



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

A. Individuals

Applicant: ROGER O. EDIGER
First Last

Mailing address: 54229 HWY 26
777. VERNON OR 97865
City State Zip

Phone: 541-932-4772
Home Work Other

*Fax: _____ *E-Mail address: edigerr@ortelco.net

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

City State Zip

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

* Optional information

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MAR 03 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

For Department Use		
App. No. <u>G-17015</u>	Permit No. _____	Date _____

2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

Yes (Please check appropriate box below then skip to section 3 ("Ground water Development"))

There are no encumbrances

This land is encumbered by easements, rights of way, roads or other encumbrances (please provide a copy of the recorded deed(s))

No (Please check the appropriate box below.)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1

Name of nearest surface water body: THE McLELLAN CREEK

Distance from well(s) to nearest stream or lake: 1) ≈ 90 feet - McClellan Creek

2) _____ 3) _____ 4) _____

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 20 feet +/- from McClellan Creek to well head

2) _____ 3) _____ 4) _____

B. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: JWN COMPANY - JAMES NEAL

Address: PRARIE CITY, OR

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SALEM, OREGON

Completion date: Proposed for shortly after I am successful in obtaining a permit

Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
i	8" or 10"	steel 8" or 10"	90-120' deep enough to case and seal into the confining layer	Liner perforated 120' plus or minus and deeper	90-100' There is a suspected confining layer @ 50-90' +/-	120-121' +/-	120'+		250' +/-

← see video

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

C. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- • If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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SALEM, OREGON**

G-17015

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	aquifer located 50-90' below L.S. +/-	Irrigation	450 gpm	100 billion	unknown

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 450 gpm desired (1 cfs)
 (The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: MARCH 01 - OCTOBER 31
 (For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: _____
 (This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type): proposed pump capable of matching well capacity (1 cfs)
- Other means (describe): _____

B. Transport

How will you transport water to your place of use?

- Ditch or canal (give average width and depth):
 Width _____ Depth _____
 Is the ditch or canal to be lined? Yes No

- Pipe (give diameter and total length):
 Diameter 8 INCH Length 6,200 feet +/-
- Other (describe) _____

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C. Application/Distribution Method

What equipment will you use to apply water to your place of use? SPRINKLER - WHEEL - LINES AND HAND LINES

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

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SALEM, OREGON**

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

PRESSURE nozzles sized for gravity sprinkler system. Well will be tied into existing gravity sprinkler system for better efficiency & to avoid waste of water through leaky ditch system.

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: Immediately upon approval of permit.

Proposed date construction will be completed: October 2010 or sooner depending on processing of application

Proposed date beneficial water use will begin: March 2011 or sooner depending on processing of application

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

An open hole now exists to a depth of approximately 120-130 ft. A suspected confining layer was encountered between 85 to 120 ftth with water found beneath this layer. Enclosed with this application is a video taken of the strata encountered when construction of the test hole occurred. The video is of poor quality due to technical problems with the camera which is now being repaired. Once the camera is repaired another video of the open hole will be made & submitted for consideration w/this application.

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

X Roger D. Ediger _____ Meredith L Ediger FEB. 28, 2008
 Signature of Applicant (If more than one applicant, all must sign.) Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

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SALEM, OREGON**

G-17015



Oregon Water Resources Department

FORM I
FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

[X] Primary [X] Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 20.93 Acres

Secondary: 50.0 Acres

List the permit or certificate number of the primary water right:

No. C-248664, 25337, 25726
see attached proof of claims information for C-248664

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. Hay, Alfalfa, Pasture March 1st thru October 31st each year [X] Full season [] Partial season
2. [] Full season [] Partial season
3. [] Full season [] Partial season
4. [] Full season [] Partial season

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

213 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- [X] Daily during daytime hours [] Daily during nighttime hours
[] Two or three times weekly during daytime [] Two or three times weekly during nighttime
[] Weekly, during daytime hours [] Weekly, during nighttime hours
[] Other, explain:

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WATER RESOURCES DEPT SALEM, OREGON

952087

WARRANTY DEED

ROGER O. EDIGER and JOHN ALEXANDER MASSON, TRUSTEES OF THE JOHN ALEXANDER MASSON TRUST, dated the First day of April, 1992, Grantor, conveys and warrants to ROGER O. EDIGER, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

That particular real property described in Exhibit A attached hereto and by this reference incorporated herein.

