

12 13 61

T-2353

New land

STATUS OF APPLICATION

Change in Point of Diversion  
 Date filed March 30, 1970  
 Date of hearing June 10, 1970  
 Place of hearing Canyon City, Ore  
 Date of order 1-29-71 Vol. 20, page 380  
 Date for application of water 10-1-71  
 Proof mailed \_\_\_\_\_  
 Proof received \_\_\_\_\_  
 Certificate issued AUG 24 1970 Vol. 38, page 46261

DESCRIPTION OF WATER RIGHT

Name of stream John Day River  
 Trib. of \_\_\_\_\_ County of Grant  
 Use Irrigation  
 Quantity of water 0.19 cfs No. of acres 15<sup>3</sup>  
 Name of ditch Blue Mountain  
 Date of priority October 23, 1916  
 In name of Blue Mountain Ditch Co.  
 \_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
 App. No. 5224 Per. No. 3163 Cert. No. 24504  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by slu

FEEES PAID

Date	Amount	Receipt No.
<u>3/30/70</u>	<u>25.00</u>	<u>18181</u>
<u>3/30/70</u>	<u>30.00 P.O.N.</u>	<u>18182</u>
TOTAL		
<u>5-5-70</u>	<u>\$2 Cert. Fee</u>	<u>From Pub. of Nat.</u>

FEEES REFUNDED

Date	Amount	Check No.
<u>5-5-70</u>	<u>\$5.76 Pub. of Nat.</u>	<u>3627</u>

To Survey

SUN

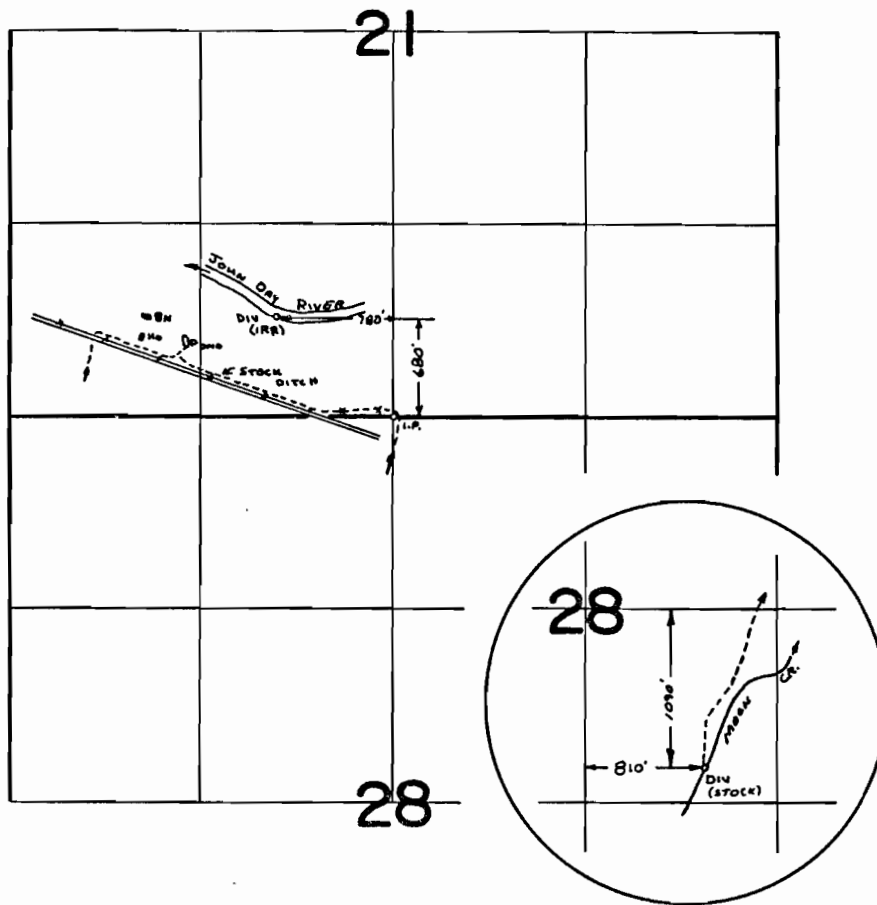
REMARKS

See also P-77 - C-137 & partial Cancel V-13 p. 123 w/ provision for issue  
 same lands covered under C-31330 from Mack Co. - see  
 Geo. Wards report & map date 1963  
 See - C-137 after F.P. Survey made  
 F.P. MAP IN FILE Appl. # 48856

W.R.I.S.  
 Assembled 7-19-85 by SBA  
 Entered \_\_\_\_\_ by \_\_\_\_\_  
 Verified \_\_\_\_\_ by \_\_\_\_\_

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
<input checked="" type="checkbox"/> Name	<u>slu</u>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Stream	<u>slu</u>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Pt. of Div.	<u>slu</u>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Calendar		<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> CHL		<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Two		<input checked="" type="checkbox"/>
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<input checked="" type="checkbox"/> Cert	<u>slu</u>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Per	<u>slu</u>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Chg		<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Cross		<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Power Claim		<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Abstracts		<input checked="" type="checkbox"/>

T.13S.,R.29E.,W.M.



**FINAL PROOF SURVEY**  
UNDER

Transfer No. 2353  
Application No. 48856... Permit No. 36609...  
IN NAME OF

..... FLOYD HABBE .....

Surveyed Aug. 29. 19.75, by ... L. Toll .....

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION )  
OF FLOYD HABBE FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM JOHN DAY RIVER )  
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ORDER APPROVING  
TRANSFER NO. 2353

On March 30, 1970, Floyd Habbe filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Blue Mountain Ditch Company and recorded at page 24504, Volume 17, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 10.5 cubic feet per second of water from John Day River for the irrigation of, among other lands, 4.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 10.9 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 13 South, Range 29 East, W.M., with a date of priority of October 23, 1916. These lands are irrigated by means of the Blue Mountain Ditch from a point of diversion located 565 feet north and 2320 feet west from the E $\frac{1}{4}$  corner of Section 29 being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 13 South, Range 30 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 670 feet north and 1300 feet west from the S $\frac{1}{4}$  corner of Section 21 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 13 South, Range 29 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Canyon City, Oregon, on

June 10, 1970, at 9:30 a.m. The notice was published in the Blue Mountain Eagle, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three weeks in the issues of April 16, 23, and 30, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Howard Daggett, Watermaster of District No. 4, has filed a report to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from John Day River, to-wit:

From a point located 565 feet north and 2320 feet west from the E $\frac{1}{4}$  corner of Section 29 being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 13 South, Range 30 East, W.M.

To a point to be located 670 feet north and 1300 feet west from the S $\frac{1}{4}$  corner of Section 21 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 13 South, Range 29 East, W.M.

for the irrigation of 4.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 10.9 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 13 South, Range 29 East, W.M., with a date of priority of October 23, 1916, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1971.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 0.19 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall

be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

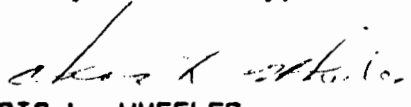
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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

The right to appropriate 0.19 cubic foot per second of water for the irrigation of 14.8 acres was canceled by an order of the State Engineer entered November 18, 1963. This order canceled the certificate recorded at page 24504, State Record of Water Right Certificates and provided for issuance of a new certificate for the remainder of the right not canceled.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a new certificate shall be issued to Blue Mountain Ditch Company confirming the change in point of diversion and covering the balance of the lands not involved in this proceeding including prior changes.

Dated at Salem, Oregon, this 29th day of January, 1971.

  
CHRIS L. WHEELER  
State Engineer

A-5027, P-3113, C-24504

The original irrigation contract for Blue Mtn Ditch was for irrigation of 170.7 acres, via Blue Mtn Ditch.

C-137 added a POD to irrigate 246.7 acres, using Blue Mtn Ditch prior to about July 1, and the new POD then was the RR cert issued, which was not used.

P-77 also irrigated for 92.6 acres, not part of C-137. It was not used, no contract.

M-209 discontinued Blue Mtn Ditch for most of C-137, continued use from the above additional POD.

RR C-46261 issued, cont C-48136 issued

T-2353 changed POD for part of C-24504 not involved in above. C-46261 confirmed C-137, P-77 & T-2353, but included M-209. C-48136 confirmed M-209, but incorrectly listed season for irrigation, starting that part after July 1. C-46261 was superseded by C-48136 after a partial cancellation, still carrying the inconsistency.

