



WATER-RIGHT DOCKET

John Day Fossil Beds National Monument

Docket No: 2

JOHN DAY RIVER - TITANIC DITCH

State Water Rights Documentation

06-09-2006: Letter and copy of the order approving water right transfer application



Oregon

Theodore R. Kulongoski, Governor

575-3191
REC'D JUN 16 2006
Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

June 9, 2006

US DEPT OF INTERIOR/NATIONAL PARK SERVICE
HCR 82, BOX 126
KIMBERLY OR 97848

Reference: Transfer 8683

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

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

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

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

Sincerely,

Doug Parrow
Natural Resource Specialist

DP:sh

cc: Watermaster #4
Samual Fields, CWRE
Ken Dowden, North Central Region
Mike Ladd, Regional Manager

Enclosure

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application	)	FINAL ORDER
T-8683, Grant County	)	APPROVING AN ADDITIONAL
	)	POINT OF DIVERSION

ORS 537.705 and 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

U.S. DEPT. OF INTERIOR/NATIONAL PARK SERVICE
HCR 82, BOX 126
KIMBERLY OR 97848

Findings of Fact

1. On February 5, 2001, U.S. Dept. Of Interior/National Park Service filed a transfer application to add an additional point of diversion under Certificates 75792 and 75793. The Department assigned the application number T-8683.
2. The portion of the FIRST right to be transferred is as follows:

Certificate: 75793 in the name of US DEPT OF INTERIOR/NATIONAL PARK
SERVICE (perfected under Permit S-1386)
Use: IRRIGATION of 21.13 ACRES
Priority Date: SEPTEMBER 30, 1912
Rate: 0.26 CUBIC FOOT PER SECOND
Source: JOHN DAY RIVER, tributary to COLUMBIA RIVER

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
12 S	26 E	WM	7	SE SE	1060 FEET NORTH AND 1150 FEET WEST FROM SE CORNER, SECTION 7

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	26 E	WM	6	SW NE	3.70
12 S	26 E	WM	6	NW SE	14.20
12 S	26 E	WM	6	SW SE	3.23

3. The portion of the SECOND right to be transferred is as follows:

Certificate: 75792 in the name of US DEPT OF INTERIOR/NATIONAL PARK SERVICE (perfected under Permit S-49554) issued as supplemental to Permit S-1386 (Certificate 75793) to make up for a deficiency in rate

Use: SUPPLEMENTAL IRRIGATION of 21.13 ACRES

Priority Date: SEPTEMBER 13, 1983

Rate: 0.26 CUBIC FOOT PER SECOND

Limit/Duty: ONE-FORTIETH cfs per acre, not to exceed 5.0 acre-feet per acre per year. This right is limited to any deficiency in the available supply of any prior right existing for the same land.

Source: JOHN DAY RIVER, tributary to COLUMBIA RIVER

Authorized Point of Diversion:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
12 S	26 E	WM	7	SE SE	1060 FEET NORTH & 1150 FEET WEST FROM SE 1/4 CORNER OF SECTION 7

Authorized Place of Use:

Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	26 E	WM	6	SW NE	3.70
12 S	26 E	WM	6	NW SE	14.20
12 S	26 E	WM	6	SW SE	3.23

4. Application T-8683 proposes to add an additional point of diversion to both of the above described water rights approximately 1.3 miles downstream to:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
12 S	26 E	WM	6	SW NE	2920 FEET NORTH AND 3260 FEET EAST FROM SW CORNER OF SECTION 6

5. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice. However, the Oregon Department of Fish and Wildlife stated that the existing point of diversion is equipped with a fish screening or by-pass device although it may not meet the National Marine Fisheries Service requirements. Therefore, a request was made for inclusion of a condition requiring installation of proper fish screens.

6. Water has been used within the last five years according to the terms and conditions of the rights, and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
7. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights are present.
8. The proposed change would not result in enlargement of the rights.
9. The proposed change would not result in injury to other water rights.
10. Notice of the Preliminary Determination was published on the Department's Weekly Public Notice on April 4, 2006, and in the Blue Mountain Eagle newspaper on April 12, 19 and 26, 2006. No protests were filed in response to the notice.

Conclusions of Law

The additional point of diversion proposed in application T-8683 is consistent with the requirements of ORS 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The additional point of diversion proposed in application T-8683 is approved.
2. Water right certificates 75792 and 75793 are cancelled. New certificates will be issued describing the portions of the rights not involved in this transfer.
3. The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificates 75792 and 75793 and any related decree.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2007**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. The quantity of water diverted at the additional point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
6. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

7. The water user shall install and maintain a fish screen or fish by-pass device, as appropriate, at the new point of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 1ST day of June 2006.

