



WATER-RIGHT DOCKET

John Day Fossil Beds National Monument

Docket No: 4

FOREE DIVERSION

State Water Rights Documentation

04-14-1983: Certificate of Water Right

690-10-15 SP'38527 (90)

STATE OF OREGON
COUNTY OF GRANT *AY 21848 Point 17226*

CERTIFICATE OF WATER RIGHT *(Over)*

This Is to Certify, That JAUNITA O'ROURKE & BUREAU OF LAND MANAGEMENT

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 5.6 acres and supplemental irrigation of 3.4 acres

under Permit No. 17226 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 August 5, 1946

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 0.23 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 the 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 limited to a diversion of not to exceed 1 acre-foot per acre for each acre irrigated during any month 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 20 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:

PRIMARY	SUPPLEMENTAL
1.0 acre SE $\frac{1}{4}$ NW $\frac{1}{4}$	3.4 acres Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
4.6 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 31
Section 31	Township 10 South, Range 26 East, WM

Land Conveyed to JODA deed

in JODA

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 46260, Volume 38, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on 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

Janet E. Seaton
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51514

not in JODA

*Cert. 51514 RR **

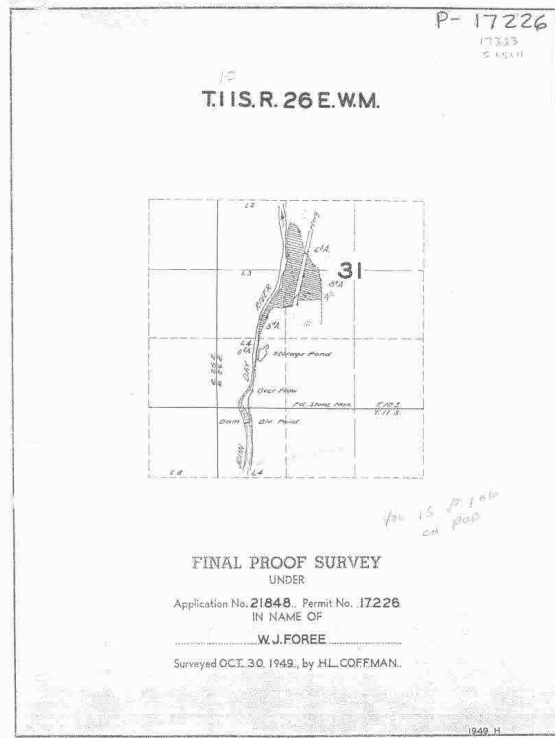
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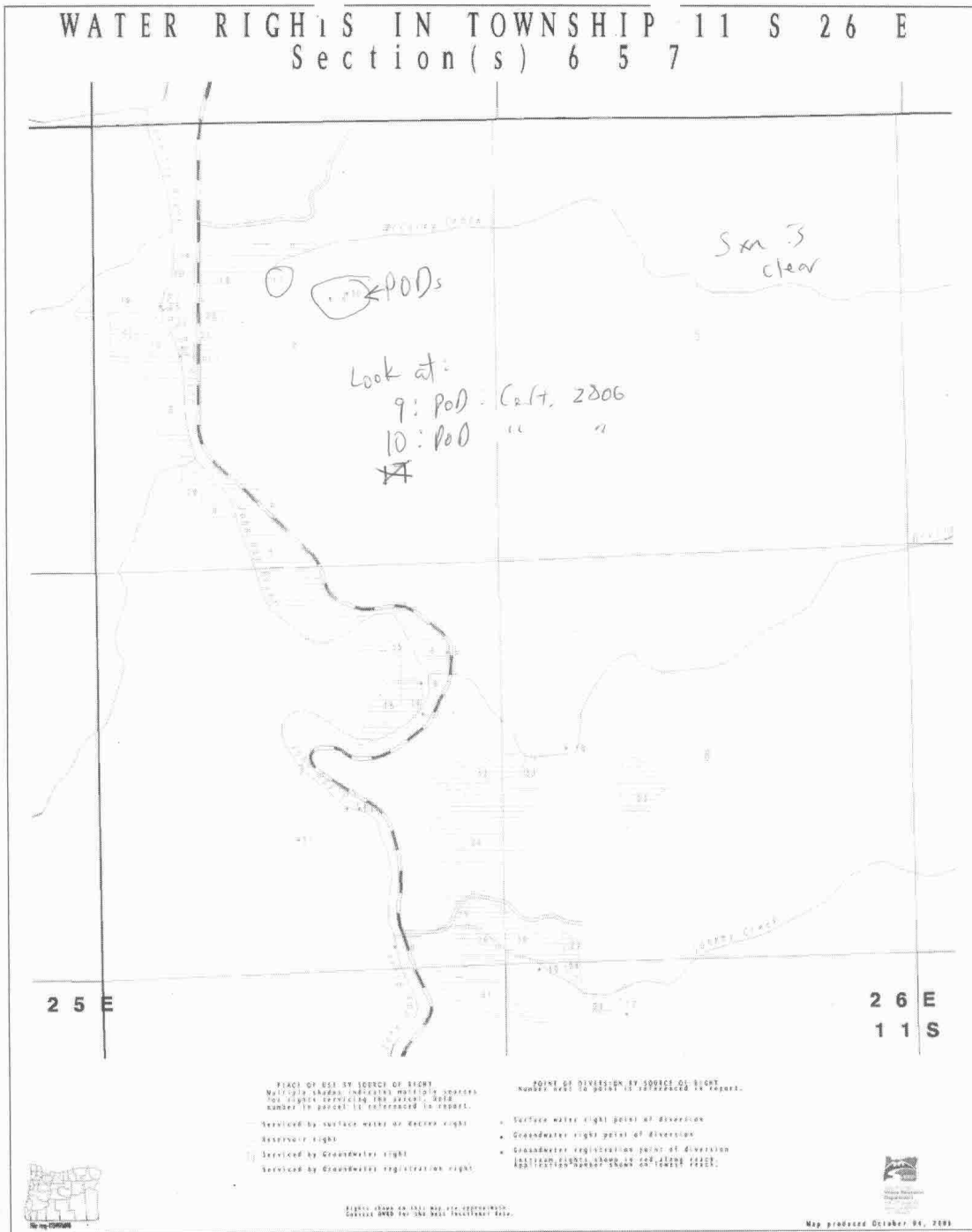
*Cal. 82412 CF **