Proposed solution: Reissue both, deleting the C-48136 from the C-46261 update, and correcting the irrigation season on the C-48136 update.



# STATE OF OREGON

COUNTY OF GRANT

## CERTIFICATE OF WATER RIGHT

*J.P.*

This Is To Certify, That BLUE MOUNTAIN DITCH COMPANY

of Mt. Vernon, 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 John Day River a tributary of Columbia River for the purpose of irrigation of ~~9.76~~ acres under Permit No. 3163 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 October 23, 1916,

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 ~~10.5~~ cubic feet per second.

9.76

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 13 South, Range 30 East, W.M. SWSW; SE SW. Sec 21, NENW Sec 26 T13S R29E W11 Boyce Ditch - S 27° 30' E 1817' from the W $\frac{1}{4}$  cor Sec 21; 680' N & 780' W from the S $\frac{1}{4}$  cor Sec 21; 740' S & 3480' W from the E $\frac{1}{4}$  cor Sec 26 by SW NE Sec 29 T13S R30E W11, Blue Mountain Ditch - 565' N & 2320' W from the E $\frac{1}{4}$  cor Sec 29. 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-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be limited to a diversion of not to exceed 1 acre foot per acre for each acre irrigated during any month prior to July 1, and thereafter 3/4 of one acre foot per acre for each acre irrigated and shall be further limited to a total diversion of not to exceed 5 acre feet per acre for each acre irrigated during the irrigation season from April 1 to September 30 of each year.

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:

- 8.5 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$
- 1.2 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$
- 36.2 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$
- 32.2 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$
- 34.3 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$
- 36.6 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$
- Section 20 - ~~Cancelled~~ 11-18-23
- ~~5.6 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$~~
- 21.6 ~~30.8~~ acres SW $\frac{1}{4}$  SW $\frac{1}{4}$  ~~Cancelled~~ 9-2-2023 ✓
- 12.5 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$
- 9.0 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$
- Section 21
- 6.2 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$
- 16.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$
- Section 25
- 27.2 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$
- 2.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$
- 36.1 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$
- 20.6 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$
- 0.5 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$
- ~~24.0 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$~~
- 37.8 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$
- 35.0 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$
- 28.3 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$
- 36.6 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$
- 0.9 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$
- 6.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$
- Section 26

ch. Pt. of Div. sp. Or. Vol. 13 p. 98

ch. Pt. of Div. sp. Or. Vol. 11, p. 358

~~Cancelled~~ 11-18-23

Part Cancelled-sp. or Rec. Vol. 12 P.



~~200~~ <sup>partial</sup> ~~CANCELLED~~ ~~Vol. 18, p. 328~~ ~~81~~ ~~20.1~~ acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
 37.4 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
 8.3 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
 31.8 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
 36.9 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
 31.2 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$

Ch. Pt. of Div. Sp. Or. Vol. 11, p. 358

Section 27

9.1 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 28.3 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
 31.0 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
 21.8 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$

Section 28

10.0 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 2.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$

Ch. Pt. of Div. Sp. Or. Vol. 13, p. 98

Section 29

Township 13 South, Range 29 East, W.M.

0.1 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
 24.1 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
 6.6 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$

Section 29

7.8 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 19.3 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
 1.4 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
 14.7 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
 6.7 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$

Section 30

Township 13 South, Range 30 East, W.M.

*This certificate describes that portion of the water right confirmed by the prior certificate recorded on page 24504 Vol 17 SRWRC, NOT canceled by the provisions of orders of the WRD entered November 18, 1963 and June 30, 1969 as well as to confirm changes in points of diversion approved by orders of the WRD entered December 13, 1961, October 29, 1963, and January 29, 1971*

*The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.*

use herein described.

WITNESS the signature of the State Engineer, affixed

this 17th day of March, 19 59

LEWIS A. STANLEY  
 State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 24504

46261  
 CF/RR



BEFORE THE STATE ENGINEER OF OREGON

Grant County

18-328

IN THE MATTER OF )  
THE CANCELATION )  
OF WATER RIGHTS )  
-----

O R D E R

On June 23, 1969, John E. McCaige submitted an affidavit that he is the owner of the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26 and the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 27, Township 13 South, Range 29 East, W.M., and the water rights appurtenant thereto, that he has abandoned any and all interest in and to said water rights and requests the same be canceled.

The water rights in question are:

(a) for the use of not to exceed 0.55 cubic foot per second of the waters of John Day River, tributary of Columbia River, for irrigation of 24.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26 and 20.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 27, Township 13 South, Range 29 East, W.M., with a date of priority of October 23, 1916, and is evidenced by certificate of water right issued in the name of Blue Mountain Ditch Company and recorded at page 24504, Volume 17, State Record of Water Right Certificates;

(b) for the use of not to exceed 0.55 cubic foot per second of the waters of John Day River, tributary of Columbia River, for supplemental irrigation of 24.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26 and 20.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 27, Township 13 South, Range 29 East, W.M., with a date of priority of April 18, 1963, and is evidenced by certificate of water right issued in the name of John E. McCaige and recorded at page 35802, Volume 27, State Record of Water Right Certificates.

That part of the water right described in paragraph (a) above, for the use of not to exceed 9.76 cubic feet of the waters of John Day River, tributary of Columbia River, for irrigation of:

8.5 acres in NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
1.2 acres in SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
36.2 acres in NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
32.2 acres in NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
34.3 acres in SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
36.6 acres in SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
Section 20

21.6 acres in SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
12.5 acres in SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
9.0 acres in SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
Section 21

6.2 acres in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
16.0 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
Section 25

27.2 acres in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
2.0 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
36.1 acres in SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
20.6 acres in SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
0.5 acre in NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
37.8 acres in SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
35.0 acres in SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
28.3 acres in NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
36.6 acres in NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
0.9 acre in SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>  
6.0 acres in NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
Section 26

8.1 acres in SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
37.4 acres in SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
8.3 acres in SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
31.8 acres in SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
36.9 acres in NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
31.2 acres in NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>  
Section 27

9.1 acres in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
28.3 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
31.0 acres in NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
21.8 acres in NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
Section 28

10.0 acres in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
2.0 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
Section 29

Township 13 South, Range 29 East, W.M.,

0.1 acre in NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
24.1 acres in SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
6.6 acres in SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>  
Section 29

7.8 acres in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
19.3 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>  
1.4 acres in SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>

14.7 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$   
 6.7 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$   
 Section 30

Township 13 South, Range 30 East, W.M.,

with a date of priority of October 23, 1916, as evidenced by certificate of water right recorded at page 24504, Volume 17, State Record of Water Right Certificates, is not in question in these proceedings;

And that part of the water right described in paragraph (b) above, for the use of not to exceed 3.19 cubic feet per second, being 0.23 cubic foot per second for primary irrigation and 2.96 cubic feet per second for supplemental irrigation of the waters of John Day River, tributary of Columbia River for:

Supplemental	Primary	
0.5 acre		NE $\frac{1}{4}$ NW $\frac{1}{4}$
35.8 acres		SW $\frac{1}{4}$ NW $\frac{1}{4}$
34.0 acres		SE $\frac{1}{4}$ NW $\frac{1}{4}$
24.6 acres	1.4 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
35.4 acres	2.4 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$
0.9 acre	2.7 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$
	Section 26	
6.7 acres		SW $\frac{1}{4}$ NE $\frac{1}{4}$
35.8 acres		SE $\frac{1}{4}$ NE $\frac{1}{4}$
36.0 acres	0.6 acre	NE $\frac{1}{4}$ SE $\frac{1}{4}$
27.2 acres		NW $\frac{1}{4}$ SE $\frac{1}{4}$
	2.0 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 27	

Township 13 South, Range 29 East, W.M.,

with a date of priority of April 18, 1963, as evidenced by certificate of water right recorded at page 35802, Volume 27, State Record of Water Right Certificates, is not in question in these proceedings.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right."

NOW, THEREFORE, it is hereby ORDERED that the right for the use of not to exceed 0.55 cubic foot per second of the waters of John Day River,

tributary of Columbia River, for irrigation of 24.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26 and 20.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 27, Township 13 South, Range 29 East, W.M., with a date of priority of October 23, 1916, as evidenced by certificate of water right recorded at page 24504, Volume 17, State Record of Water Right Certificates, is canceled.