Subject to and excepting:

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If said land has been or is disqualified for such use, the property may be now, or will be, subject to additional taxes, penalties and interest.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

The true and actual consideration for this conveyance is: the adjustment of property rights.

Until a change is requested, all tax statements are to be sent to the following address: Roger O. Ediger, 336 SW Brent, John Day, OR 97845.

Dated this 20th day of OCTOBER, 1995.

Roger O. Ediger
Roger O. Ediger, Trustee of the John Alexander Masson Trust, dated the First day of April, 1992

STATE OF OREGON)
) ss.
County of Grant)

This instrument was acknowledged before me on the 20th day of October, 1995, by Roger O. Ediger, Trustee of the John Alexander Masson Trust, dated the First day of April, 1992.

NOTARIAL SEAL
LARRY E. LEDGERWOOD
NOTARY PUBLIC - OREGON
COMMISSION NO. 00177
EXPIRES OCT. 15, 1997

Mary E. Anderson
Notary Public for Oregon
My Comm. Expires: 10/15/97

AFTER RECORDING RETURN TO:
Daniel L. Cronin
241 E Main St.
John Day, OR 97845

INST# 952087
FILED October 26 1995
RECORD OF 10:59 AM
KATHY MCKINNON BY Dan Anderson
COUNTY CLERK



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WATER RESOURCES DEPT
SALEM, OREGON

G-17015

452087

EXHIBIT A

LAND DESCRIPTION

Township 14 South Range 29 East, Willamette Meridian, Grant County, Oregon:
Section 24: SW1/4SW1/4 and W1/2SE1/4SW1/4; SAVE & EXCEPT that portion lying North of the center of the John Day River and more particularly described as follows:

Beginning at the center of the John Day River on the Section line between Secs. 23 and 24, and 815.0 feet North of the Southwest corner of Sec. 24; thence North along said Section line a distance of 509.4 feet to the Northwest corner of said SW1/4SW1/4; thence S. 88° 12' E. along the North line of said forty a distance of 2061.0 feet to the Northeast corner of the W1/2SE1/4SW1/4 of said section; thence S. 0° 30' W., a distance of 374.0 feet to the center of said John Day River; thence along center of said river as follows: N. 86° 25' W. for 676.0 feet; S. 84° 16' W. for 664.0 feet; S. 86° 18' W. for 723.0 feet to the point of beginning.

ALSO: That part of the E1/2SE1/4SW1/4 lying South and West of the John Day River, more particularly described as follows:

Beginning at the Southwest corner of the E1/2SE1/4SW1/4 of said Sec. 24, said point being S. 88° 20' E. a distance of 2049.0 feet from the Southwest corner of said Sec. 24; thence N. 0° 30' E., along the twenty line, a distance of 945.3 feet to the center of said John Day River; thence along center of said river as follows: S. 64° 30' E. for 92.0 feet; S. 10° 35' E. for 641.0 feet; S. 0° 10' E. for 281.6 feet to the South line of said section; thence N. 88° 20' W. a distance of 209.9 feet to the point of beginning.

Section 25: E1/2E1/2NW1/4; W1/2E1/2NW1/4; W1/2NW1/4; SW1/4.

Section 35: E1/2W1/2E1/2; E1/2E1/2.

Section 36: W1/2.

(Tax Acct. 3-62 13-29 2901, 3000, 3001, 3002; Refs. 04965, 04966, 04967, 04968)

Township 14 South, Range 29 East, Willamette Meridian, Grant County, Oregon:

Section 1: W1/2 of Lot 3; Lot 4; SW1/4.

Section 2: Lots 1, 2, 3, and 4; S1/2.

Section 3: Lots 1 and 2; SE1/4.

Section 10: E1/2; SE1/4SW1/4.

Section 11: NW1/4; W1/2NE1/4; S1/2S1/2.

Section 12: W1/2; SW1/4SE1/4.

(Tax Acct. 3-62 & 3-60 200; Ref. 05155 & 03792)

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SALEM, OREGON

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Roger O Ediger 13-29 TL'S 3000, 3001, 3002

Please check the appropriate box below and provide the 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): EFU Article 4 + MUR Art 6
L 4

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

irrigation + stockwater are permitted
uses in and agricultural zone

Name: Shannon Springer Title: Planning Secretary
 Signature: [Signature] Phone: 541-575-1519 Date: 2/28/08
 Government Entity: Grant County Planning Department

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

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Receipt for Request for Land Use Information

MAR 03 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

G-17015



Oregon Water Resources Department
Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: ROGER O. EDIGER
Mailing Address: 54229 HWY 26
City: MT. VERMONT State: OR Zip: 97865 Day Phone: 541-932-4772

This application is related to a Measure 37 claim. Yes No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Table with 8 columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use.