Phillip C. Ward
Phillip C. Ward, Director

Mailing Date JUN 13 2006

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

USDI, NATIONAL PARK SERVICE
JOHN DAY FOSSIL BEDS NATIONAL MONUMENT
HCR 82, BOX 126
KIMBERLY, OREGON 97848

confirms the right to use the waters of the JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for the purpose of SUPPLEMENTAL IRRIGATION OF 15.77 ACRES.

The right has been perfected under Permit 49554. The date of priority is SEPTEMBER 13, 1983. The right is limited to not more than 0.26 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 7, T 12 S, R 26 E, W.M.; 1060 FEET NORTH AND 1150 FEET WEST FROM THE SE CORNER OF SECTION 7.

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

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

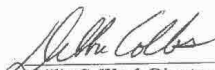
A description of the place of use to which this right is appurtenant is as follows:

Township	Range	Meridian	Section	Q-Q	Acres
12 S	26 E	WM	6	SW SE	1.97
12 S	26 E	WM	11	NW NE	7.00
12 S	26 E	WM	7	SW NE	6.80

This certificate describes that portion of the water right confirmed by Certificate 75792, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 1, 2006 approving Transfer Application 8683 for AN ADDITIONAL POINT OF DIVERSION.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed June 1, 2006


Phillip C. Ward, Director

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

USDI, NATIONAL PARK SERVICE
JOHN DAY FOSSIL BEDS NATIONAL MONUMENT
HCR 82, BOX 126
KIMBERLY, OREGON 97848

confirms the right to use the waters of the JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for the purpose of IRRIGATION OF 35.67 ACRES.

The right has been perfected under Permit 1386. The date of priority is SEPTEMBER 13, 1912. The right is limited to not more than 0.45 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 7, T 12 S, R 26 E, W.M.; 1060 FEET NORTH AND 1150 FEET WEST FROM
THE SE CORNER OF SECTION 7.

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

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

Township	Range	Meridian	Section	Q-Q	Acres
12 S	26 E	WM	6	SW SE	1.97
12 S	26 E	WM	7	NW NE	7.00
12 S	26 E	WM	7	SW NE	10.20
12 S	26 E	WM	7	NE SE	1.20
12 S	26 E	WM	7	NW SE	15.10
12 S	26 E	WM	7	SE SE	0.20

When in the judgment of the Watermaster it becomes necessary to install head gates and measuring devices:

The diversion works shall include an in-line flow meter, a weir, or other suitable measuring the water to which the water user is entitled; and

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

This certificate describes that portion of the water right confirmed by Certificate 75793, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered June 1, 2006 approving Transfer Application 8683 for AN ADDITIONAL POINT OF DIVERSION.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed June 1, 2006


Phillip C. Ward, Director

Docket
#2

Cert. 75793

Supersedes Cert
1955See Order Approving
Transfer 5367STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

USDI, NATIONAL PARK SERVICE
JOHN DAY FOSSIL BEDS NATIONAL MONUMENT
HCR 82, BOX 126
KIMBERLY, OREGON 97848

confirms the right to use the waters of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for the purpose of IRRIGATION OF 56.8 ACRES.

The right has been perfected under Permit 1386. The date of priority is SEPTEMBER 30, 1912. The right is limited to not more than 0.71 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 7, T 12 S, R 26 E, W.M.; 1060 FEET NORTH AND 1150 FEET WEST FROM SOUTHEAST CORNER OF SECTION 7.

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

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

SW 1/4 NE 1/4	3.7 ACRES
NW 1/4 SE 1/4	14.2 ACRES
SW 1/4 SE 1/4	5.2 ACRES

SECTION 6

NW 1/4 NE 1/4	7.0 ACRES
SW 1/4 NE 1/4	10.2 ACRES
NE 1/4 SE 1/4	1.2 ACRES
NW 1/4 SE 1/4	15.1 ACRES
SE 1/4 SE 1/4	0.2 ACRE

SECTION 7

TOWNSHIP 12 SOUTH, RANGE 26 EAST, W.M.

When in the judgment of the Watermaster it becomes necessary to install head gates and measuring devices:

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

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

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered MARCH 2, 1984, and supersedes Certificate 1955, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

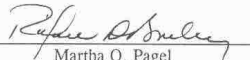
SEE NEXT PAGE

T-5367.SB

PAGE TWO

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed SEPTEMBER 2, 1998.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75793.

