
Oregon Department of Fish and Wildlife
P.O. Box 9
John Day, OR 97845

Reference: Transfer # 8172

Enclosed for your review is a copy of a water right transfer application from **Spring/M Fork John Day River**, tributary of **N Fork John Day River**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

ORS 540.525 and 540.532 require that we consult with you to determine if a fish screen or by-pass device should be required in conjunction with a permanent or historic change in a point of diversion. If you request a fish screen or by-pass device, we will include such a condition in the transfer order and the applicant will be eligible to participate in ODFW's cost sharing program for screening and by-pass devices.

We must receive your response in our Pendleton office

Attention: Bernadette Williams
Water Resources Department
116 SE DORION
PENDLETON OR 97801

by March 8, 1999 in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call (541)278-5456.

Enclosure

cc: Wm # 4, Kelly Rise
Applicant

TRANSFER CHECK OFF LIST

TRANSFER FILE # 8172
 DATE RECEIVED 1-28-99
 DATE MONEY SLIPPED 1-28-99
 DATE RECEIPTED 1-28-99
 VALID WATER RIGHT? ☒ Yes ☐ No
 TEMP ALT AC (GARY) IRR DIST (GARY) PERM AMEND (KELLY) DIV 15 ☒ or Temp Div15 (LARRY)

LETTER FROM ATTORNEY YES (PUT INFO ON FRONT COVER) ☒ NO

FOLDER FILLED OUT* 1-28-99
 INDEX CARD 1-28-99
 ENTERED IN DB 2-4-99
 TYPE BLACK BOOK 1-28-99 (And color code)
 RECORD MONEY/RECEIPT # 1-28-99
 CONTENTS MARKED 1-28-99
 COLOR CODED Yes
 4 COPIES MADE & STAMPED

CERTIFICATE MARKED 1-28-99
 CERTIFICATE COPIED 1-28-99
 PULL APPLICATIONS 1-29-99
 APP FOLDER MARKED 1-29-99
 FINAL PROOF MAP COPIED 1-29-99
 PERMIT MARKED
 PERMIT COPIED
 PERMIT MAP COPIED
 DECREE MARKED
 DECREE COPIED
 ADJUDICATION MAP COPIED

ENTRIES CHECKED 1-29-99 CHECKED BY Larry INIT FOLDER ☒
 PUBLIC NOTICE DATE 2-2-99 (PREPARED & COPIED) ☒
 LETTER SENT 2-4-99 Irrigation District (copy of app & map)
 COPY TO WM 2-4-99
 BLUE FORM TO WM 2-4-99 Orange Perm Amend/Yellow Temp/grn dist/lav alt acr
 COPY TO GW POA, APOA, or [SW TO GW ONLY(as POD)]
 BLUE FORM TO GW Orange Perm Amend/Yellow Temp/Grn Dist/Lav Alt Acr
 COPY TO CWRE 2-4-99
 LETTER TO ODFW 2-4-99 ALL Surface water POU/USE (POD and APOD FISH SCREENS)
 TRANSFER SENT TO: ---NCR--- SCR --- ER

*SHRINK DATA IF THERE ARE MANY FILES INVOLVED AND TAPE TO FOLDER

County: GRANT
Transfer: 8172
Certificate: 57265/25387/34141
Priority Date: 1890/1882/4-23-1962
Name: LAVELLE HOLMES
Address: HCR 85 BOX 7, BATES 97817
Change: APOD
Source: SPRING/M FK JOHN DAY RIVER
Authorized **POD**: 10S 33E 19,20 SW¼ & NW¼
Proposed **APOD**: 10S 33E 20 SWSE