List all counties and cities where water is proposed to be diverted, conveyed, or used. GRANT

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water, Water-Right Transfer, Exchange of Water, Allocation of Conserved Water, Limited Water Use License, Permit Amendment or Ground Water Registration Modification

Source of water: Reservoir/Pond, Ground Water, Surface Water (name)

Estimated quantity of water needed: 450 cubic feet per second, gallons per minute, acre-feet

Intended use of water: Irrigation, Commercial, Industrial, Domestic for household(s), Municipal, Quasi-municipal, Instream, Other Stock Water

Briefly describe: Construction of a well is proposed to supplement irrigation of lands already covered by water rights from McClellan Creek.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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SALEM, OREGON

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That C. P. RAGSDALE

of Baker, State of Oregon, has a right to the use of the waters of McClellan Creek 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 1900 - Tract #1 1908 - Tract #2

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1, and four acre-feet per acre during season April 1 to 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:

Tract #1 7.5 acres in SE 1/4 SW 1/4 (Lot 3) Section 1, T. 14 S., R. 29 E., W. M. Tract #2 13.0 acres in NE 1/4 SW 1/4 1.9 acres in NW 1/4 SW 1/4 0.1 acre in SW 1/4 SW 1/4 4.2 acres in SE 1/4 SW 1/4 Section 25, T. 13 S., R. 29 E., W. M.

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WATER RESOURCES DEPT SALEM OREGON

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 25726

G-17015

Baker, Oregon.
(Proof No. 1100)

25725

(Proof No. 1101)

(Rights acquired under State Engineer's Permit No.
E 132, Certificates Nos. 3275 and 3313.)

1875	31.4	Irrigation	Riley Creek ditch	Riley Creek	15 acres in NW ¹ / ₄ NE ¹ / ₄ ✓ 2.1 acres in SW ¹ / ₄ NE ¹ / ₄ ✓ 6.1 acres in NE ¹ / ₄ NW ¹ / ₄ ✓ 8.2 acres in SE ¹ / ₄ NW ¹ / ₄ ✓ Section 31, T. 13 S. R. 30 E. W. M.
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(See Findings paragraph 56, page 56.)

25726

(Proof No. 1102)

1900	15.2	Irrigation	Anderson ditch	McClellan Creek	7.5 acres in SE ¹ / ₄ NW ¹ / ₄ (Lot 3) ✓ 7.7 acres in NE ¹ / ₄ SW ¹ / ₄ ✓ Section 1, T. 14 S. R. 29 E. W. M. ✓
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(Proof No. 1103)

1908	19.2	Irrigation	Unnamed ditch	McClellan Creek	13 acres in NE ¹ / ₄ SW ¹ / ₄ ✓ 1.9 acres in NW ¹ / ₄ SW ¹ / ₄ ✓ 0.1 acre in SW ¹ / ₄ SW ¹ / ₄ ✓ 4.2 acres in SE ¹ / ₄ SW ¹ / ₄ ✓ Section 25, T. 13 S. R. 29 E. W. M. ✓
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**WATER RESOURCES DEPT
SALEM, OREGON**

25727

Raines, Nellie D.,
Spray, Oregon.
(Proof No. 1104)

1904	29.5	Irrigation	Unnamed ditch	Parrish Creek	8.2 acres in SW ¹ / ₄ NE ¹ / ₄ ✓ 6.3 acres in SE ¹ / ₄ NW ¹ / ₄ ✓ 5 acres in NE ¹ / ₄ SW ¹ / ₄ ✓ 10 acres in NW ¹ / ₄ SE ¹ / ₄ ✓ Section 36, T. 8 S. R. 24 E. W. M.
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25728

Ray, Clifford A.,
Prairie City, Oregon.
(Proof No. 1105)

1895	.28	Irrigation	Galbraith ditch	John Day River	0.14 acre in SE ¹ / ₄ SW ¹ / ₄ ✓ .14 acre in SW ¹ / ₄ SE ¹ / ₄ ✓ Section 2, T. 13 S. R. 33 E. W. M. Being within Lots 1 and 2 in Block 1 McHaley's Addition to Prairie City, Oregon.
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STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ESTATE OF H. A. HINES BY
W. H. WILCOX, ADMINISTRATOR
of Prairie City, State of Oregon, has a right to the use of
the waters of McLellan Creek
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 1908

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:

12.8 acres in SE $1/4$ NW $1/4$
Section 25,
T. 13 S., R. 29 E., W. M.