T-5367.SB

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

USDI, NATIONAL PARK SERVICE
JOHN DAY FOSSIL BEDS NATIONAL MONUMENT
HCR 82, BOX 126
KIMBERLY, OREGON 97848

confirms the right to use the waters of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for the purpose of SUPPLEMENTAL IRRIGATION OF 36.9 ACRES.

The right has been perfected under Permit 49554. The date of priority is SEPTEMBER 13, 1983. The right is limited to not more than 0.46 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE 1/4 SE 1/4, SECTION 7, T 12 S, R 26 E, W.M.; 1060 FEET NORTH AND 1150 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 7.

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

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

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

SW 1/4 NE 1/4	3.7 ACRES
NW 1/4 SE 1/4	14.2 ACRES
SW 1/4 SE 1/4	5.2 ACRES
SECTION 6	

NW 1/4 NE 1/4	7.0 ACRES
SW 1/4 NE 1/4	6.8 ACRES
SECTION 7	

TOWNSHIP 12 SOUTH, RANGE 26 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director, affixed SEPTEMBER 2, 1998.


Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 75792.

66014.VLC

690-10-PS1-v



STATE OF OREGON

County of GRANT

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION 66014 and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE APPROPRIATE MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

This permit is issued to USDI, National Park Service, John Day Fossil Beds National Monument, John Day, Oregon 97845, phone 575-0721, for the use of the waters of John Day River, a tributary of the Columbia River, for the PURPOSE of supplemental irrigation

that the PRIORITY OF THE RIGHT dates from September 13, 1983

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.6 cfs

The POINT OF DIVERSION is to be LOCATED: 1150 feet North and 1150 feet West from the Southeast Corner of Section 7, being within the SE 1/4 SE 1/4 of Section 7, Township 12 South, Range 26 East, WM.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 12 South, Range 26 East, WM Section 6	SW 1/4	NE 1/4	12.5 acres
	NW 1/4	SE 1/4	8.0 acres
	SW 1/4	SE 1/4	15.0 acres
	Section 7	NW 1/4	NE 1/4
	NW 1/4	SE 1/4	5.6 acres

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 1/40 of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 5.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Actual construction work shall begin on or before December 16, 1986 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1987

Complete application of the water to the proposed use shall be made on or before October 1, 1988

Witness my hand this 16th day of December, 1985

WATER RESOURCES DIRECTOR

This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION 66014

"CERTIFICATE NO.

75792

PERMIT

49351

Needs new
docket

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION OF)	
USDI - NATIONAL PARK SERVICE)	ORDER APPROVING
FOR APPROVAL OF A CHANGE IN)	TRANSFER 5367
POINT OF DIVERSION OF WATER)	

On September 13, 1983, an application was filed in the office of the Water Resources Director by USDI - National Park Service 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.

The certificate recorded at page 1955, Volume 3, State Record of Water Right Certificates, in the name of James Cant, describes a right for the use of not to exceed 0.91 cubic foot per second from John Day River, for irrigation of 12.5 acres in SW 1/4 NE 1/4, 8.0 acres in NW 1/4 SE 1/4, 15.0 acres in SW 1/4 SE 1/4, Section 6; 7.0 acres in NW 1/4 NE 1/4, 3.0 acres in SW 1/4 NE 1/4, 2.0 acres in SE 1/4 NW 1/4 and 25.5 acres in NW 1/4 SE 1/4, Section 7, Township 12 South, Range 26 East, WM, with a date of priority of September 30, 1912.

Water for the said right is diverted, through the Titanic Ditch, from a point located South 41 Degrees 14 minutes West, 1322.2 feet from the Southeast Corner of Section 7, being within the NE 1/4 NE 1/4 of Section 18, Township 12 South, Range 26 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 1150 feet North and 1150 feet West from the Southeast Corner of Section 7, being within the SE 1/4 SE 1/4 of Section 7, Township 12 South, Range 26 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Blue Mountain Eagle, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three weeks in the issues of October 13, 20 and 27, 1983.

Jerry S. Rodgers, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.91 cubic foot per second.

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

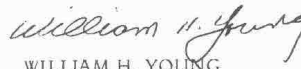
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that the construction work shall be completed and water used from the proposed point of diversion on or before October 1, 1985.

It is FURTHER ORDERED that the certificate recorded at page 1955, Volume 3, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 2nd day of March, 1984.