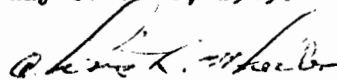
It is FURTHER ORDERED that the right for the use of not to exceed 0.55 cubic foot per second of the waters of John Day River, tributary of Columbia River, for supplemental irrigation of 24.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26 and 20.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 27, Township 13 South, Range 29 East, W.M., with a date of priority of April 18, 1963, is canceled.

It is FURTHER ORDERED that certificate of water right recorded at page 35802, Volume 27, State Record of Water Right Certificates, is canceled, and in lieu thereof a certificate be issued to John E. McCaige covering that part of the water right not in question, which is for the use of not to exceed 3.19 cubic feet per second of the waters of John Day River, tributary of Columbia River, being 0.23 cubic foot per second for primary irrigation and 2.96 cubic feet per second for supplemental irrigation of:

Supplemental	Primary	
0.5 acre		NE $\frac{1}{4}$ NW $\frac{1}{4}$
35.8 acres		SW $\frac{1}{4}$ NW $\frac{1}{4}$
34.0 acres		SE $\frac{1}{4}$ NW $\frac{1}{4}$
24.6 acres	1.4 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
35.4 acres	2.4 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$
0.9 acre	2.7 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$
	Section 26	
6.7 acres		SW $\frac{1}{4}$ NE $\frac{1}{4}$
35.8 acres		SE $\frac{1}{4}$ NE $\frac{1}{4}$
36.0 acres	0.6 acre	NE $\frac{1}{4}$ SE $\frac{1}{4}$
27.2 acres		NW $\frac{1}{4}$ SE $\frac{1}{4}$
	2.0 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 27	
	Township 13 South, Range 29 East, W.M.,	

with a date of priority of April 18, 1963.

Dated at Salem, Oregon, this 30th day of June, 1969.

  
CHRIS L. WHEELER  
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Grant County

13-123

IN THE MATTER OF THE  
PARTIAL CANCELATION OF  
A WATER RIGHT IN THE NAME  
OF BLUE MOUNTAIN DITCH CO.

O R D E R

On March 11, 1963 Mr. Charles A. Lowrey submitted a sworn statement that he is the legal owner of a certain water right and of the following described lands to which the right is appurtenant:

Beginning at the northwest corner of Section 21, Township 13 South, Range 29 East; thence east along the section line 1813.53 feet; thence south 4739.85 feet; thence north 88°06' west 169.2 feet; thence north 79°46' west 457.7 feet; thence north 77°28' west 836.7 feet; thence north 85°52' west 376.2 feet to the west boundary line of said Section 21; thence north 4444.23 feet along said section line to the point of beginning;

that he has abandoned any and all interest in said water right appurtenant to the above described property and requests the same to be canceled.

The water right in question is a part of that evidenced by the certificate recorded at Volume 17, page 24504, State Record of Water Rights Certificates, and is for the appropriation of not to exceed 0.19 cubic foot per second of water from the John Day River, with a date of priority of October 23, 1916, for irrigation of 5.6 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 9.2 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 13 South, Range 29 East, W.M.

That part of the water right evidenced by said certificate for the appropriation of not to exceed 10.31 cubic feet per second of water from the John Day River, with a date of priority of October 23, 1916, for irrigation of 825.9 acres as follows:

8.5 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
1.2 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
36.2 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
32.2 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
34.3 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
36.6 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20

21.6 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$   
 12.5 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$   
 9.0 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 21  
 6.2 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 16.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 25  
 27.2 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 2.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
 36.1 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
 20.6 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
 0.5 acre NE $\frac{1}{4}$  NW $\frac{1}{4}$   
 24.0 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$   
 37.8 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
 35.0 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
 28.3 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
 36.6 acres NW $\frac{1}{4}$  SW $\frac{1}{4}$   
 0.9 acre SW $\frac{1}{4}$  SW $\frac{1}{4}$   
 6.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 26  
 28.1 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
 37.4 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
 8.3 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
 31.8 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$   
 36.9 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
 31.2 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 27  
 9.1 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 28.3 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
 31.0 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$   
 21.8 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28  
 10.0 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 2.0 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29,  
 Township 13 South, Range 29 East, W.M.  
 0.1 acre NW $\frac{1}{4}$  NW $\frac{1}{4}$   
 24.1 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$   
 6.6 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 29  
 7.8 acres NE $\frac{1}{4}$  NE $\frac{1}{4}$   
 19.3 acres NW $\frac{1}{4}$  NE $\frac{1}{4}$   
 1.4 acres SW $\frac{1}{4}$  NE $\frac{1}{4}$   
 14.7 acres SE $\frac{1}{4}$  NE $\frac{1}{4}$   
 6.7 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 30,  
 Township 13 South, Range 30 East, W.M.,

is not in question.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the State Engineer that the water right has been abandoned by him and that he desires cancelation thereof, the State Engineer shall enter an order canceling the water right".

NOW, THEREFORE, it hereby is ORDERED that the right for the use of not to exceed 0.19 cubic foot per second from the John Day River, with a date of priority of October 23, 1916, for irrigation of 5.6 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 9.2 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 13 South, Range 29 East, W.M., is canceled.



It is FURTHER ORDERED that the certificate recorded at Volume 17, page 24504, State Record of Water Rights Certificates, is canceled and in lieu thereof a new certificate be issued in the name of Blue Mountain Ditch Company for the appropriation of not to exceed 10.31 cubic foot per second of water from the John Day River, with a date of priority of October 23, 1916, for irrigation of the 825.9 acres described above as not being in question at the time the pending applications for change in point of diversion are completed.

Dated at Salem, Oregon this 18<sup>th</sup> day of November 1963.

*Noted on records  
App. # 5224  
Cert. # 24504*

*Chris L. Wheeler*  
CHRIS L. WHEELER  
State Engineer

*11/18/63*

BEFORE THE STATE ENGINEER OF OREGON

11-358

Grant County

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

FINDINGS, CONCLUSIONS AND  
ORDER  
APPROVING APPLICATION

On July 18, 1961, John Cawrse of Mt. Vernon, Oregon, filed an application in the office of the State Engineer for approval of a change in point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Blue Mountain Ditch Company and recorded at page 24504, Volume 17, State Record of Water Right Certificates, confirms a right under Permit No. 3163 to the use of the waters of John Day River for the irrigation of, among other lands, 0.5 acre in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 24.0 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 37.8 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 35.0 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 28.3 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 36.6 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 0.9 acre in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26 and 28.1 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 37.4 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 36.9 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 31.2 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 27, all in Township 13 South, Range 29 East, W. M., with a date of priority of October 23, 1916. These lands are irrigated through the Blue Mountain Ditch, the point of diversion of said ditch being located South 56 degrees East 3,570 feet from the northwest corner of Section 29, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 29, Township 13 South, Range 30 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of an additional point of diversion to be located 530+ feet North and 500+ feet West from the southeast corner of the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26, Township 13 South, Range 29 East, W. M.

Notice of the filing of the application was given by publication setting forth a time and place for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county

courthouse at Canyon City, Oregon, on September 27, 1961, at 9:30 o'clock a.m. The notice was published in the Blue Mountain Eagle, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three weeks in the issues of August 3, 10 and 17, 1961. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Protest of Kate Geisler, John Pereira, Wallace Campbell, Elmer Johnson, Charles Lowry, Mamie Bailey, Charlie Page and Don Ripa and Eddington Ditch Company against the approval of the application was filed on September 14, 1961.

The hearing was held by Chris L. Wheeler, Assistant State Engineer, at the time and place set. The applicant, John Cawrse, appeared represented by his attorney, Jack H. Dunn and the protestants appeared represented by their attorney, Roy Kilpatrick.