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SALEM, OREGON

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 25337

G-17015

25336 - notice
 Hines, R. A. Estate, by
 W. H. Wilcox, Admr.,
 Prairie City, Oregon.
 (Proof No. 631)
 C57548

1871 54 Irrigation Mason and Damon River John Day River
 (NOTE: Part of these lands have a supplemental supply under State Engineer's Permit No. 3751, Certificate No. 3722.)
 C-47512 Vol. 1 JLL AR

25 acres in SW¹/₄ SW¹/₄ ✓
 13 acres in SE¹/₄ SW¹/₄ ✓
 Section 24,
 15 acres in NE¹/₄ NW¹/₄ ✓
 1 acres in SE¹/₄ NW¹/₄ ✓
 Section 25,
 T. 13 S. R. 29 E. W. M.

25337
 (Proof No. 632)

1908 12.8 Irrigation Bowsman ditch McLellan Creek
 (See Findings paragraph 86, page 70.)

12.8 acres in SE¹/₄ NW¹/₄ ✓
 Section 25,
 T. 13 S. R. 29 E. W. M.

25338
 Hinshaw, Inez,
 Mt. Vernon, Oregon.
 (Proof No. 633)

1882 1 Irrigation Ingle Creek ditch Ingle Creek

1 acre in NE¹/₄ SW¹/₄ ✓
 Section 28,
 T. 13 S. R. 30 E. W. M.

25339
 (Proof No. 634)

1902 6 Irrigation River ditch John Day River
 still on the list.

5 acres in NE¹/₄ SW¹/₄ ✓
 1 acre in NW¹/₄ SW¹/₄ ✓
 Section 28,
 T. 13 S. R. 30 E. W. M.

(NOTE: This land has a supplemental supply from Ingle Creek under the Ingle Creek Ditch with priority of 1882.)

25340
 Hinton, Bud, successor
 in interest to Mary
 Hall,
 Canyon City, Oregon.
 (Proof No. 564)
 MAP WITH PROOF

1879 4.1 Irrigation domestic and ditches stock Hall Springs in SW¹/₄ SW¹/₄ Sec. 25 and SE¹/₄ SE¹/₄ Sec. 26 T. 14S.R.31E. trib. of Canyon Creek and Canyon Creek