WILLIAM H. YOUNG,
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

0714A
0828C

STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

(For rights perfected under original, enlargement or secondary permits)

This is to Certify, That JAMES GANT

of Dayville, State of Oregon, has made proof
to the satisfaction of the STATE WATER BOARD of Oregon, of a right to the use of the
waters of John Day River, a tributary of Columbia River

, for the purpose of the irrigation of 73 acres of land

under Permit No. 1386 of the State Engineer, and that said right to
the use of said waters has been perfected in accordance with the laws of Oregon and
duly confirmed by order of the STATE WATER BOARD of Oregon, made and entered

of record in the Record of Proceedings of said Board, at Salem, in Volume 1,

at page 280, on the 9th day of March, 1918; that the priority of

the right hereby confirmed dates from September 20, 1912; 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 0.91 cubic foot per second, or its equivalent in case of rotation. The use
hereunder shall conform to any reasonable rotation system ordered by the proper State Officer
of description of the lands under such right, and to which the water hereby
confirmed is appurtenant, or, if for other purposes, the place where such water is put
to beneficial use, is as follows: Fifteen acres in the Southwest quarter of Southeast
quarter; eight acres in the Northwest quarter of Southeast quarter and twelve and one-
half acres in the Southwest quarter of Northeast quarter of Section Six, twenty-five
and one-half acres in the Northwest quarter of Southeast quarter; three acres in the
Southwest quarter of Northeast quarter; two acres in the Southeast quarter of North-
west quarter and seven acres in the Northwest quarter of Northeast quarter of Section
Seven, Township Twelve South, Range Twenty-six East of Willamette Meridian, in Grant
County, Oregon.

The right to the use of the water aforesaid hereby confirmed is restricted to the
lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty
years from the date of priority of the right, as herein set forth, subject to a preference
right of renewal under the laws existing at the date of the expiration of the right for
power purposes, as hereby confirmed and limited.

Witness the seal and signature of the STATE

WATER BOARD affixed this 26th day

of March, 1918.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By J. H. LEWIS
State Engineer, President

Attest: R. W. POTTER

Secretary

Recorded in State Record of Water Right Certificates, Volume 3, Page 1955.

ASSIGNED, See Me. Rev. Ord. 1. 1. 609

Permit No. 1386

15793

APPLICATION FOR A PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF OREGON

We, Cant & Mason

(Name of Applicant.)

of Dayville, County of Grant

(Postoffice)

State of Oregon, do hereby make application for a permit to appropriate the
following described public waters of the State of Oregon, subject to existing rights:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is

(Name of stream)

John Day River

2. The amount of water which the applicant intends to apply to beneficial use is

One cubic feet per second.

3. The use to which the water is to be applied is

(Irrigation, power, mining, manufacturing,

Irrigation
domestic supplies, etc.)

4. The point of diversion is located S 41° 14' W from SE cor. Sect. 7

(Give distance and bearing to section corner)

being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 18, Tp. 12 S

(Give smallest legal subdivision)

(No. N. or S.)

R. 26 E, W. M., in the county of Grant

(No. E. or W.)

5. The main ditch to be 2.07 miles in

(Main ditch, canal or pipe line)

length, terminating in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 6, Tp. 12 S, R. 26 E

(Smallest legal subdivision)

(No. N. or S.)

(No. E. or W.)

W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works is

Titanic Ditch

DESCRIPTION OF WORKS

Diversion Works—

7. (a) Height of dam 4 feet, length on top 100.0 feet, length at bottom

85.0 feet; material to be used and character of construction

(Loose rock, concrete,

Loose rock, brush, wasteway over top
masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate Timber box, one opening 2.5 ft. wide, sliding

(Timber, concrete, etc., number and size of openings)

gate.

*A different form of application is provided where an appropriation is to be made by the enlargement of existing works,
or where storage works are contemplated. These forms can be secured without charge, together with instructions, by address-
ing the State Engineer, Salem, Oregon.

1386(a)

Canal System—

8. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line).....feet; width on bottom.....feet; depth of water.....feet; grade.....1.5.....feet fall per one thousand feet.

(b) At.....all.....miles from headgate: Width on top (at water line).....feet; width on bottom.....2.....feet; depth of water.....1.2 ft.....feet; grade.....1.5.....feet fall per one thousand feet.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR:

Irrigation—

9. The land to be irrigated has a total area of.....73.0.....acres, located in each smallest legal subdivision, as follows:.....

25.5 NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7,

(Give area of land in each smallest legal subdivision which you intend to irrigate)

3 A SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7

2 A SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7

7 A NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7

15 A SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6

8 A NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6

12.5 A SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 6

(If more space required, attach separate sheet)

Power, Mining, Manufacturing, or Transportation Purposes—

10. (a) Total amount of power to be developed.....theoretical horsepower.

