



WATER-RIGHT DOCKET

John Day Fossil Beds National Monument

Docket No: 7

CANT DIVERSION

State Water Rights Documentation

05-01-1959: Certificate of Water Right

Court-1M-10-55

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That, JAMES CANT

of Dayville, State of Oregon, has a right to the use of

the waters of Rock 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 1899

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:

3.9 acres in SE 1/4 NW 1/4
3.3 acres in NE 1/4 SW 1/4
4.7 acres in SE 1/4 SW 1/4
Section 31,
T. 11 S., R. 26 E., W. 4 M.

5.2 acres in SW 1/4 NE 1/4
5.7 acres in SE 1/4 NW 1/4
5.3 acres in NW 1/4 SE 1/4
3.5 acres in SW 1/4 SE 1/4
Section 6,
0.9 acres in NW 1/4 NE 1/4
4.0 acres in SW 1/4 NE 1/4
4.0 acres in NW 1/4 SE 1/4
10.0 acres in SW 1/4 SE 1/4
Section 7,
5.0 acres in NE 1/4 NE 1/4
Section 18,
T. 12 S., R. 26 E., W. M.

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, 19 59.

LEWIS A. STANLEY
State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 24976

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CORRECTION BARGAIN AND SALE DEED

The Grantor, LILLIAN C. MASCALL, TRUSTEE, for and in consideration of the sum of \$370,000.00 (\$125,000 of which is for severance damage to Cant ranch property in Wheeler County, Oregon), to 10 in hand paid, bargains, sells, and conveys to the UNITED STATES OF AMERICA the following described property located in the county of Grant, state of Oregon, to wit:

In Township 11 S., Range 26E, W.M.:

Section 31: Lot 4, SE1/4NW1/4, E1/2SW1/4, SAVE & EXCEPT the following:

(a) Beginning at the South quarter corner of said Sec. 31; thence North 88°29'00" W., along the Section line, 1020.0 feet;
thence N. 18°54'00" West 275.0 feet;
thence N. 33°00'30" East 747.8 feet;
thence N. 0°49'00" East 3046.0 feet to the North line of the SE1/4NW1/4 of said Section 31;
thence East 657.9 feet to the Northeast corner of the SE1/4NW1/4 of said Section 31;
thence South along the center line of said Section 31, to the place of beginning.

(b) That portion conveyed to the state of Oregon, by and through its State Highway Commission, by Deed dated June 16, 1962, recorded July 20, 1962, in Book 87, Page 192, Deed records of Grant County, Oregon, for the relocated highway right-of-way.

(c) Beginning at a point where the South line of the NW1/4SW1/4 of said Section 31 intersects the Westerly right-of-way line of the John Day Highway; said point being North 39°41' West 1580.5 feet from the Southwest corner of said Section 31;
thence North 3°13' East, along said right-of-way line 134.2 feet;
thence North 89°09' West 300.0 feet;
thence South 23°21' West 145.1 feet to the South line of said NW1/4SW1/4;
thence South 89°09' East along said South line, 350.0 feet to the place of beginning.

In Township 12 S., Range 26 E., W.M.:

Section 6: Lots 3, 6 and 7, SE1/4NW1/4, E1/2SW1/4, W1/2S21/4, SAVE AND EXCEPT the following:

(a) Beginning at a point on the Easterly right-of-way line of the old John Day Highway; which point is 30 feet distant from (when measured at right angles to) the center line of said highway at Engineers Station 955+95.6; said point being 1560.1 feet North and 381.4 feet West of the South quarter corner of said Section 6;
thence North 61°37' East 203.2 feet;
thence S. 46°46' East 389.0 feet;
thence S. 1°42' East 465.4 feet;
thence S. 3°00' West 80.6 feet;
thence S. 10°40' 1/2' West 118.9 feet, more or less, to the Easterly right-of-way line of the John Day Highway;
thence N. 28°23' West along said Easterly right-of-way line, 946.1 feet to the place of beginning.