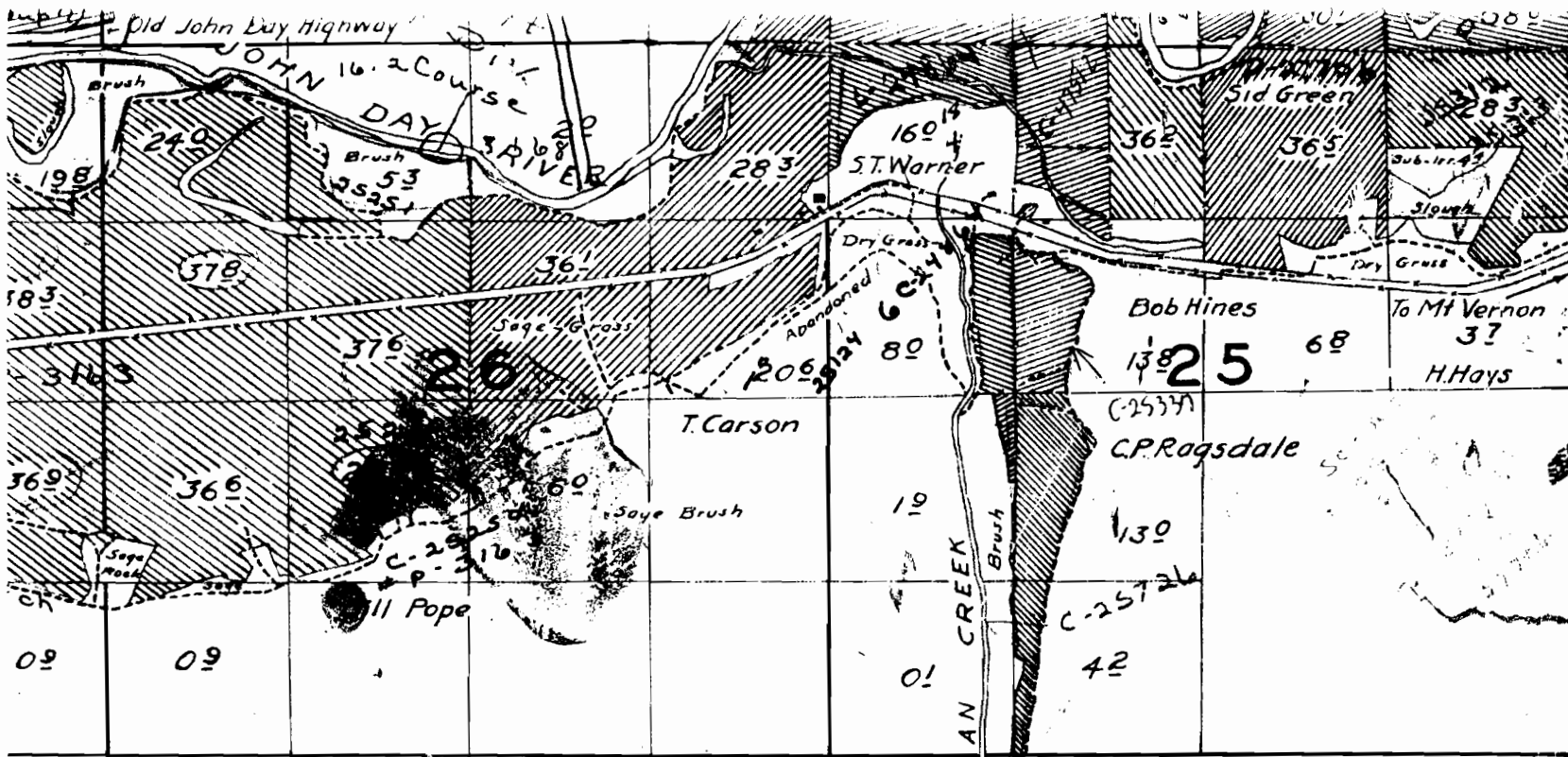
3.6 acres in NW¹/₄ SW¹/₄ ✓
 0.5 acres in SW¹/₄ SW¹/₄ ✓
 Section 25,
 T. 14 S. R. 31 E. W. M.

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25341
 (Proof No. 565)

July 3, 59.4 Irrigation Berry Berry

11.6 acres in NW¹/₄ NW¹/₄ ✓



Ech

Numbers (10) are in
Per. 3163 (John Day R.), lands
of John Course involved in
ch. in pt. of Diversion - from
Pump point as shown.
See Sp. Or. Vol. II P. 358

35

Junipers

McLELLAN CREEK

Junipers

36

13-29

Surveyed June, 1927

App No G-17015

15

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ARLZONA BARNES

of M. Vernon, State of Oregon, has a right to the use of

the waters of McLellan Creek

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 1874 - Irrigation, domestic and stock - Tract #1 1876 - Irrigation - Tract #2 1908 - Irrigation - Tract #3

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to 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:

- Tract #1 18.0 acres in NW1/4NW1/4 Section 25, T. 13 S. R. 29 E. W. M.
Tract #2 4.0 acres in NW1/4NW1/4 6.0 acres in SW1/4NW1/4 Section 25, T. 13 S. R. 29 E. W.M.
Tract #3 8.0 acres in SW1/4NW1/4 Section 25, T. 13 S. R. 29 E. W. M.

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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 24864

No. 56)

(Rights acquired under State Engineer's Permit No. 3470, Certificate No. 1924, and Permit No. 5365, Certificate No. 3815)

24864

Barnes, Arizona,
Mt. Vernon, Oregon.
(Proof No. 58)

1874 18 Irrigation Bowsman McLellan 18 acres in NW¹/₄ NW¹/₄
domestic and ditch Creek Section 25,
stock T. 13 S. R. 29 E. W. M.

(See Findings paragraph 86, page 70, and paragraph 97, page 75.)