(b) Total fall to be utilized.....feet.

(Head)

(c) The nature of the works by means of which the power is to be developed.....

(d) Such works to be located in.....of Sec.....

(Legal subdivision)

Tp....., R....., W. M.

(No. N. or S.)

(No. E. or W.)

(e) Is water to be returned to any stream?.....

(Yes or No.)

(f) If so, name stream and locate point of return.....

....., Sec....., Tp....., R....., W. M.

(No. N. or S.)

(No. E. or W.)

(g) The use to which power is to be applied is.....

(h) The nature of the mines to be served.....

1386(c)

Application No. 2584

Permit No. 1386

PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF
THE STATE OF OREGON

Division No. 2 District No.

This instrument was first received in the office
of the State Engineer at Salem, Oregon, on the
30 day of Sept.

1912, at 8:00 o'clock A. M.

Returned to applicant for correction

Corrected application received

Approved
Jan 27 1913

Recorded in Book No. 6 of Permits on
Page 1386

John H Lewis

DFM HCB 13.95 State Engineer.
1 map

STATE OF OREGON, } ss.
County of Marion }

This is to certify that I have examined the foregoing application and do hereby grant the same, subject
to the following limitations and conditions: The appropriation for irrigation purposes shall be
limited to one-eightieth of one cu. ft. per sec. for each acre irrigated. The use here-
under shall conform to any reasonable rotation system ordered by the proper State officers.

The priority date of this permit is September 30, 1912

The amount of water appropriated shall be limited to the amount which can be applied to beneficial
use and not to exceed 91/100 (0.91) cubic feet per second. or its equivalent in case
of rotation

Actual construction work shall begin on or before January 27, 1914
and shall thereafter be prosecuted with reasonable diligence and be completed on or before June 1, 1915

Complete application of the water to the proposed use shall be made on or before October 1, 1915

WITNESS my hand this 27th day of January, 1913.

John H Lewis

State Engineer.

I, Vernon L. Glaze of Dayville, Oregon, do hereby certify that this map was made from notes taken during an actual survey made by me on May, 26-27, 1912. And that it correctly represents the works described in the accompanying application, together with the location of streams, and other ditches in the immediate vicinity, and has written thereon the area in each smallest legal subdivision it is proposed to irrigate.

Vernonia L. Gay.

OFFICE OF STATE CLERK

ANALYSIS

253

Application No. 259

Permit No. 1386

MAP

SHOWING LOCATION OF PROPOSED
TITANIC DITCH

 $500/2$ $2' = 1 \text{ mi.}$

Application No. Permit No.

STATE OF OREGON WATER RESOURCES DEPARTMENT**Application for Permit to Appropriate Surface Water**

I, U.S.D.I., National Park Service, John Day Fossil Beds National Monument by Ben Ladd, Superintendent
of 420 W. Main, John Day
(Mailing Address) (City)
State of Oregon, 97845 Phone No. 575-0721 do hereby
(Zip Code)
make application for a permit to appropriate the following described waters of the State of Oregon:

1. The source of the proposed appropriation is John Day River
, a tributary of Columbia River
2. The point of diversion is to be located 1150 ft. N and 1150 ft. W
(N. or S.) (E. or W.)
from the SE corner of Section 7
(Public Land Survey Corner)
(If there is more than one point of diversion, each must be described)

being within the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of
Sec. 7 Tp. 12 S. R. 26 E., W. M., in the county of Grant
(N. or S.) (E. or W.)

3. Location of area to be irrigated, or place of use if other than irrigation.

Township	Range	Section	List $\frac{1}{4}$ of Section	List use and/or number of acres to be irrigated	
				primary	supplemental
12S	26E	6	SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.2	3.2
		6	NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.8	8.5
		6	SW $\frac{1}{4}$ SE $\frac{1}{4}$	7.6	5.9
		7	NW $\frac{1}{4}$ NE $\frac{1}{4}$	2.3	7.8
		7	SW $\frac{1}{4}$ NE $\frac{1}{4}$	6.0	9.0
		7	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.0	0.3
		7	NW $\frac{1}{4}$ NE $\frac{1}{4}$	4.0	13.4
				30.9	48.1
				79.0 ac total	

Form 690-1 (2-1-77)

cost
\$129

4. The amount of water which the applicant intends to apply to beneficial use is 1.37
cubic feet per second being 0.77 cfs primary and 0.6 cfs supplemental
(If water is to be used from more than one source, give quantity from each)

5. The use to which the water is to be applied is primary & supplemental irrigation
(Add 1/80th)

6.