42
57

503 986-0900

This water right initially was certificated
as 17333, and then to 46260. These have both
been cancelled, and supplanted by Certif.
51514 and 82412





BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

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

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 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:

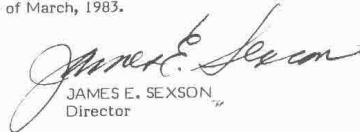
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

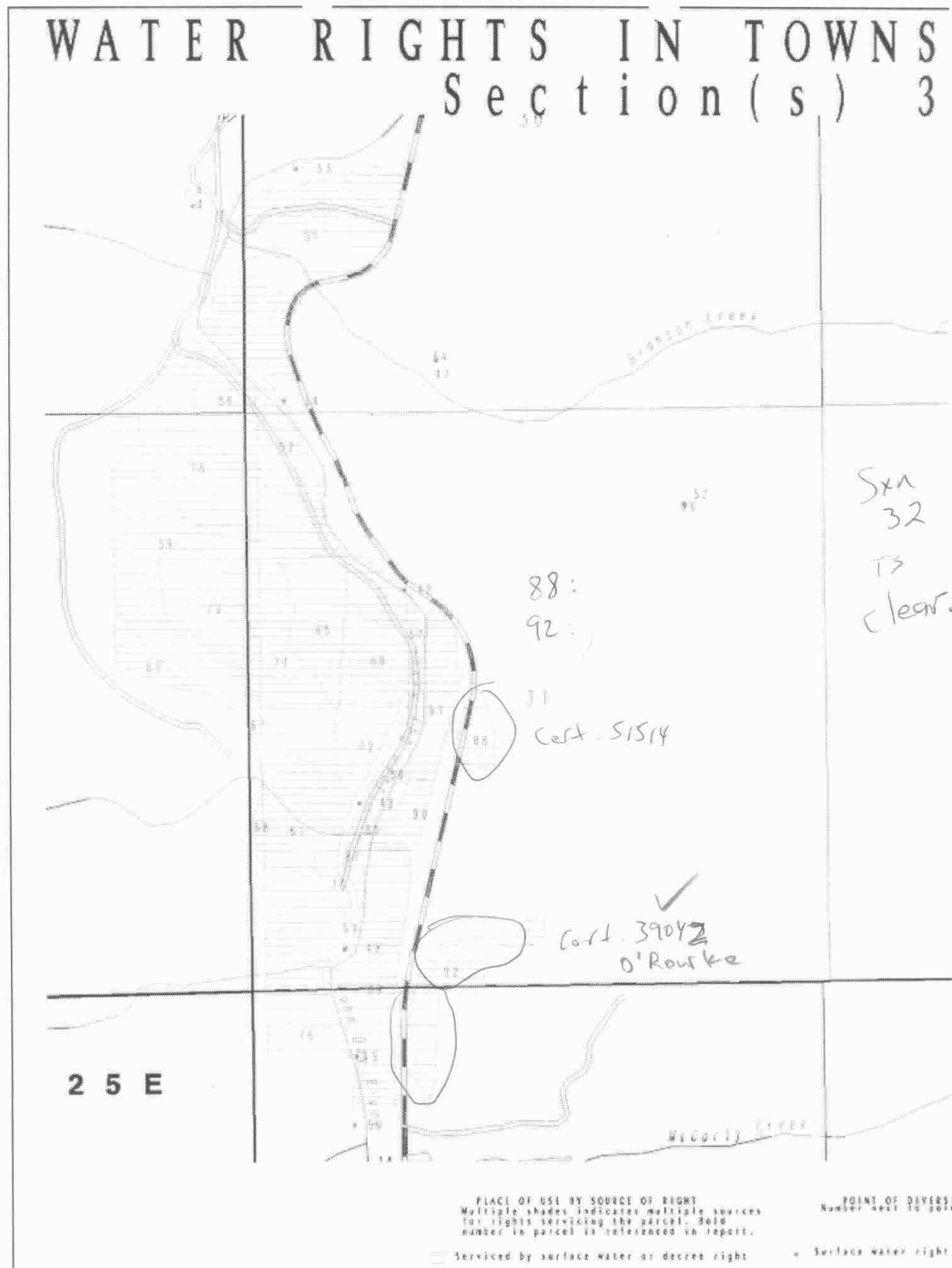
It is FURTHER ORDERED that the certificates recorded at page 5785, Volume 6, page 22724, Volume 16 and page 46260, Volume 38, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights NOT involved in this proceeding; and 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.

5319B



Permit A-2M-1

SP-25647-590

STATE OF OREGON
COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JAUNITA O'ROURKE & BUREAU OF LAND
MANAGEMENT

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 14.5 acres and supplemental irrigation of 3.4 acres

under Permit No. 17226 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
August 5, 1946

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
0.45 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, T. 11 S., R. 26 E., W. M.,
1160 feet South and 1830 feet West from the S $\frac{1}{4}$ Corner, Section 31, T. 10 S., R.
26 E., 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 limited to a
diversion of not to exceed 1 acre foot per acre for each acre irrigated during
any month 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 1st to September 20th 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:

Primary
6.3 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
8.0 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
0.2 acre Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 31
T. 10 S., R. 26 E., W. M.

Supplemental
3.4 acres Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 31
T. 10 S., R. 26 E., W. M.

This certificate is issued to confirm a change in point of diversion approved
by an order of the Water Resources Director entered May 31, 1966 and supersedes
certificate of water right recorded on Page 17333, Volume 14, State Record of
Water Right Certificates. The issuance of this superseding certificate does
not confirm the status of the water right in reference to ORS 540.610.