(Proof No. 59)

1876 10 Irrigation Thomas and McLellan 4 acres in NW¹/₄ NW¹/₄
Rann ditch Creek 6 acres in SW¹/₄ NW¹/₄
Section 25,
T. 13 S. R. 29 E. W. M.

(See Findings paragraph 86, page 70, and paragraph 97, page 75.)

(Proof No. 60)

1908 8 Irrigation Barnes McLellan 8 acres in SW¹/₄ NW¹/₄
ditch Creek Section 25,
T. 13 S. R. 29 E. W. M.

(See Findings paragraph 36, page 70.)

24865

Barnhouse, P. R.,
Antone, Oregon.
(Proof No. 61)

1899 79.8 Irrigation Smith Rock 31.7 acres in NE¹/₄ NW¹/₄
domestic and ditches Creek and 23.3 acres in SE¹/₄ NW¹/₄
stock springs 19.8 acres in NE¹/₄ SW¹/₄
5 acres in SE¹/₄ SW¹/₄
Section 2,
T. 13 S. R. 24 E. W. M.

(See Findings paragraph 45, page 47.)

24866

(Proof No. 62)

1876 56 Irrigation Dams and Mountain 30.5 acres in SW¹/₄ SW¹/₄
ditches Creek, a 25.5 acres in SE¹/₄ SW¹/₄
trib. of Section 14,
Rock T. 12 S. R. 23 E. W. M.
Creek and
Springs in
SE¹/₄ SW¹/₄
Sec. 14
and NW¹/₄ NW¹/₄
Sec. 23,
T. 12 S. R.
23 E.

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WATER RESOURCES DEPT
SALEM, OREGON

BEFORE THE STATE ENGINEER OF OREGON

..... Grant County

In the Matter of the Determination of the Relative Rights
to the Waters of JOHN DAY RIVER and its Tributaries,
a Tributary of Columbia River.

STATEMENT AND PROOF OF CLAIM

2.

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

I, the undersigned, of Mt. Vernon, Oregon, being called as a witness
in support of this statement of claim, and being first duly sworn, testify as follows:

1. Q.—What is claimant's name and postoffice address? If a corporation, give the place of
incorporation and the authority by which you make this proof.

A.— Arizona Barnes, Mt. ^{Vernon} Barnes, Oregon.
(If this proof is made by you as agent, or attorney, the written

authorization therefor must be signed by the claimant upon the back hereof.)

2. Q.—Do you claim a right to the waters of the above named stream or a tributary thereof?
If from a tributary, give its name.

A.— McLellan Creek, Tributary of John Day River.

3. Q.—What is the nature of the right or use on which this claim to the waters of said
stream is based?

A.— irrigation
(Irrigation, power, mining, domestic, stock, etc.)

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

A.— by appropriation and use of water.
(Appropriation, diversion and use, etc.)

5. Q.—State the date of the initiation of such water right. A.— 1876

6. Q.—What steps were taken by this claimant or his predecessor in interest to initiate said
right? Answer fully, attaching separate sheet if necessary.

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

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

A.— 1876

8. Q.—State the means of utilizing such water, giving the name by which the ditch is most
commonly known, if a ditch is used.

A.— by means of dam and ditch known as the Thomas and Rann ditch.

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

A.— claimant owns an interest in the ditch but recognizes
the right of Mr. Craig to convey water through the same.

(See stipulation under
Proof # 529)

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10. Q.—State the date of the beginning of construction. A.— 1876

11. Q.—State the date of completion. A.— 1876

12. Q.—State the dimensions of the ditch canal or pipe line as originally constructed, just below the wasteway or headgate.

A.—Width (top) 3 feet; width (bottom) 2.5 feet;

depth 0.5 feet; grade, or fall in feet per 1,000 feet, 5 feet.

13. Q.—If said ditch has been enlarged, state the date of beginning and completion of each enlargement, and its dimensions as enlarged.

A.— no enlargement.

First enlargement—Width (top) feet; width (bottom) feet; depth feet; grade, or fall per 1,000 feet, feet.

Second enlargement—Width (top) feet; width (bottom) feet; depth feet; grade, or fall per 1,000 feet, feet.

14. Q.—State the area of land which your ditch, as originally constructed, was intended to irrigate. A.— 10 acres of my lands.

15. Q.—If water is used for irrigation, state the number of acres reclaimed and irrigated the first year. A.— practically all irrigated the first year.