DESCRIPTION OF WORKS

Include dimensions and type of construction of diversion dam and headgate, length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

7½ hp 8x6 flood pump - flood irrigation of ground applied for

NOTE: Supp. Irr is an additional 1/80th cfs to C-1955

If for domestic use state number of families to be supplied none

7. Construction work will begin on or before Oct. 1, 1983

8. Construction work will be completed on or before Oct. 1, 1984

9. The water will be completely applied to the proposed use on or before Oct. 1, 1985

Application No.

Permit No.

...

Permit No.

Application No.....

Permit No.....

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from

The use to which this water is to be applied is

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

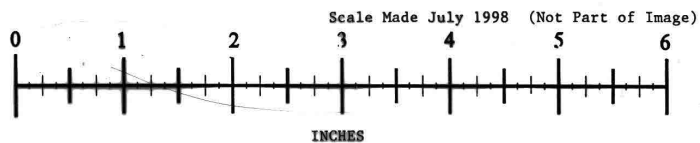
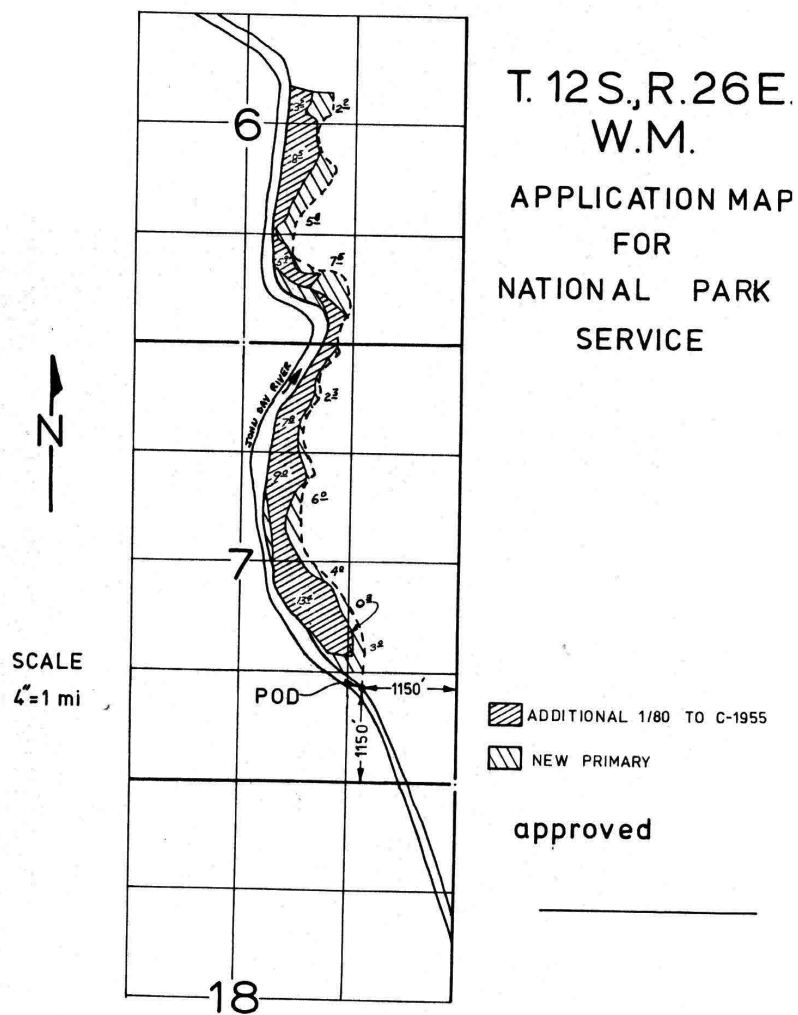
The priority date of this permit is

Actual construction work shall begin on or before..... and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

WITNESS my hand this day of....., 19.....

.....
Water Resources Director



Application for Transfer of Water Right

To the WATER RESOURCES DIRECTOR OF OREGON:

I, U.S.D.I., National Park Service, John Day Fossil Beds National
Monument, by Ben Ladd, Supervisor
of 420 W. Main (Mailing address), John Day (City),
State of Oregon, 97845 (Zip Code), 575-0721 (Phone number), do hereby make application for change
in point of diversion
(In point of diversion; place of use; use heretofore made of the water)

1. Is the water right recorded in your name? No, James Cant
(If not, give name)
2. Was your water right determined by Decree of Court? No If so, give title of proceedings
(Yes or No)
number of certificate
3. Was your water right acquired by Water Right Permit? Yes If so, give number
(Yes or No)
of permit 1386 Number of certificate 1955 A-2584

NOTE: If the entire right of record is not directly involved in the requested change, only that part of the right that is directly involved should be considered in answering the balance of the questions on this form.