Based on the testimony presented at the hearing, the application for a change in point of diversion of water and the records on file in the office of the State Engineer pertaining to the water right involved herein, the State Engineer now makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

The Blue Mountain Ditch Company, a private corporation, owns and maintains the ditch from which John Cawrse, applicant herein, proposes to change his point of diversion during a portion of the irrigation season. According to the records of the State Engineer, the Blue Mountain ditch was completed in about 1919, is approximately eight miles long, and diverts water from the John Day River for the irrigation of 840.7 acres. From Mr. Cawrse's application and his testimony, it appears he is the owner of 296.7 acres of land irrigated from the ditch, or about 1/3 of the entire ditch right; that originally the land was irrigated by surface methods, but

of such nature in the event of failure to suit in the ...  
business and water power ...  
...  
... of water ...

since acquiring the property, he has constructed four pump stations from the ditch for sprinkler irrigation of his land; that the pump station and pipeline discharging into the Blue Mountain ditch above the four sprinkler pump stations as proposed in his application has been constructed; that it is his intention to utilize the ditch diversion early in the season and about July 1 of each year, when ditch loss is high and river flow low, to cease using the upper part of the ditch and start using the pump on the river; that the four pumps taking water from the ditch for sprinkling the land will operate the same in either case; and that the pump at the river is powered by a 50 horsepower electric motor and discharges into an 8 inch pipeline, approximately 2900 feet long to the ditch.

The general testimony of both sides was to the effect that the land along this section of the river is very porous, and a substantial part of the water applied through any ditch system of irrigation returns to the river immediately below. There are also very substantial transmission losses in the main ditches. The watermaster measured the Eddington Ditch at the diversion and about 500 feet below the diversion point on July 25, 1961, and found 30 miners inches (0.75 cubic foot per second) loss in the 500 feet. There are no records of losses on other ditches, but this is described as being typical of the area. In view of this condition and the lack of adequate distribution service, it has been the practice for each large ditch to bulldoze up a gravel dam in the river diverting essentially all of the flow into the ditch without any regard to priority or total quantity diverted. From the maps prepared in connection with the adjudication of the John Day River and its tributaries, the proposed point of diversion is located about 4.8 river miles downstream from the point of diversion of the Blue Mountain ditch and about one mile above the point of diversion at the Eddington ditch, protestants herein. All of the users of the Eddington ditch, the protestants

herein have a date of priority earlier than that of the Blue Mountain ditch, except Kate Geisler's rights under the Geisler extension as evidenced by Certificate recorded at page 21688, Volume 16, State Record of Water Right Certificates.

#### CONCLUSIONS

In the protest, two allegations are made requesting the denial of the application. Neither appears to be sufficiently well founded to justify denial of the application.

As a matter of law, ORS 540.030, there can be no injury to the existing rights of the protestants since they are prior in time and must be satisfied prior to any legal diversion by Mr. Cawrse, either at the Blue Mountain ditch diversion or at the proposed pump site. An administrative problem may be created, but this is not grounds under the statute for denying the application.

Protestants contend that the statute does not provide for changing diversion works to provide two points of diversion. There is no restriction that the change must be for all of a right, nor would such a restriction be reasonable. The change in diversion from one point to two points or from a ditch to a pumping plant does not, in itself, constitute an injury.

The proposed change can result in less waste of water. Most of the water lost in transmission in the ditch returns to the John Day River and is available for lower appropriators, yet some is lost through transpiration from undesirable brush and swamp growth lining the areas of heavy return. Beneficial use without waste is the governing principle behind all appropriations. Any change which can be made without injury to existing rights and that reduces waste of water should be encouraged.

It appears the change in point of diversion can be made without injury to existing rights. The right, as changed, should be conditioned upon adequate measuring devices being installed to insure distribution of

water in accordance with relative priorities and be limited to the amount of water available for distribution at the original point of diversion.

ORDER

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from John Day River, to-wit:

From a point located South 56 degrees East 3,570 feet from the northwest corner of Section 29, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 29, Township 13 South, Range 30 East, W.M.

To a point located 530+ feet North and 500+ feet West from the southeast corner of the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 26, Township 13 South, Range 29 East, W.M.

for the irrigation of 296.7 acres hereinbefore described, beginning about July 1st of each year, with a date of priority of October 23, 1916, be and the same hereby is approved.

It is FURTHER ORDERED that no time need be fixed for completion of construction as the pumping plant has been installed and is in operation.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion, and the total quantity from both points of diversion shall not exceed 3.71 cubic feet per second, except in event of rotation.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices:

That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Grant County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

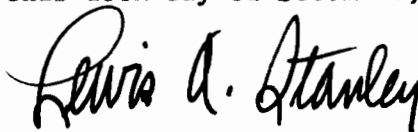
Dated at Salem, Oregon, this 13th day of December, 1961.

*Notations made on Records*

*App. # 5224*

*Cont. # 24504*

*Trst. "C-137"*



LEWIS A. STANLEY  
State Engineer

262

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION )  
OF IVAN PORFILY FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM JOHN DAY RIVER )  
- - - - -

O R D E R  
APPROVING APPLICATION

On August 14, 1963, Ivan Porfily of Mt. Vernon, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Grant County, Oregon, entered November 16, 1956, In the Matter of the Determination of the Relative Rights to the Use of the Waters of John Day River and its Tributaries, a water right was established in the name of the Blue Mountain Ditch Company for the use of the waters of John Day River for the irrigation of, among other lands, 8.5 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.2 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 34.3 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 36.6 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20 and 10 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 2 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 13 South, Range 29 East, W. M., with a date of priority of October 23, 1916. These lands are irrigated through the Blue Mountain Ditch, the point of diversion of said ditch being located 565 feet North and 2320 feet West from the E $\frac{1}{4}$  corner of Section 29, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 29, Township 13 South, Range 30 East, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of the Boyce Ditch, the point of diversion of said ditch to be located South 27 degrees 30' East 1817 feet from the W $\frac{1}{4}$  corner of Section 21, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 21, Township 13 South, Range 29 East, W. M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed

change in point of diversion of water, if any there were, namely: at the county courthouse in Canyon City, Oregon, on October 23, 1963, at 9:30 o'clock a.m. The notice was published in the Blue Mountain Eagle, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three weeks in the issues of August 29, September 5 and 12, 1963. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. George M. Ward, Watermaster of District No. 4, has filed a report to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from John Day River, to-wit:

From a point located 565 feet North and 2320 feet West from the E $\frac{1}{4}$  corner of Section 29, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 29, Township 13 South, Range 30 East, W. M.

To a point located South 27 degrees 30' East 1817 feet from the W $\frac{1}{4}$  corner of Section 21, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 21, Township 13 South, Range 29 East, W. M.

for the irrigation of 8.5 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.2 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 34.3 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 36.6 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20 and 10 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 2 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 13 South, Range 29 East, W. M., with a date of priority of October 23, 1916, is approved.

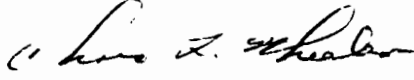
It is FURTHER ORDERED that no time need be fixed for completion of construction as the point of diversion is constructed and in operation.



ORDERED THAT THE QUANTITY OF WATER DIVERTED AT THE  
NEW POINT OF DIVERSION SHALL NOT EXCEED THE QUANTITY OF WATER THAT IS AVAIL-

able at the old point of diversion.

Dated at Salem, Oregon, this 29th day of October, 1963.



CHRIS L. WHEELER  
State Engineer

*Noted on records  
App. # 5224  
Cert. # 24504*

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION )  
OF FLOYD HABBE FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM JOHN DAY RIVER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 2353

On March 30, 1970, Floyd Habbe filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Blue Mountain Ditch Company and recorded at page 24504, Volume 17, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 10.5 cubic feet per second of water from John Day River for the irrigation of, among other lands, 4.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 10.9 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 13 South, Range 29 East, W.M., with a date of priority of October 23, 1916. These lands are irrigated by means of the Blue Mountain Ditch from a point of diversion located 565 feet north and 2320 feet west from the E $\frac{1}{4}$  corner of Section 29 being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 13 South, Range 30 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 670 feet north and 1300 feet west from the S $\frac{1}{4}$  corner of Section 21 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 13 South, Range 29 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Canyon City, Oregon, on

June 10, 1970, at 9:30 a.m. The notice was published in the Blue Mountain Eagle, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three weeks in the issues of April 16, 23, and 30, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Howard Daggett, Watermaster of District No. 4, has filed a report to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from John Day River, to-wit:

From a point located 565 feet north and 2320 feet west from the E $\frac{1}{4}$  corner of Section 29 being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 13 South, Range 30 East, W.M.

