



WATER-RIGHT DOCKET

John Day Fossil Beds National Monument

Docket No: 3

JOHN DAY RIVER - IRRIGATION

State Water Rights Documentation

09-02-1998: Certificate of Water Right to use waters of John Day River for the purpose of supplemental irrigation

Docket #3

Certif No 75794

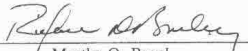
Supersedes
Certif
51513
(See Order Approving
Transfer 5368)

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 <u>SUPPLEMENTAL IRRIGATION OF 19.9 ACRES.</u>
The right has been perfected under Permit 24073. The date of priority is JANUARY 12, 1956. The right is limited to not more than 0.25 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, TOWNSHIP 12 SOUTH, RANGE 26 EAST, 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, is limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 5.0 acre-feet 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 3.4 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 AND PLACE OF USE approved by an order of the Water Resources Director entered MARCH 2, 1984, and <u>supersedes Certificate 51513, State Record of Water Right Certificates.</u>
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-5368.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 75794.

T-5368.SB

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION OF)
 USDI - NATIONAL PARK SERVICE)
 FOR APPROVAL OF CHANGES IN PLACE OF)
 USE AND POINT OF DIVERSION OF WATER)

ORDER APPROVING
 TRANSFER 5368

On September 13, 1983, an application was filed in the office of the Water Resources Director by USDI - National Park Service for approval of changes in place of use and 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 51513, Volume 46, State Record of Water Right Certificates, in the name of W.J. Foree, describes a right for the use of not to exceed 0.50 cubic foot per second from John Day River, for irrigation of 10.0 acres in NE 1/4 SW 1/4, 0.2 acre in SW 1/4 SW 1/4, 9.4 acres in SE 1/4 SW 1/4, Section 31, Township 10 South, Township 26 East, WM, and 0.3 acre in NW 1/4 NW 1/4, Section 6, Township 11 South, Range 26 East, WM, with a date of priority of January 12, 1956.

Water for the said right is diverted from a point located 1160 feet South and 1830 feet West from the South Quarter Corner of Section 31, being within the NW 1/4 NW 1/4 of Section 6, Township 11 South, Range 26 East, WM.

The applicant herein, owner of the lands above described, proposes to change said right to supplemental irrigation of 3.0 acres in SW 1/4 NE 1/4 and 16.9 acres in NW 1/4 SE 1/4, Section 7, Township 12 South, Range 26 East, WM, and 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 changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion are 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 0.50 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:

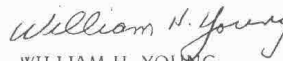
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 51513, Volume 46, 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.

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BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)	
OF LEO E. AND MARION H. JOHNSON)	
FOR APPROVAL OF A CHANGE IN)	ORDER APPROVING
POINT OF DIVERSION OF WATER)	TRANSFER 5172

On December 10, 1982, an application was filed in the office of the Water Resources Director by Leo E. and Marion H. Johnson 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 certificates recorded at page 5785, Volume 6, page 22724, Volume 16 and page 46260, Volume 38, State Record of Water Right Certificates, describe rights which include the use of not to exceed 0.67 cubic foot per second from John Day River, for irrigation of a certain 5.3 acres in SE 1/4 NW 1/4, 4.5 acres in NE 1/4 SW 1/4, 6.0 acres in NW 1/4 SW 1/4, 15.2 acres in SW 1/4 SW 1/4, Section 31, Township 10 South, Range 26 East, WM, and 10.0 acres in NW 1/4 NW 1/4, Section 6, Township 11 South, Range 26 East, WM, with dates of priority of March 12, 1920 (C 5785), August 5, 1946 (C 46260), and January 12, 1956 (C 22724).

Water for the said rights is diverted from a point located 1160 feet South and 1830 feet West from the North Quarter Corner of Section 6, being within the NW 1/4 NW 1/4 of Section 6, Township 11 South, Range 26 East, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to two points located (1) 1750 feet North and 875 feet East from the Northwest Corner of Section 6, being within the NW 1/4 SW 1/4 and 2) 420 feet North and 625 feet East from the Northwest Corner of Section 6, being within the SW 1/4 SW 1/4, both Section 31, Township 10 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 January 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 requested change in point of diversion, as described herein, without loss of priority, is approved, WITH THE FOLLOWING CONDITIONS.

The quantity of water diverted at the new points of diversion shall not exceed 0.67 cubic foot per second, and together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right.

The following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

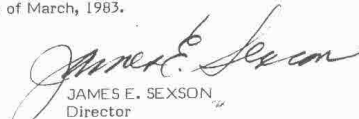
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificates recorded at page 5785, Volume 6, page 22724, Volume 16 and page 46260, Volume 38, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 7th day of March, 1983.


JAMES E. SEXSON
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.

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STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

Certif 2272
Succeeded by
Order Approving
Transfer 5172

This Is to Certify, That **W. J. FOREE**

of **Kimberly**, 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** under Permit No. **24073** 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 **January 12, 1956**

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 **0.6 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NW $\frac{1}{4}$ SW $\frac{1}{4}$** , Section 6, Township 11 South, Range 26 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-fortieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **5 acre feet per acre** for each acre irrigated during the irrigation season of each year,

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:

11.1 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
3.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
0.2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
9.4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 31
Township 10 South, Range 26 East, W. M.
0.3 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 6
Township 11 South, Range 26 East, W. M.

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

WITNESS the signature of the State Engineer, affixed

this **12th** day of **June**, 19 **57**.

LEWIS A. STANLEY
State Engineer

Recorded in State Record of Water Right Certificates, Volume **16**, page **22721**.



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

This certificated water right is appurtenant to the specific plan of use where it was established and belongs to the legal owner of the land.

The right exists only for the amount of water needed for the specific use and place of use described in the water right documents.

To change the place of use, point of diversion, or type of use of the water, an application must be filed with the Water Resources Director for approval of the proposed change.

Any portion of this water right is forfeited if allowed to go unused for five or more consecutive years. Also, the right may be lost at any time by an intentional act by the owner that would make the right unusable.

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SP 36527-690

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That W.J. FOREE

of Kimberly, State of Oregon 97848, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
John Day River

a tributary of Columbia River for the purpose of
irrigation of 19.9 acres

under Permit No. 24073 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 rights hereby confirmed dates from
January 12, 1956
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
0.50 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 6, T11S, R26E, WM; 1160 feet
South and 1830 feet West from S $\frac{1}{4}$ Corner, Section 31, T10S, R26E, WM.

The amount of water used for irrigation, together with the amount secured under any other right
existing for the same lands, shall be limited to one-fortieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed 5 acre-feet per acre for each acre irrigated
during the irrigation season of each year,

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:

10.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.3 acre NW $\frac{1}{4}$ NW $\frac{1}{4}$
0.2 acre SW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 6
9.4 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$	Township 11 South, Range 26 East, WM
Section 31	
Township 10 South, Range 26 East, WM	

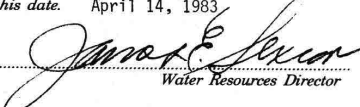
This certificate describes that portion of the water right confirmed by the
prior certificate recorded at page 22724, Volume 16, State Record of Water Right
Certificates, NOT modified by the provisions of an order of the Water Resources
Director entered March 7, 1983, approving Transfer Application 5172.

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

The right to the use of the water for the purposes aforesaid is restricted to the lands or place
of use herein described and is subject to the existing minimum flow policies established by the
Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. April 14, 1983


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51513

Docket Information

Number of Documents in Docket 10

Documents Dated from 6/12/1957 to 9/2/1998

Docket Compiled: 3/21/2012