4. The source of water is John Day River
5. What is the date of priority of your water right? September 30, 1912
6. The authorized point of diversion is located S 41°14'W, 1322.2 ft. from the SE
corner of Sec. 7 being within the NE 1/4 NE 1/4 of Section 18 Tp. 12S R. 26E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Grant The name of the ditch used is Titanic (see remarks)

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

7. The proposed point of diversion is located 1150 ft. N and 1150 ft. W from the SE
(N. or S.) (E. or W.)
corner of Sec. 7 being within the SE 1/4 SE 1/4 of Section 7 Tp. 12S R. 26E W. M.,
(No. N. or S.) (No. E. or W.)
in the county of Grant The name of the ditch to be used is --pump-& Titanic Ditch

Cost
\$165

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

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres Irrigated
12S	26E	6	SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.2
		6	NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.5
		6	SW $\frac{1}{4}$ SE $\frac{1}{4}$	5.9
		7	NW $\frac{1}{4}$ NE $\frac{1}{4}$	7.8
		7	SW $\frac{1}{4}$ NE $\frac{1}{4}$	9.0
		7	NE $\frac{1}{4}$ SE $\frac{1}{4}$	0.3
		7	NW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>13.4</u>
				48.1 ac total

(If more space required, attach separate sheet)

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

10. To your knowledge, has any portion of the water right above described undergone a period of five or more consecutive years of nonuse? No
(Yes or No)

NOTE: Answer questions 11, 12 and 13 if application is for change in use or place of use.

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

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

NATURE OF ENCUMBRANCE	HELD BY	AMOUNT

13. The use to which the water is to be applied is
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

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

Township North or South	Range E. or W. of Willamette Meridian	Section	List $\frac{1}{4}$ - $\frac{1}{4}$ of Section	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

14. Reasons for the proposed changes are River has washed out head portion of ditch and to eliminate ditch maintenance.

15. Construction work will be completed on or before Oct. 1, 1984

16. The water will be completely applied to the proposed use on or before Oct. 1, 1985

Remarks 7½ hp, 8x6 flood pump into existing ditch just upstream of irrigated land.

NOTE: Old diversion point by legal description does not match actual head of ditch.

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

AFFIDAVIT OF APPLICANT

I, _____, 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 _____ day of _____, 19_____

(Name of applicant)

Subscribed and sworn to before me this _____ day of _____, 19_____

[Notarial Seal]

NOTARY PUBLIC FOR OREGON

My commission expires _____

Her ...

The National Park Service became the present owner of the land in October, 1975.

The National Park Service believes C-1955 from the John Day River priority date of 9/30/1912, located in sections 6 & 7 of T 12 S, R 26 E, WM, to be in error.

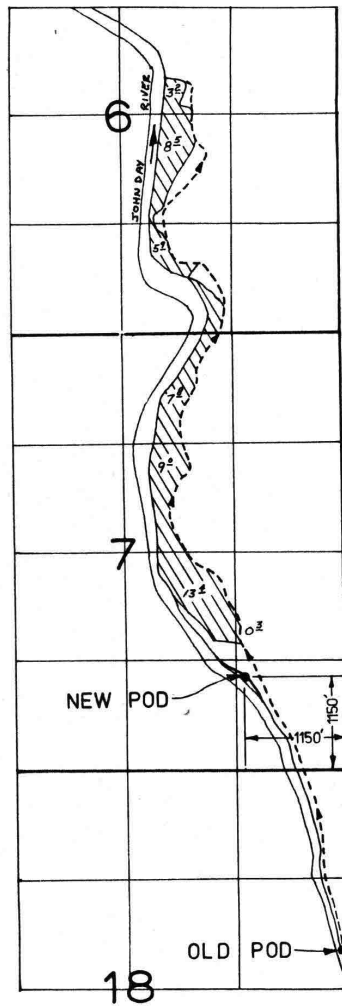
Further, We agree the John Day River Adjudication maps to be a correct and accurate location of the irrigated land under this water right.

We request the certificate be changed and amended to define the actual location of the irrigated ground.