16. Q.—How many acres were irrigated each subsequent year up to and including the present year? A.—

17. Q.—How many acres were irrigated after the first enlargement of said ditch? After each successive enlargement?

A.—

18. Q.—Give the number of acres irrigated under said ditch at the present time in each smallest legal subdivision (40-acre tract), using the following form. (The lands have been surveyed and are shown on the plat of the State Engineer, which you may examine at the time of the hearing. Your answer to this question should conform to those maps, unless you object to the same and submit maps of your own showing such information. No proof will be accepted which does not answer this question in detail.) (Attach separate sheet if necessary.)

A.—

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼
13 S	29 E	25					4.0	6.0										

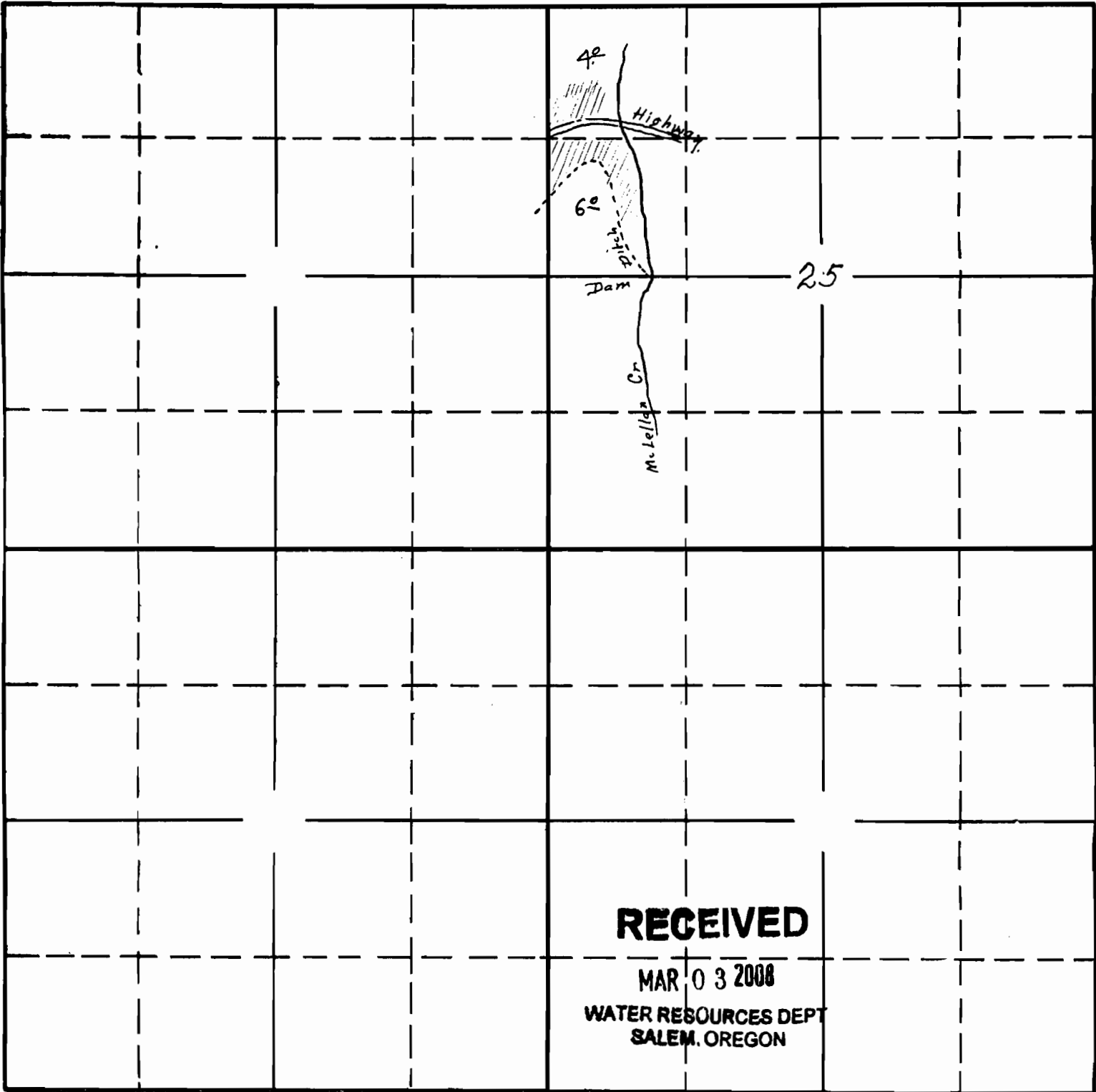
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Total 10.0 acres.