To a point to be located 670 feet north and 1300 feet west from the S $\frac{1}{4}$  corner of Section 21 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 13 South, Range 29 East, W.M.

for the irrigation of 4.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 10.9 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21, Township 13 South, Range 29 East, W.M., with a date of priority of October 23, 1916, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1971.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 0.19 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall

be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

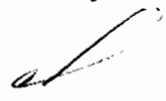
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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

The right to appropriate 0.19 cubic foot per second of water for the irrigation of 14.8 acres was canceled by an order of the State Engineer entered November 18, 1963. This order canceled the certificate recorded at page 24504, State Record of Water Right Certificates and provided for issuance of a new certificate for the remainder of the right not canceled.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a new certificate shall be issued to Blue Mountain Ditch Company confirming the change in point of diversion and covering the balance of the lands not involved in this proceeding including prior changes.

Dated at Salem, Oregon, this 29<sup>th</sup> day of January, 1971.

  
/s/ CHRIS L. WHEELER  
State Engineer



CO- FLOYD HABBE- HE SHOWED US DIV AND LAND CR.

U- DIRECTLY OUT OF JOHN DAY RIVER

UMP- ~~CENTURY~~ AKOEA DDC 2 1/2 X 2 } 170 gpm @ 220' Hd.  
Motor- CENTURY 15 H.P. @ 3500 RPM }

PIPE- 500' 4" Alum MAIN (SHOWN ON ~~PLAN~~ PT)  
1440' 3" Alum LAT.

HEADS- 51 RB 30 1 1/2" (16 MAX)

USE- PASTURE (COWS, SHEEP, PIGS) LAWN

LIFT- 25' to 30'

TIE- 5 1/4 COR SEC 2) (I.P. AND ROCK IN FIELD ABOUT 40' SOUTH OF  
FENCE LINE, FENCE IS SUPPOSE TO  
RUN E S' W.)

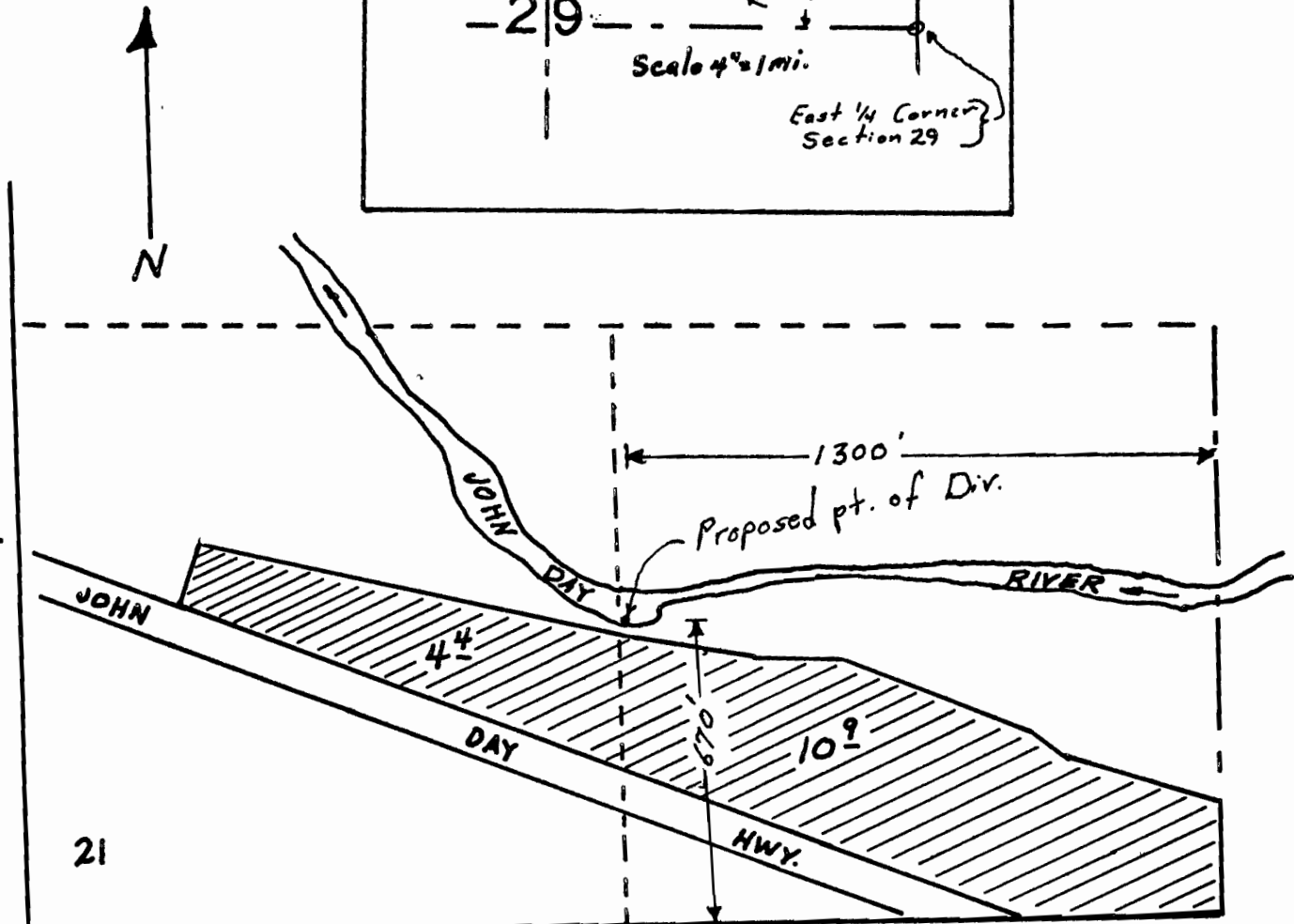
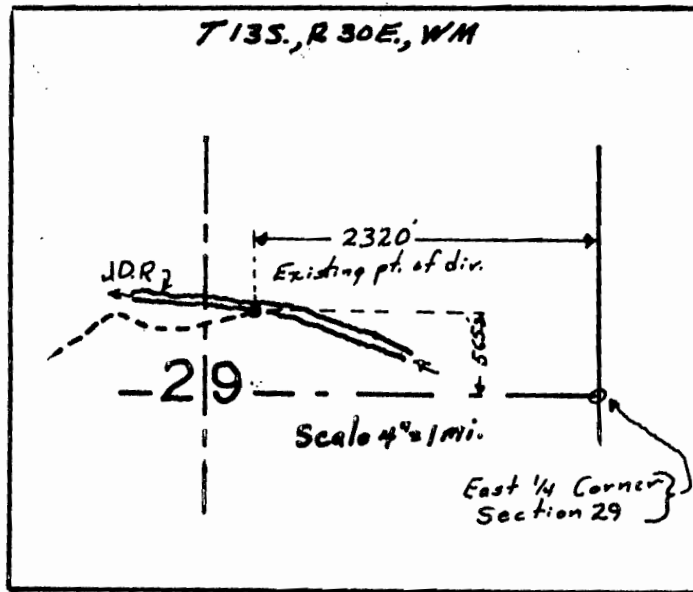
NOTE: WE SURVEYED ALL LAND THAT  
HABBE IRRIGATES.

TALKED WITH ROBERT MAIN (WATERMASTER) HE  
STATED HABBE HAS PRIMARY RIGHT  
FOR THIS PROPERTY FROM BOTH  
MOON CR. (1923) AND JOHN DAY RIVER (1716)  
CHECK THIS OUT

