



WATER-RIGHT DOCKET

John Day Fossil Beds National Monument

Docket No: 5

HUMPHRYS DIVERSION

State Water Rights Documentation

00-00-0000: Certificate of Water Right

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
RHYS AND ROBERT HUMPHRYS
WATERMAN ROUTE
MITCHELL, OREGON 97750

confirms the right to use the waters of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for the purpose of the PRIMARY IRRIGATION OF 16.1 ACRES AND THE SUPPLEMENTAL IRRIGATION OF 8.2 ACRES.

The right has been perfected under Permit 48103. The date of priority is SEPTEMBER 22, 1983. The right is limited to not more than 0.41 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 SW 1/4, SECTION 30, T 11 S, R 26 E, W.M.; 550 FEET NORTH AND 2240 FEET EAST FROM THE SW CORNER OF SECTION 30.

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.

The right shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

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:

	PRIMARY	SUPPLEMENTAL
NE 1/4 SW 1/4	1.4 ACRES	
SE 1/4 SW 1/4	14.7 ACRES	6.0 ACRES
SECTION 30		
NE 1/4 NW 1/4		2.2 ACRES
SECTION 31		

TOWNSHIP 11 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 this date JUNE 25, 1990.

WILLIAM L. YOUNG
Water Resources Director

Recorded in State Record of Water Right Certificates numbered 64410.
66667.JW

This is west of highway - not in Park

a portion of this (that part located east of the river) is in the park and is owned by JDA per the 1990 deed.

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 66667 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 Rhys and Robert Humphrys of Kimberly, Oregon 97848, phone 934-2274 for the use of the waters of John Day River, a tributary of Columbia River,

for the PURPOSE of Irrigation and supplemental irrigation

that the PRIORITY OF THE RIGHT dates from September 22, 1983

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.84 cubic foot per second

The POINT OF DIVERSION is to be LOCATED: 600 feet North and 2400 feet East from the Southwest Corner of Section 30, being within the SE 1/4 SW 1/4 of Section 30, Township 11 South, Range 26 East, WM, in the County of Grant.

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

Township 11 South, Range 26 East, WM	Section 30	NE 1/4	SW 1/4	<u>Primary</u> 6.4 acres
		SE 1/4	SW 1/4	16.7 acres
		NW 1/4	SE 1/4	0.4 acre
		SW 1/4	SE 1/4	0.9 acre
	Section 31	NE 1/4	NW 1/4	0.9 acre
		Section 30	SE 1/4	SW 1/4
	Section 31	NE 1/4	NW 1/4	2.2 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, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, 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 January 30, 1985, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1985.

Complete application of the water to the proposed use shall be made on or before October 1, 1986.

Witness my hand this 30th day of January, 1984.

/s/ WILLIAM H. YOUNG
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 66667 "CERTIFICATE NO. 64410" PERMIT 48103

COURT 1M-8-80

STATE OF OREGON

COUNTY OF

GRANT

CERTIFICATE OF WATER RIGHT

This all west of
the river - not
in JODA.
Disregard

This Is to Certify, That

RHYS HUMPHREYS

of Waterman Route, Mitchell
a right to the use of the waters of

, State of Oregon 97750 , has
Squaw Creek or Indian Creek

a tributary of John Day River
irrigation of 13.7 acres

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Grant County, and the said decree entered of record at Salem, in the Order Record of
the WATER RESOURCES DIRECTOR, in Volume 15 , at page 461; that the priority of the right
thereby confirmed dates from 1891

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed one-fortieth cubic
foot per second per acre irrigated to June 1 and one-eightieth cubic foot per
second per acre thereafter; further limited to one acre-foot per calendar
month to June 1 and four acre-feet per acre during season April 1 to September
30, measured at point of diversion.
The point of diversion is located in the

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

1.2 acres NE 1/4 NW 1/4
3.8 acres SE 1/4 NW 1/4
0.5 acre NE 1/4 SW 1/4
6.0 acres SE 1/4 SW 1/4
Section 30

2.2 acres NE 1/4 NW 1/4
Section 31
Township 11 South, Range 26 East, WM

This certificate describes that portion of the water right confirmed by the
prior certificate recorded at page 25360, Volume 17, State Record of Water
Right Certificates, NOT canceled by the provisions of an order of the Water
Resources Director entered on October 17, 1983.

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.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein
described.

WITNESS the signature of the Water Resources Director, affixed

this date November 17 , 1983

William J. Hunt
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46 , page 51728

90698

BEFORE THE WATER RESOURCES DIRECTOR
GRANT COUNTY

IN THE MATTER OF CANCELLATION)
OF A PORTION OF A WATER RIGHT)
IN THE NAME OF RHYS HUMPHREYS)

ORDER 37-506

On September 22, 1983, Rhys and Robert Humphreys of Waterman Route, Mitchell, Oregon 97750, submitted affidavits that they are the owners of a certain water right and the lands to which the water right is appurtenant; that they have abandoned any and all interest in and to the said water right and request the same be canceled.