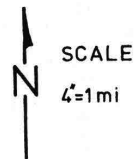
Sincerely,
Benj Ladd

WATER RESOURCES DEPT.
555 13th St., N.E.
Salem, OR 97310

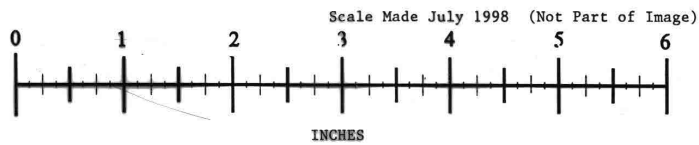
T. 12 S., R. 26 E., W.M.



TRANSFER APPLICATION
MAP FOR
NATIONAL PARK SERVICE



approved



page 2		801		16		OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTY COUNTY ASSESSOR'S OFFICE				
12	26	SEC	1/4	1/16	PARCEL NUMBER	TYPE	SPEC. INT. IN REAL PROP.	CODE AREA NUMBER	GRANT	
MAP NUMBER		TAX LOT NUMBER		FORMERLY PART OF		800				
INDENT EACH NEW COURSE TO THIS POINT		DESCRIPTION AND RECORD OF CHANGE				DATE OF ENTRY ON THIS CARD		DEED RECORD VOL. PG.		ACRES REMAINING
Sec 7: Lots 1,2,3 & 4, E$\frac{1}{2}$W$\frac{1}{2}$, E$\frac{1}{2}$, SAVE AND EXC the following: (a) Baap 135.0 ft N & 1245.0 ft W of the SE cor of sd Sec 7; th S 46°45'W 200.0 ft; th N 43°15'W 100.0 ft; th N 46°45'E 200.0 ft; th S 43°15'E 100.0 ft to the POB. (b) Beg at the SE cor of sd Sec 7; th N 21°24'00"W 618.0 ft; th N 60°17'30"W 511.25 ft; th N 5°53'00"W 321.8 ft; th N 63°38'00"W 389.1 ft; th N 45°49'30"W 230.0 ft; th N 6°04'30"W 636.4 ft; th N 38°30'00"W 920.0 ft; th N 11°46'00"W 335.0 ft; th N 20°03'00"E 489.7 ft; th N 19°54'30"W 468.35 ft; th N 25°47'00"E 1372.6 ft to the NW cor of the NE$\frac{1}{4}$ of sd Sec 7; th N 89°26'00"E alg the N sec line, 1327.7 ft to the NE cor of sd Sec 7; th S 0°05'15"W alg the E sec line of sd Sec 7, 5318.4 ft to the POB. (c) Baap which is 390.63 ft S and 1707.81 ft E of the NW cor of sd Sec 7; th S 13°10'00"W 1330.00 ft; th S 76°50'00"E 1471.18 ft to the center of the John Day River; th alg the c/l of sd river, downstream, as fols: N 8°13'00"W 195.22 ft; N 21°17'00"E 153.00 ft; N 15°43'00"E 997.74 ft; th leaving the c/l of sd river N 76°50'00"W 1466.00 ft to the POB. Containing 40 acres m/1, grantor reserves appurtenant water rights to sd 40 acres.										

12	26	page 3 801		16	OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTY GRANT COUNTY ASSESSOR'S OFFICE FORMERLY PART OF 800				
TWP.	RGE.	SEC.	1/4	1/16	PARCEL NUMBER	TYPE	SPEC. INT. IN REAL PROP.	CODE AREA NUMBER	
MAP NUMBER					TAX LOT NUMBER				
INDENT EACH NEW COURSE TO THIS POINT					DESCRIPTION AND RECORD OF CHANGE		DATE OF ENTRY ON THIS CARD	DEED RECORD VOL. PG.	ACRES REMAINING
(d) That por conveyed to the state of Oregon, by and thru its St Hwy Comm, by Deed dated Feb 4, 1963, rec Feb 14, 1963, in Bk 88, pg 260 Deed Records of Grant Co, Oregon, for the relocated hwy r/w. Sec 18: NE~~1~~NE~~1~~, SAVE AND EXCEPT the fol: (a) That portion conveyed to the state of Oregon by Deed dated _____, 1931, recorded Feb 19, 1931, in Bk 39, Pg 49, Deed Records of Grant Co, Oregon, for hwy r/w. (b) That portion conveyed to the St of Oregon by and thru its St Hwy Comm, by Deed dated Feb 4, 1963, recorded Feb 14, 1963 in Bk 88 pg 260 Deed Records of Grant Co, Oregon, for the relocated hwy r/w. Exc: Hwy R/W					B&S		9-9-76	114 160	767.44 712.76

DR A & A-C-68 (REV. 12-72)

Docket Information

Number of Documents in Docket 32

Documents Dated from 3/2/1984 to 6/9/2006

Docket Compiled: 3/21/2012