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. August 24, 1978

James E. Seaman
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 38, page 46260

Cancelled

Superseded
by
51514 and
82412

likely
conveyed to
JODA
in
deed

not
JODA

Cancelled

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION }
OF W. J. FOREE FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM JOHN DAY RIVER }

ORDER APPROVING
TRANSFER NO. F-60

On April 26, 1966, W. J. Foree 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 W. J. Foree and recorded at page 17333, Volume 14, State Record of Water Right Certificates, confirms a right to the use of the waters of John Day River for the irrigation of 6.3 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 8.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.2 acre in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), and the supplemental irrigation of 3.4 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), all within Section 31, Township 10 South, Range 26 East, W.M., with a date of priority of August 5, 1946.

These lands are irrigated from a point of diversion located 300 feet south and 2025 feet west from the north quarter corner of Section 6, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 11 South, Range 26 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to a point to be located 1075 feet south and 920 feet east from the northwest corner of Section 6, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 11 South, Range 26 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

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

No objections having been filed and it appearing that the proposed change in point of diversion of water 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 300 feet south and 2025 feet west from the north quarter corner of Section 6, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 11 South, Range 26 East, W.M.

To a point to be located 1075 feet south and 920 feet east from the northwest corner of Section 6, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 11 South, Range 26 East, W.M.

for the irrigation of 6.3 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 8.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.2 acre in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), and for the supplemental irrigation of 3.4 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), all within Section 31, Township 10 South, Range 26 East, W.M., with a date of priority of August 5, 1946, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1967.

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.

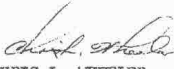
It is FURTHER ORDERED that the following provision shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include 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 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 certificate of water right heretofore issued to W. J. Foree and recorded at page 17333, Volume 14, State Record of Water Right Certificates is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to W. J. Foree confirming said change in point of diversion.

Dated at Salem, Oregon this 31st day of May, 1966.


CHRIS L. WHEELER
State Engineer

Permit A-1-124-2-56

State Printing Dept. 27889

Cancelled.

Dec 19 46260
Trs. Sp. Of. 7.15 p. 120

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

NOW IN
51514

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 and supplemental irrigation
under Permit No. 17225 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 August 5, 1946

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
0.45 cubic foot per second

Chg pt 7 div

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, 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 limited to a diver-
sion of not to exceed 1 acre foot per acre for each acre irrigated during any
month 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 1st
to September 30th of each year; provided further that the amount of water
allowed herein, together with the amount secured under any other right existing
for the same lands shall not exceed the limitation allowed herein, 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:

IRRIGATION

6.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$
8.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
0.2 acre in Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 31
T. 10 S., R. 26 E., W. M.

SUPPLEMENTAL IRRIGATION

3.4 acres in Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 31
T. 10 S., R. 26 E., W. M.

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

WITNESS the signature of the State Engineer, affixed

this 30th day of June, 19 50.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 17333

Permit-AM-4-46

Permit

17226

51514

* APPLICATION FOR PERMIT

SUPERSEDED
CERTIFICATE NO. 44260

To Appropriate the Public Waters of the State of Oregon

I, W. J. Forse (Name of applicant)
 of Kimberly (Mailing address) County of Grant
 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 John Day River (Name of stream)
 a tributary of
2. The amount of water which the applicant intends to apply to beneficial use is one
 cubic feet per second. (If water is to be used from more than one source, give quantity from each)
- **3. The use to which the water is to be applied is irrigation.
 (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 160 ft. South and 2086 ft. West from the N. 1/4
 corner of Sec. 6 (Section or subdivision)
 (If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)
 being within the NW 1/4 of NW 1/4 of Sec. 6, Tp. 11-S
 (Give smallest legal subdivision) (N. or S.)
 R. 26-E, W. M., in the county of Grant (E. or W.)