The water right in question was established by Decree of Circuit Court for Grant County, entered November 16, 1956, in the Matter of the Determination of the Relative Rights to the Use of the Waters of John Day River, tabulated in the name of Rhys Humphreys, at page 530, Volume 10, Order Record of the Water Resources Director, and is a portion of the right described by the certificate recorded at page 25360, Volume 17, State Record of Water Right Certificates, in the name of Rhys Humphreys, and is for the use of not to exceed one-fortieth cubic foot per second of water from Squaw Creek or Indian Creek, with a date of priority of 1891, for irrigation of 3.0 acres in SE 1/4 SW 1/4, Section 30 and 2.8 acres in NE 1/4 NW 1/4, Section 31, Township 11 South, Range 26 East, WM.

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

NOW, THEREFORE, it is hereby ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 25360, Volume 17, State Record of Water Right Certificates, is canceled.

It is FURTHER ORDERED that the said certificate of water right is canceled, and in lieu thereof a new certificate be issued to describe the balance of the water right NOT involved in this proceeding.

Dated at Salem, Oregon, this 17th Day of October, 1983.


CHRIS WHEELER
Deputy Director

Court-1M-10-53

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That RHYE HUMPHREYS

of Kimberly, State of Oregon, has a right to the use of
the waters of Squaw Creek or Indian Creek
for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1891

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed $1/40$ cubic foot per second per acre irrigated to June 1 and $1/80$ cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

1.2 acres in NE 1/4 NW 1/4
3.8 acres in SE 1/4 NW 1/4
0.5 acre in NE 1/4 SW 1/4
9.0 acres in SE 1/4 SW 1/4
Section 30,
5.0 acres in NE 1/4 NW 1/4
Section 31,
T. 11 S., R. 26 E., W. M.

Order 37-506 declared
to following to be
abandoned:

3.0 a in SE SW S 30
2.8 a in NE NW S 31

Certificate 51728
re-issued to reflect
this change. 51728
is that portion that
was not declared abandoned.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 1st day of May, 1959.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25360

3050

900047

Cart. 64410

MICRO.

STATUTORY WARRANTY DEED

9716 11-26 RAH

The Grantors, ROBERT A. HUMPHREYS, and VIRGINIA L. HUMPHREYS, husband and wife, for and in consideration of the sum of FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$45,000.00), to them paid, receipt of which is hereby acknowledged, do 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:

All that certain parcel of land situated in Sections 30 and 31, Township 11 South, Range 26 East, Willamette Meridian, Grant County, Oregon, more particularly described as follows:

Section 30:

All that portion of the West Half of the Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4}$) and the Southeast Quarter Southwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$) lying easterly of the easterly right-of-way line of State Highway 19.

Section 31:

All that portion of the West Half of the Northeast Quarter ($W\frac{1}{2} NE\frac{1}{4}$) and the Northeast Quarter Northwest Quarter ($NE\frac{1}{4} NW\frac{1}{4}$) lying easterly of the easterly right-of-way line of State Highway 19.

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

The land hereinabove described contains 154.00 acres, more or less.

The land is conveyed subject to existing easements of record for public roads and highways, public utilities, railroads and pipelines. AND SUBJECT TO an easement dated August 9, 1941, recorded September 2, 1941, in Book 45, Page 1 of Deeds and subject to access restrictions of a width of 25 feet at Highway Engineer's Station 899+90 on the Easterly side of Highway and Highway Engineer's Station 930+40 on the Easterly side of Highway.

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

The Grantors further remise, release, and forever quitclaim to the UNITED STATES OF AMERICA, and its assigns, all right, title and interest which the Grantors may have in the banks, beds and waters of any streams bordering the said land 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.

COPY

Tract No. 101-19
John Day Fossil Beds NM

JOHN DAY FOSSIL BEDS NATIONAL
MONUMENT DEED NO. 6

MICROFILM

3050

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

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands this 13th day of July, 1990.

Robert A. Humphreys
ROBERT A. HUMPHREYS

Virginia L. Humphreys
VIRGINIA L. HUMPHREYS

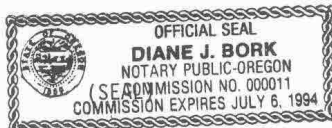
ACKNOWLEDGMENT

STATE OF Oregon)
COUNTY OF Grant) SS

I certify that I know or have satisfactory evidence that ROBERT A. HUMPHREYS and VIRGINIA L. HUMPHREYS, husband and wife, signed this instrument and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes herein mentioned.

Given Under My Hand and Official Seal this 13th day of July, 1990.

Diane J. Bork
Notary Public in and for the State of Oregon
residing at 406 NW Bedford, John Day, OR
My appointment expires: 7/6/94



Tract 101-19
John Day Fossil Beds NM



STATE OF OREGON } ss. 900047
County of Grant
I hereby certify that the within instrument was filed for record on this 20 day of July, 1990 at 11:06 o'clock A recorded in Book of inclusive.
Witness my hand and official seal
Carol Vega, County Clerk
By Mary Mauston Deputy
Fees \$

Docket Information

Number of Documents in Docket 7
Documents Dated from 5/1/1959 to 7/13/1990
Docket Compiled: 2/29/2012