Larry Tall  
JFE  
8/20/15

T13S., R 29 E., W.M.  
W 1/2, SW 1/4, Sec. 21

**RECEIVED**  
MAR 30 1970  
STATE ENGINEER  
SALEM, OREGON



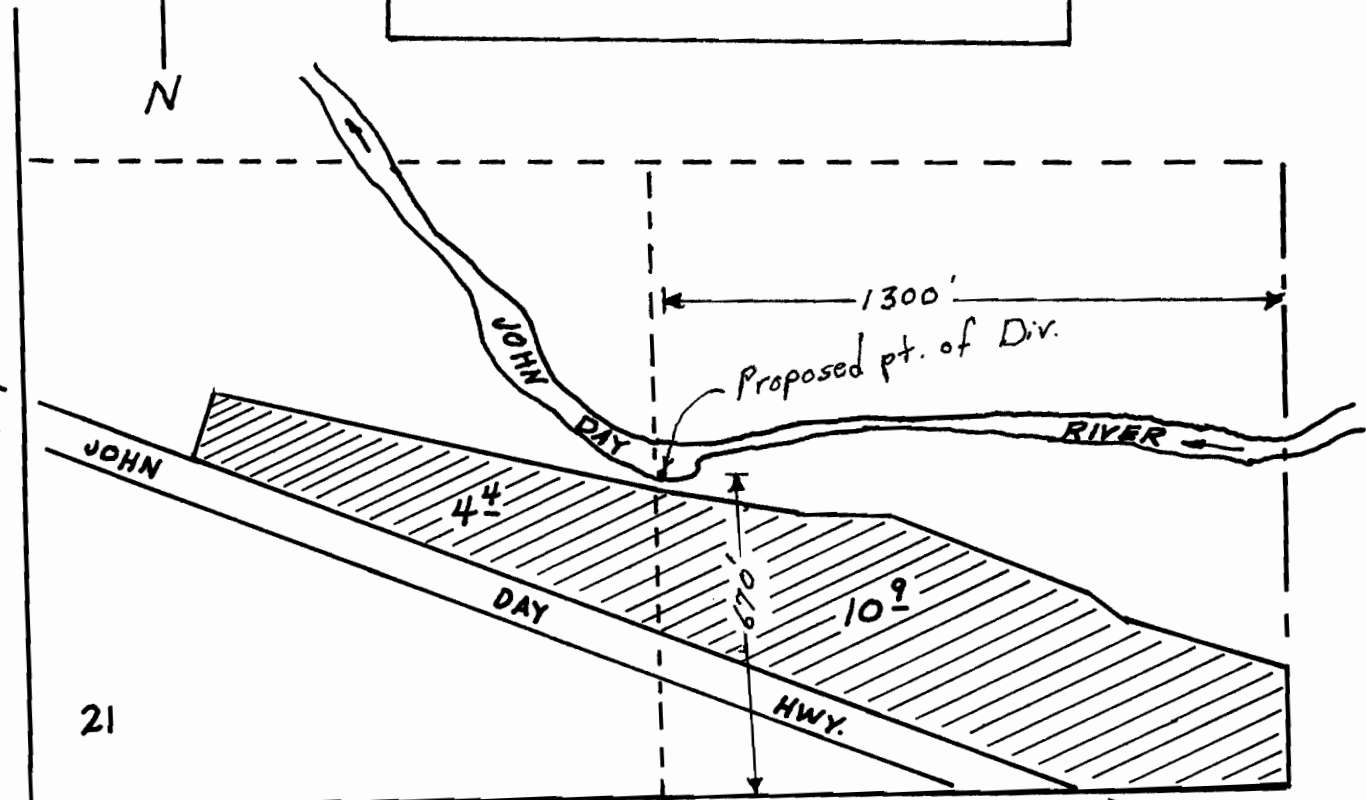
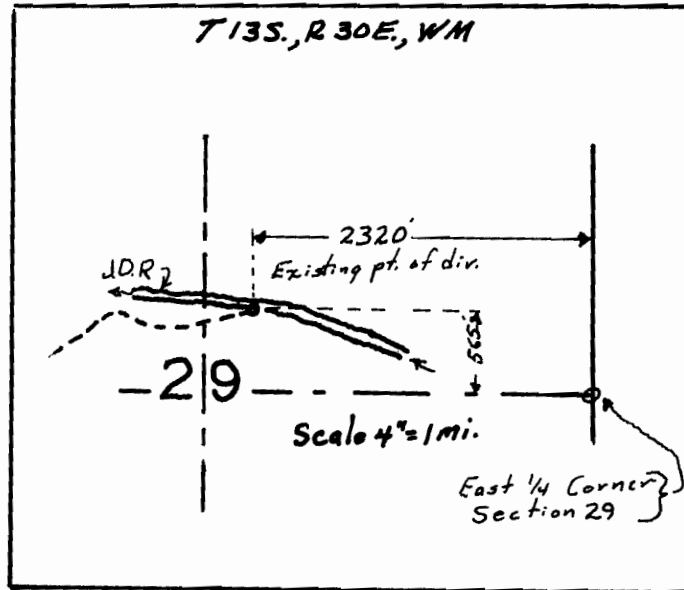
Scale: 1" = 400'

Map approved by: *[Signature]*

T13S., R 29 E., W.M.  
W 1/2, SW 1/4, Sec. 21

T-2353

**RECEIVED**  
MAR 30 1970  
STATE ENGINEER  
SALEM, OREGON



Scale: 1" = 400'

Map approved by: *[Signature]*



**Application for Transfer of Water Right**

To the STATE ENGINEER OF OREGON:

I, Floyd Habbe.....  
(Name of applicant)

of Mt. Vernon....., County of Grant.....  
(Postoffice)

State of Oregon....., do hereby make application for change of point of diversion,

(In point of diversion; place of use; use heretofore made of the water)

1. The source of present water right is John Day River.....  
(Name of stream)

2. The use to which the water is applied is Irrigation.....  
(Irrigation; Mining; Power; Manufacturing; etc.)

3. The name of the ditch, canal or pipe line is Blue Mountain Ditch.....

4. The point of diversion is located 565 ft. N. and 2320 ft. W. from the E $\frac{1}{2}$ .....  
(N. or S.) (E. or W.)

corner of Section 29..... being within the SW $\frac{1}{2}$ NE $\frac{1}{2}$ .....  
(Section or subdivision)

of Section 29 Tp. 13 S. R. 30 E. W. M., in the County of Grant.....  
(No. N. or S.) (No. E. or W.)

5. List the number of acres irrigated in each smallest legal subdivision (40-acre tract) involved in this transfer. If for any other use, indicate place of use.

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$
13S.	29E.	21																4.410.9

NOTE: If you own less than 40-acre tracts, attach a description of your land as it appears in your deed.

(Attach separate sheet if necessary)

6. Are you the legal owner of the above described lands? yes.....  
(If not owner, explain your interest)

7. Has water been used beneficially for the purposes indicated herein during the past 5 years? yes.

8. What is the date of priority of your water right? October 23, 1916.....

9. Was your water right acquired by State Engineer's Permit? yes..... If so, give number  
(Yes or No)

of permit 3163.....

10. Do you hold a water right certificate? yes If so, give number of certificate 24504  
(Yes or No)

11. Was your water right determined by State Engineer's order of Determination or Decree of Court?

No If so, give title of proceedings  
(Yes or No)

12. Is the water right recorded in your name? No - Blue Mountain Ditch Com.  
(If not, give name)

13. I propose to transfer the water right to the following described lands: (Do not answer if your application is for change in point of diversion only.)

Twp.	Range	Sec.	NE 1-4				NW 1-4				SW 1-4				SE 1-4			
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

(Attach separate sheet if necessary)

NOTE: Answer questions 14, 15, 16 and 17, if the application is for change in point of diversion.

14. The proposed point of diversion is located 670 ft. N. and 1300 ft. W. from the SW $\frac{1}{4}$   
(N. or S.) (E. or W.)  
 corner of Sec. 21 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 21 Tp. 13S. R. 29 E.W. M.  
(Smallest legal subdivision) (No. N. or S.) (No. E. or W.)  
 in the county of Grant The name of the ditch to be used is

15. Are you the owner of the land on which the proposed point of diversion is to be located? No

16. If not the owner of the land on which the proposed point of diversion is to be located, give the name and address of owner and submit evidence of your right-of-way for your proposed ditch, canal, or pipe line.

.....  
 .....  
 .....

17. Are there any diversions between your present point of diversion and the proposed point of diversion? Yes

NOTE: Answer questions 18 and 19 if application is for change in use or place of use.

18. Are the lands from which you propose to transfer your water right free of all encumbrances, including taxes, mortgages, liens, etc.? (Answer Yes or No)

19. If not, give below a description of existing encumbrances:

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

20. Reasons for the proposed changes are Cut down waste due to leakage and evaporation in a long ditch and convert to a sprinkler system.

.....  
 .....

AFFIDAVIT OF APPLICANT

STATE OF OREGON,

County of GRANT } ss.

I, FLOYD F. HAGBE, the applicant herein, being first duly sworn, depose and say that I have read the above and foregoing application for transfer of water right; that I know the contents thereof and that the statements therein made are true and correct to the best of my knowledge and belief.

In Witness Whereof, I have hereunto set my hand this 3-20 day of 1970

*Floyd F. Hagbe*  
(Name of applicant)

Subscribed and sworn to before me this 20 day of March, 1970

[Notarial Seal]

*Je Powell*

NOTARY PUBLIC FOR OREGON

My commission expires 12-4-70

Remarks .....

.....

.....

.....

.....

.....

.....