(b) Beginning at the North quarter corner of said Section 6;
thence N. 88°29'00" W., along the Section line, 1020.0 feet;

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thence S. 18°54'00" E. 610.00 feet;
 thence S. 47°41'45" E. 1207.7 feet to the Southeast corner
 of the NE1/4NW1/4 of said Section 6;
 thence N. 0°16'15" E., along the center line of said Section 6,
 1286.2 feet to the place of beginning.
 (c) That portion of Lot 3 and SE1/4NW1/4 conveyed to the
 state of Oregon, by and through its State Highway Commission,
 by Deed dated June 16, 1962, recorded July 20, 1962, in
 Book 87, Page 192, Deed Records of Grant County, Oregon, for
 the relocated highway right-of-way.
 (d) That portion of the E1/2SW1/4, SW1/4SE1/4 conveyed to
 the state of Oregon, by and through its State Highway
 Commission, by Deed dated February 4, 1963, recorded Feb. 14,
 1963, in Book 88, Page 260, Deed Records of Grant County,
 Oregon, for the relocated highway right-of-way.
 (e) That portion of the E1/2NW1/4 conveyed to the state of
 Oregon, by and through its State Highway Commission, by Deed
 dated December 22, 1965, recorded December 29, 1965, in
 Book 94, Page 106, Deed Records of Grant County, Oregon, for
 the relocated highway right-of-way.

Section 7: Lots 1, 2, 3, and 4, E1/2W1/2, E1/2, SAVE AND
 EXCEPT the following:

(a) Beginning at a point 135.0 feet North and 1245.0 feet
 West of the Southeast corner of said Section 7;
 thence S. 46°45' W. 200.0 feet;
 thence N. 43°15' W. 100.0 feet;
 thence N. 46°45' E. 200.0 feet;
 thence S. 43°15' E. 100.0 feet to the place of beginning.
 (b) Beginning at the Southeast corner of said Section 7;
 thence N. 21° 24'00" W. 618.0 feet;
 thence N. 60°17'30" W. 511.25 feet;
 thence N. 5°53'00" W. 321.8 feet;
 thence N. 63°38'00" W. 389.1 feet;
 thence N. 45°49'30" W. 230.0 feet;
 thence N. 6°04'30" W. 636.4 feet;
 thence N. 38°30'00" W. 920.0 feet;
 thence N. 11°46'00" W. 335.0 feet;
 thence N. 20°03'00" E. 489.7 feet;
 thence N. 19°54'30" W. 468.35 feet;
 thence N. 25°47'00" E. 1372.6 feet to the Northwest corner
 of the NE1/4NE1/4 of said Section 7;
 thence N. 89°26'00" E., along the North section line, 1327.7
 feet to the Northeast corner of said Section 7;
 thence S. 0°05'15" W., along the East section line of said
 Section 7, 5318.4 feet to the point of beginning.
 (c) Beginning at a point which is 390.63 feet South and
 1707.81 feet East of the Northwest corner of said Section 7;
 thence S. 13°10'00" W. 1330.00 feet;
 thence S. 76°50'00" E. 1471.18 feet to the center of the
 John Day River;
 thence along the centerline of said river, downstream, as
 follows: N. 8°13'00" W. 195.22 feet;
 N. 21°17'00" E. 153.00 feet;
 N. 15°43'00" E. 997.74 feet;
 thence, leaving the centerline of said river, N. 76°50'00" W.
 1466.00 feet to the point of beginning. Containing 40 acres,
 more or less; grantor reserves appurtenant water rights to
 said 40 acres.
 (d) That portion conveyed to the state of Oregon, by and
 through its State Highway Commission, by Deed dated Feb. 4,
 1963, recorded Feb. 14, 1963, in Book 88, Page 260, Deed
 Records of Grant County, Oregon, for the relocated highway
 right-of-way.