5. The Main Ditch (Main ditch, canal or pipe line) to be 2900
 in length, terminating in the NE 1/4 of SW 1/4 of Sec. 31, Tp. 10-S
 (Smallest legal subdivision) (N. or S.)
 R. 26-E, W. M., the proposed location being shown throughout on the accompanying map.
 (E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam feet, length on top feet, length at bottom
 feet; material to be used and character of construction
 (Loose rock, concrete, masonry,
 rock and brush, timber crib, etc., wasteway over or around dam)
- (b) Description of headgate Timber one 3' x 2'
 (Timber, concrete, etc., number and size of openings)
- (c) If water is to be pumped give general description
 (Size and type of pump)
 (Size and type of engine or motor to be used, total head water is to be lifted, etc.)

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

Call 82412

(Can access the vault)

(i) *The nature of the mines to be served*

Municipal or Domestic Supply—

10. (a) To supply the city of
 County, having a present population of
 (Name of) and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$ 150,000

12. Construction work will begin on or before August 1, 1946

13. Construction work will be completed on or before May 1, 1947

14. The water will be completely applied to the proposed use on or before May 1, 1947

(Sgd) W. J. Foras
 (Signature of applicant)

Remarks:

STATE OF OREGON, }
 County of Marion, } ss

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before September 12, 1946.

WITNESS my hand this 12th day of August, 1946.

CHAS. E. STRICKLIN

STATE ENGINEER

By

Ed K. Humphrey, Assistant vo

17226

Application No. 21848
 Permit No. 17226

PERMIT
 TO APPROPRIATE THE PUBLIC
 WATERS OF THE STATE
 OF OREGON

Division No. _____ District No. _____

This instrument was first received in the
 office of the State Engineer at Salem, Oregon,

on the 5th day of August,
1946, at 1:00 o'clock P. M.

Returned to applicant: _____

Corrected application received: _____

Approved: _____

December 16, 1946

Recorded in book No. 42 of

Permits on page 17226

CHAS. E. STRICKLIN
 STATE ENGINEER

Drainage Basin No. 6 Page 16

Fees Paid \$2.50

PERMIT

STATE OF OREGON, }
 County of Marion, } ss

This is to certify that I have examined the foregoing application and do hereby grant the same,
 SUBJECT TO EXISTING RIGHTS 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 0.50 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 John Day River

The use to which this water is to be applied is Irrigation and Supplemental Irrigation

If for irrigation, this appropriation shall be limited to 1/40th of one cubic foot per
 second 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 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 1st to September 30th
 of each year, provided further that the amount of water allowed herein, together with
 the amount secured under any other right existing for the same lands shall not exceed
 the limitation allowed herein.

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 August 5, 1946

Actual construction work shall begin on or before December 16, 1947 and shall
 thereafter be prosecuted with reasonable diligence and be completed on or before _____

October 1, 1948

Complete application of the water to the proposed use shall be made on or before _____

October 1, 1949

WITNESS my hand this 16th day of December, 1946.

CHAS. E. STRICKLIN
 STATE ENGINEER

Permits for power development are subject to the payment of annual fees as provided in sections 1 and 3, chapter 74, Oregon Laws 1933.

MICROFILM

LIBER 122 PAGE 268

STATUTORY WARRANTY DEED

The Grantor, JUANITA ^{MAE} ~~MAE~~ O'ROURKE (a widow), for and in consideration of the sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00), to her paid, receipt of which is hereby acknowledged, does hereby convey and warrant to the UNITED STATES OF AMERICA and its assigns, the following described property located in the County of Grant, State of Oregon, to wit:

In Twp. 10 S., R. 26 E., W.M.:

Sec. 31: (E 1/2 NE 1/4, SW 1/4 NE 1/4, E 1/2 NE 1/4 SE 1/4, NW 1/4 NE 1/4 SE 1/4, N 1/2 SW 1/4 NE 1/4 SE 1/4, NE 1/4 NW 1/4 SE 1/4, W 1/2 NW 1/4 SE 1/4, N 1/2 SE 1/4 NW 1/4 SE 1/4, W 1/2 SW 1/4 SE 1/4, E 1/2 SE 1/4 SE 1/4, SW 1/4 SE 1/4 SE 1/4, S 1/2 NW 1/4 SE 1/4 SE 1/4, and all that portion of the SE 1/4 NW 1/4, E 1/2 SW 1/4 and Lot 4 lying East of the Highway.