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.....

.....

.....

THIS APPLICATION MUST BE ACCOMPANIED BY A MAP SHOWING THE LOCATION OF THE POINT OF DIVERSION, PLACE OF USE AND WORKS UTILIZED UNDER THE PRESENT WATER RIGHT. THE MAP SHOULD ALSO SHOW THE NEW POINT OF DIVERSION OR PLACE OF USE, AS THE CASE MAY BE.

March 3, 1971

Transfers P-77  
2353

Howard Daggett  
Watermaster District 4  
P. O. Box 261  
Canyon City, Oregon 97820

Dear Howard:

Enclosed are two transfers for a change in point of diversion in connection with Certificate number 24504 on the Blue Mountain Ditch.

These are Transfers numbered P-77 in the name of Ivan Porfily and 2353 in the name of Floyd Habbe. Would you please make the survey and draft up the survey at your earliest convenience so that we may issue the confirming certificates on these two in addition to Transfer number C-137 for which we already have the final proof survey.

The reason we would like to get these out of the way as soon as possible is that there are probably going to be more transfers involved with this certificate and we would like to keep it current so not too many transfers are outstanding. These two diversion point locations should be located close together and probably can be shot in from one location.

All that is needed on these is a diversion point location and a report on the pump and or ditch and headgate. Along with the method of irrigation or in the case of sprinkler irrigation, please report on the pipe and sprinkler heads used also.

Very truly yours,

Myron V. Bish  
Assistant

MVB:cjs  
Enclosures

XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
1178 Chemeketa Street N.E.

February 26, 1971

2353

Mr. Floyd Habbe  
Mt. Vernon, Oregon 97865

Dear Mr. Habbe:

I have your notice advising that construction work has been completed as required in our order approving your application for a change in point of diversion of water from John Day River.

In line with the general practice of this office, a survey will be made at a later date.

Very truly yours,

Trevor Jones  
Assistant

slv

**RECEIVED**  
FEB 29 1971  
**STATE ENGINEER**  
SALEM, OREGON

Transfer No. 2353

NOTICE OF COMPLETION OF CONSTRUCTION

I, Floyd Habbe, hereby certify  
that the construction work has been completed and the change in  
point of diversion of water made as set forth in the order of  
the State Engineer dated January 29, 1971, approving an appli-  
cation for a change in point of diversion of water from \_\_\_\_\_  
John Day River.

2-25-71  
Date

Floyd J. Habbe  
Name

XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
1178 Chemeketa Street

February 18, 1971

2353

Mr. Floyd Habbe  
Mt. Vernon, Oregon 97865

Dear Mr. Habbe:

Enclosed is a certified copy of the order of the State Engineer entered January 29, 1971, approving your application for a change in point of diversion of water from John Day River.

Also enclosed is a notice of completion of construction which should be dated, signed and returned to this office when the change in point of diversion has been completed. According to the terms of the order, this should be done on or before October 1, 1971.

Very truly yours,

Trevor Jones  
Assistant

slv

Enclosures

cc: Mr. Howard Daggett  
Watermaster District No. 4

EST  
PER

GRANT COUNTY

# Blue Mountain Eagle

B  
N 97845  
0710

DATE May 3, 1970

*Mrs L. Wheeler*  
*State Engineer*  
*516 Public Service Building*  
*Salem, Oregon 97310*

DETACH AND RETURN THIS STUB WITH YOUR REMITTANCE. CANCELED CHECK IS YOUR RECEIPT.

DATE	DESCRIPTION	INVOICE NO.	CHARGES	V	CREDITS	BALANCE
	BALANCE FORWARD					
<i>4/30/70</i>	<i>Notice of Filings application - Suspension of water - Flycatcher</i>		<i>2224</i>			<i>\$2224</i>
<b>RECEIVED</b> MAY 5 1970 <b>STATE ENGINEER</b> <b>SALEM OREGON</b>						
<i>Pd 5/8/70 Eagle</i> <i>Blue Mountain Dew</i>						

GRANT COUNTY BLUE MOUNTAIN EAGLE • JOHN DAY, OREGON

Thank You! We Are Always Happy to Serve You!



# GRANT COUNTY Mountain Eagle

JOHN DAY, ORE. 97845

TELEPHONE (503) 575-0710

Customer's Order No. \_\_\_\_\_ Date 5/1 1970

M. Chris Wheeler State Engineer

Address \_\_\_\_\_

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. REID.	PAID OUT
	<u>ck</u>					

QUAN.	DESCRIPTION	PRICE	AMOUNT
	<u>Roa</u>		<u>2224</u>
<b>RECEIVED</b>			
MAY 11 1970			
STATE ENGINEER			
SALEM OREGON			

ALL claims and returned goods MUST be accompanied by this bill.

4177 Rec'd by 4111



**STATE  
ENGINEER**

**RECEIVED**  
MAY 7 1970  
STATE ENGINEER  
SALEM OREGON

**WATER RESOURCES DEPARTMENT**

P.O. BOX 261 • • CANYON CITY, OREGON • • 97820 • • Ph. 575-0119

May 6, 1970

FILE NO. 2353

TOM McCALL  
GOVERNOR

CHRIS L. WHEELER  
State Engineer

Mr. Chris L. Wheeler, State Engineer  
516 Public Service Building  
Salem, Oregon 97310

Attention: Mr. Trevor Jones, Assistant

Dear Mr. Jones,

In my opinion Mr. Floyd Habbe's change in point of diversion of water from the John Day River may be made without injury to existing rights.

Provision No. 1 should be incorporated in the order.

Very truly yours,

Howard Daggett  
Watermaster Dist. # 4

2353

May 6, 1970

Blue Mountain Eagle  
Post Office Box 48  
John Day, Oregon 97845

Gentlemen:

Enclosed is our check No. 3626 in the amount of \$22.24  
in payment of your statement of May 2, 1970.

Please receipt the enclosed statement and return it to  
this office. Thank you.

Very truly yours,

Trevor Jones  
Assistant

slv

Enclosures

2353

May 6, 1970

Mr. Floyd Habbe  
Mt. Vernon, Oregon 97865

Dear Mr. Habbe:

Publication of notice in connection with your transfer No. 2353 amounted to \$22.24, leaving an unused balance of your \$30.00 deposit for that purpose in the amount of \$7.76.

The order, when entered, will require the issuance of two new certificates of water right; one covering the lands not involved in this proceeding and one confirming the change in point of diversion. We have withheld \$2.00 from the balance of your deposit to cover the cost of having these certificates recorded in the Grant County records.

Our check No. 3627 covering the unused balance of \$5.76 is enclosed.

Very truly yours,

Trevor Jones  
Assistant

slv

Enclosure

AFFIDAVIT OF PUBLICATION

**RECEIVED**  
MAY 5 1970  
STATE ENGINEER  
SALEM OREGON

STATE OF OREGON

ss.

County of Grant

**DIVERSION OF WATER**

It is given hereby that Floyd Habbe has filed an application for the approval of a change in point of diversion of water from John Day River.

A right was perfected under permit 3163 in the name of Blue Mountain Ditch Company for the use of the waters of John Day River for the irrigation of, among other lands, 4.4 acres in SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> and 10.9 acres in SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Sec. 21, T. 13 S., R. 29 E., W.M., with a date of priority of October 23, 1916. These lands are irrigated by means of the Blue Mountain Ditch from a point of diversion located 565 ft. N and 230 ft. W from the E<sup>1</sup>/<sub>4</sub> corner of Section 21 being within the SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, Sec. 21, T. 13 S., R. 30 E., W.M.

The applicant herein, owner of lands above described, proposes to irrigate these lands from a point of diversion to be located 670 ft. N and 300 ft. W from the S<sup>1</sup>/<sub>4</sub> corner of Section 21 being within the SE<sup>1</sup>/<sub>4</sub> of Sec. 21, T. 13 S., R. 29 E., W.M. All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon, Oregon, on June 10, 1970, at 10 a.m. All objections to the proposed change, if any there are, shall be heard at said time and place and all objections shall be filed in writing, one copy to be filed on Floyd Habbe, Mt. View, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5.00 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 9th day of April, 1970.