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Section 18: E1/4NE1/4, SAVE AND EXCEPT the following:

(a) That portion conveyed to the state of Oregon by Deed dated _____, 1931, recorded Feb. 19, 1931, in Book 39, Page 49, Deed Records of Grant County, Oregon, for highway right-of-way.

(b) That portion conveyed to the state of Oregon by and through its State Highway Commission, by Deed dated Feb. 4, 1963, recorded Feb. 14, 1963, in Book 88, Page 260, Deed Records of Grant County, Oregon, for the relocated highway right-of-way.

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

The land hereinabove described contains 849.44 acres, more or less.

The land is conveyed subject to existing easements for public roads and highways, public utilities, railroads and pipelines, and subject to reservation and exception in deed from Eastern Oregon Land Company dated January 30, 1918, recorded May 9, 1918, in Book 32, Page 583, deed records of Grant County, Oregon, relating to mineral rights, and also subject to the Abandonment and Retention Resolution Number 431 of the Oregon State Highway Commission dated July 15, 1965, recorded July 22, 1965, in Book 93, Page 235, deed records of Grant County, Oregon.

EXCEPTING AND RESERVING only the following rights and interests in the above described property:

Excepting and reserving to the Vendor and Vendor's successors and assigns: the use and occupancy of the land hereinabove described for ranching purposes for a period of seven (7) years after December 31, 1975. Said use and occupancy shall include the right to use water under the Cant Ranch water rights for ranching operations, the right to run livestock and engage in irrigation and haying operations, except upon property actually used for National Park buildings, parking areas, bridges, roads, improved campsites, utilities, and improved picnic grounds and other Park improvements. After the expiration of the aforesaid seven-year period, then the Vendor's right to use and occupancy shall cease upon ninety (90) days' written notice from the National Park Service; provided that thereafter if the United States permits any use of said property for ranching, haying or farming purposes, it shall give Vendor, upon 90 days' written notice a first right of refusal and option to continue ranching operations under a Special Use Permit upon the same or more favorable terms and conditions as the United States is willing to grant a permit for ranching the property and any part thereof to any other permittee.

Vendor also reserves a limited easement and right of access to and from State Highway 19 over and across said property west of said State Highway 19 to and from the Cant Ranch property lying westerly of State Highway 19 in Wheeler County, Oregon, all for the purpose of driving or transporting livestock, ranch hands, horses and/or ranch equipment over and across said property and for the purpose of gaining access to the extent necessary or desirable over and across said property to and from said State Highway 19 and to and from the Cant Ranch property west of said State Highway 19, including lands leased from the Bureau of Land Management, for the purpose of carrying out ranching operations.

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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 anywise 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.

This Deed is given to correct the acreage contained on that certain deed executed January 12, 1976, recorded in Book 114, Page 163, records of Grant County, Oregon.

IN WITNESS WHEREOF, the said Grantor has hereunto set her hand this 26th day of January, 1979.

Lillian C. Mascall, Trustee
LILLIAN C. MASCALL, TRUSTEE

ACKNOWLEDGMENT

County of Grant } SS
State of OREGON }

On this 26th day of January, 1979, before me, _____, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared LILLIAN C. MASCALL, TRUSTEE, known to me 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 of this certificate first above written.

Mary Ellen Green
Notary Public in and for said

My Commission expires: 9/16/81. County of Grant
State of Oregon.

Tract 01-106
John Day Fossil Beds
National Monument

COUNTY COURT, GRANT COUNTY
STATE OF OREGON

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I hereby certify that the within instrument was filed in my office for record on the 26th day of Feb, 1979 at 3:58 o'clock PM, and is duly recorded in Book 120 of Deeds at Pages 430 to 433 inclusive.

Witness my hand and official seal
John Lively, County Clerk
By *John Lively* Deputy
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*Return to: National Park Service
Pacific Northwest Region
601 4th Ave
Seattle, WA 98101*

Docket Information

Number of Documents in Docket 5

Documents Dated from 5/1/1959 to 1/26/1979

Docket Compiled: 2/29/2012