Total 10.0 acres.



Sec. 25 T. 13 S. R. 29 E.
To accompany Claim of Arizona Barnes.

R
Tp.
Sec.

19. Q.—State the character of the soil and kind of crops cultivated.

A. Sandy loam with gravelly subsoil. Alfalfa, grain, timothy, meadow grass. etc.

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

A. — March 1st to September 30th.

21. Q.—What amount of water do you estimate is necessary for the proper irrigation of the lands which you are irrigating or propose to irrigate, or for any other purpose for which a right is claimed?

A. — 5 acre feet per acre.

22. Q.—Do you accept the maps prepared by the State Engineer as showing correctly the location of said ditch and the lands irrigated therefrom?

NOTE—In case there is objection to the official plat or a part thereof the parties objecting must, when giving proof, file a written statement of the reasons therefor, and must, within thirty days, file with the State Engineer a map covering the part objected to, with affidavit of surveyor thereto giving date of survey. Such map should be on tracing linen preferably on a scale of four inches to the mile (20 chains to one inch), and should have marked thereon, within each 40-acre legal subdivision, the area of land which is irrigated. Such map should correspond in size to legal cap paper so as to be easily filed with the claim.

A. — No. The maps show the correct location of the ditch but do not show the land that has always been irrigated under this ditch. Map attached.

23. Q.—If water is used for power, state the total fall utilized and the theoretical (not actual) horsepower developed.

NOTE—Theoretical horsepower equals total quantity claimed in cubic feet per second, times fall in feet, divided by 8.8 (one cubic foot per second falling 8.8 feet equals one theoretical horsepower).

A. —

24. Q.—Describe the nature of the works by which the power is developed, the place where located, and state whether the water is returned to the stream after use and at what point.

A. —

25. Q.—If for mining purposes, describe the location and character of the mines to be served and state whether after use the water is returned to the stream and at what point.

A. —

26. Q.—If water is used for mining or power purposes, state whether there are any diversions between the point of your diversion and the return of such water to the stream.

A. —

27. Q.—Give description of your land as it appears in your deed. (Attach separate sheet if necessary.)

A. — W₂ NW₄ Sec. 25, T. 13 S., R. 29 E.

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

A. — OWNER.

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

A. — Map showing the location of the land that has always been irrigated under this ditch.

(If the witness finds the space insufficient to properly answer any question, he should attach hereto said answer on a separate sheet or sheets. A corporation supplying water for irrigation to lands not its own should attach to its proof a complete list of the persons owning the lands so supplied with the correct description of the lands owned by each such person in each smallest legal subdivision. Certified copies of records and such evidence as the claimant may desire to submit should be attached to this proof and marked for identification as exhibit "A," "B," "C," etc.)

I hereby certify upon oath that the foregoing statement and answers are true as I verily believe.

Arizona Barnes
Signature of Claimant, or Agent Making Proof.

Subscribed and sworn to before me this 23d day of June, 1927.

Robert Simpson
State Engineer.

[or] Notary Public for Oregon.
My commission expires Apr. 26, 1931

AUTHORIZATION OF AGENT

I, _____, of _____,
State of _____, do hereby make and appoint _____
_____, of _____, my agent
and attorney for me and in my name, place and stead, to make and submit the within Statement
and Proof of Claim.*

And I hereby designate said agent as the proper party upon whom lawful and valid service
may be made of all process and notices in any contest commenced by or against me, in the within
entitled matter, and said agent is hereby duly authorized to appear in any and all such contests as
my true and lawful agent and attorney, giving and granting unto my said attorney full power and
authority to do and perform all and every act necessary and requisite to be done in the premises,
as fully as I might or could do if personally present, hereby ratifying and confirming all my said
agent shall lawfully do by virtue of this power.

Signature of Claimant.

* Claimant should cross out the second paragraph of the Authorization if he does not desire the agent to appear for him in the proceeding after the filing of this claim.

Filed, *June 23*, 1927.

Fees paid:
Irrigation _____ acres, \$.....
Power, _____ H. P., \$.....
Other use, _____, \$.....
Recording certificates, \$.....
Total, \$.....
Receipt No. *308*

Wes Luper
State Engineer.

Arizona Barnes

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