CHRIS L. WHEELER  
State Engineer

I, John R. Moreau, being first duly sworn, depose and say that I am the owner, editor, publisher, manager, principal clerk of the GRANT COUNTY BLUE MOUNTAIN EAGLE, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed and published at John Day, in the

aforesaid county and state; that the Notice of Filing Application of a Change in Point of Diversion of Water - Floyd Habbe, a printed copy of which is hereto attached, was published in the entire issue of said newspaper for three

successive and consecutive weeks in the following issues: \_\_\_\_\_

April 16, April 23 and April 30, 1970

John R. Moreau

Subscribed and sworn to before me this 2<sup>nd</sup> day of May,

1970

Donna E. Wilson  
Notary Public for Oregon

My commission expires May 20, 1973

Cost of this publication was \$ 22.24

April 9, 1970

Blue Mountain Eagle  
John Day, Oregon 97845

Gentlemen:

Enclosed is a notice for publication in the April 16, 23, and 30, 1970, issues of your newspaper.

If, for any reason, you cannot publish this notice on the dates specified above, please return it to this office.

Upon completion, please forward an affidavit of publication and statement for this service to this office.

Very truly yours,

Trevor Jones  
Assistant

slv

Enclosure  
cc: Floyd Habbe

April 9, 1970

Mr. Howard Daggett  
Watermaster District #4  
Post Office Box 261  
Canyon City, Oregon 97820

Dear Mr. Daggett:

Enclosed is a copy of notice for publication in the April 16, 23, and 30, 1970, issues of the Blue Mountain Eagle.

Would you please advise if, in your opinion, the proposed change in point of diversion may be made without injury to existing rights and which provision for the installation of measuring devices you feel should be incorporated in the order. Thank you.

Very truly yours,

Trevor Jones  
Assistant

slv

Enclosure

RE: T-2353

April 6, 1970

Claud A. Ingram  
Attorney at Law  
217 No. Canyon Blvd.  
P. O. Box 47  
John Day, Oregon 97845

Dear Mr. Ingram:

This will acknowledge an application in the name of Floyd Habbe for change in point of diversion of water from the John Day River, a transparency map and the fees of \$55.00 for which our receipts No. 18181 and 18182 are enclosed. This application has been filed as transfer application No. 2353.

The application is in satisfactory form and we will proceed with the publication of notice in the Blue Mountain Eagle.

Item No. 15 on the application indicates that the applicant does not own the property upon which the pump is to be placed. The approval of this application in no way grants with it the right to trespass.

Very truly yours,

Larry W. Jebousek  
Assistant

LWJ:reo  
Enclosures



CLAUD A. INGRAM  
ATTORNEY AT LAW  
217 NO. CANYON BLVD.  
P. O. BOX 47  
JOHN DAY, OREGON 97845  
—  
TELEPHONE 575-1408

**RECEIVED**  
MAR 30 1970  
STATE ENGINEER  
SALEM, OREGON

March 28, 1970

Mr. Chris L. Wheeler  
State Engineer  
516 Public Service Building  
Salem, Oregon 97310

Dear Mr. Wheeler:

Enclosed you will find Application for Transfer of Water Right being submitted by Floyd Habbe of Mt. Vernon, Oregon. Also enclosed is Mr. Habbe's check made payable to your order in the amount of \$55.00 to cover fees and costs incurred in the processing of the transfer.

If you have any questions or need additional information, please advise.

Very truly yours,



CLAUD A. INGRAM

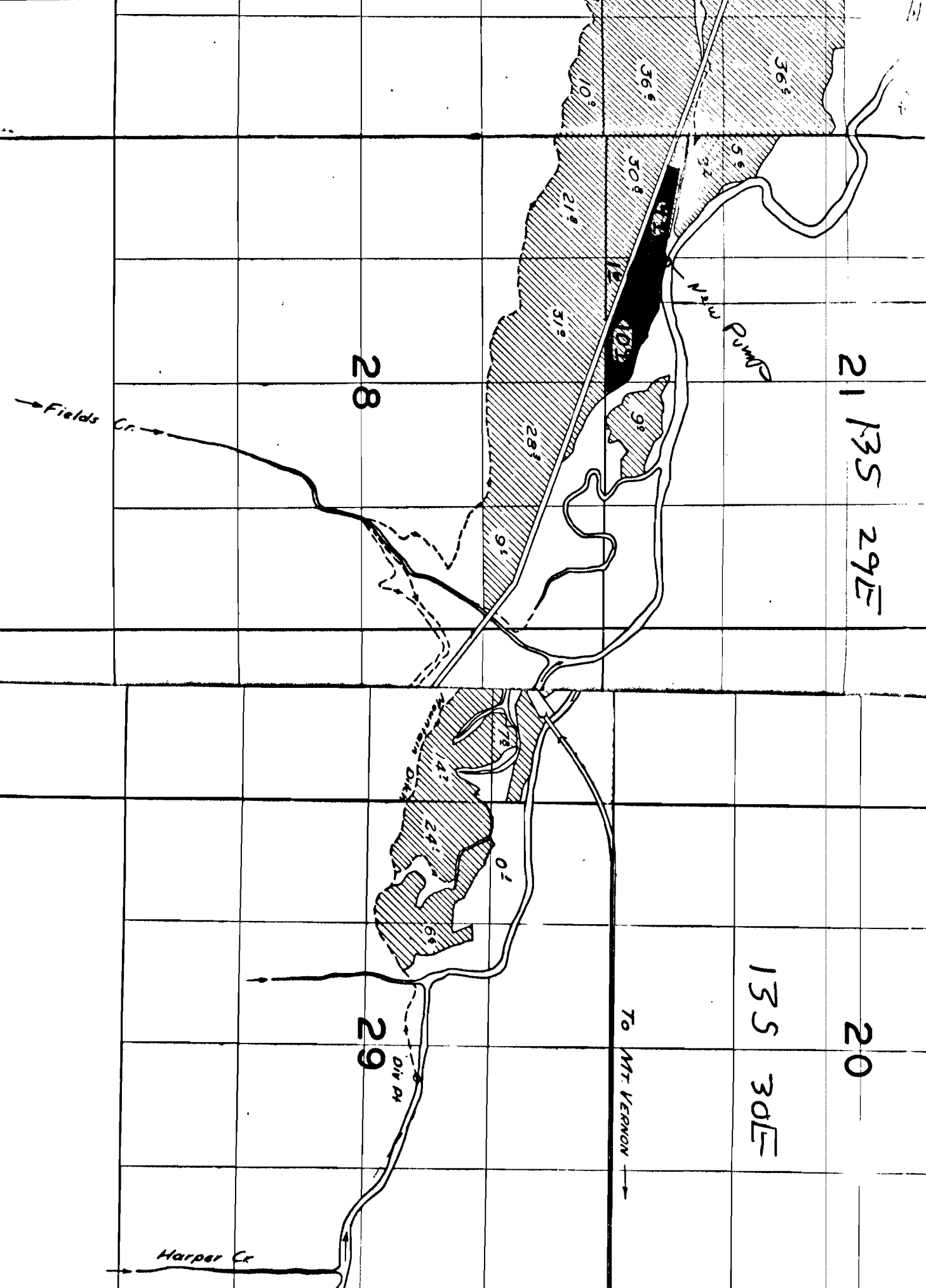
CAI:jfp

Encl. 2

21 135 29E

20

135 30E



28

29

Fields Cr.

New Pump

TO MT. VERNON

Harper Cr.

Tomson Ditch

Dip A1

NOTICE OF FILING APPLICATION FOR A  
CHANGE IN POINT OF DIVERSION OF WATER

Notice is given hereby that Floyd Habbe has filed an application for the approval of a change in point of diversion of water from John Day River.

A right was perfected under permit 3163 in the name of Blue Mountain Ditch Company for the use of the waters of John Day River for the irrigation of, among other lands, 4.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 10.9 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 21, T. 13 S., R. 29 E., W.M., with a date of priority of October 23, 1916. These lands are irrigated by means of the Blue Mountain Ditch from a point of diversion located 565 ft. N and 2320 ft. W from the E $\frac{1}{4}$  corner of Sec. 29 being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 29, T. 13 S., R. 30 E., W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 670 ft. N and 1300 ft. W from the SW $\frac{1}{4}$  corner of Sec. 21 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 21, T. 13 S., R. 29 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Canyon City, Oregon, on June 10, 1970, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Floyd Habbe, Mt. Vernon, Oregon, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5.00 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing.

Dated at Salem, Oregon, this 9<sup>th</sup> day of April, 1970.

CHRIS L. WHEELER  
State Engineer