In Twp. 11 S., R. 26 E., W.M.:

Sec. 5: Lots 3 and 4, S 1/2 NW 1/4.

Sec. 6: S 1/2 of Lot 1; W 1/2 of Lot 2; SE 1/4 of Lot 2, Lot 3, S 1/2 NE 1/4 and two tracts of land in Lot 4, described as follows:

- (a) All that portion of Lot 4 lying East of the Highway.
- (b) The South 630.0 feet of that portion of Lot 4 lying West of the highway and East of the center of the John Day River.

SAVE & EXCEPT that portion conveyed to the State of Oregon, by and through its State Highway Commission by Deed dated July 25, 1944, recorded Aug. 14, 1944 in Book 47, Page 73, Deeds, described as follows:

Beginning at a point on the Easterly right of way line of the John Day Highway, opposite and 30 feet distant from Engineer's Station 512+51.3; said point being 749 feet South and 1486 feet West of the North quarter corner of said Sec 6;

thence S.89°41'E. 162 feet to the East line of Lot 4;
thence S. 0°19'W. along said East line, 515 feet;
thence S.73°33'30" W. 176.5 feet to the Easterly right of way line of the said highway;
thence N. 1°02'E., along said Easterly right of way line, 565.9 feet to the place of beginning.

Grantor hereby conveys all grazing rights associated, or existing within Sec. 31, Twp. 10 S., R. 26 E., W.M., and Sec. 6, Twp. 11 S., R. 26 E., W.M., and lying within the Monument.

Grantor also hereby conveys the Marlette mobile home situated on the property.

TOGETHER WITH THE Grantor's right, title and interest in and to water rights appurtenant to this property.

The land hereinabove described contains 673 acres, more or less.

The land is conveyed subject to existing easements of record for public roads and highways, public utilities, railroads, and pipelines.

John Day Fossil Beds National Monument
Tract 102-03

LIBER 122 PAGE 269

MICROFILM

TO HAVE AND TO HOLD the above described premises, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any wise appertaining, unto said UNITED STATES OF AMERICA and its assigns forever.

The Grantor further remises, releases, and forever quitclaims to the UNITED STATES OF AMERICA, and its assigns, all right, title and interest which the Grantor may have in the banks, beds, and waters of any streams bordering the said land to be conveyed and also all interest in any alleys, roads, streets, ways, strips, gores or railroad rights-of-way abutting or adjoining said land and in any means of ingress or egress appurtenant thereto.

The land is being acquired by the Department of the Interior, National Park Service.

IN WITNESS WHEREOF, the said Grantor has hereunto set her hand this 31st day of DECEMBER, 1979.

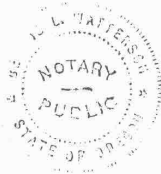
Juanita M. O'Rourke
JUANITA M. O'ROURKE
MTE

ACKNOWLEDGMENT

County of GRANT)
State of OREGON) SS

On this 31st day of DECEMBER, 1979, before the undersigned, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared JUANITA M. O'ROURKE, to me known to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.



Daniel M. [Signature]
Notary Public in and for said

County of GRANT
State of OREGON

My commission expires:

8/7/81



STATE OF OREGON
County of Grant
I hereby certify that the within instrument was filed for record on 31st day of DECEMBER, 1979 at 4:45 P.M. and the same is indexed on 268 page 267 of book 268.

RETURN TO: U.S.D.I., National Park Service
Pacific NW Region
4th & Pike Bldg.
Seattle, WA 98101

[Signature]
INDEXED

Docket Information

Number of Documents in Docket 18

Documents Dated from 12/16/1946 to 4/14/1983

Docket Compiled: 2/29/2012