

Records Research Request

Date Requested: Nov 8th, 2004

Information Requested: Water Right Research
(Type of Request)

Requested By: [REDACTED]

Mailing Address: [REDACTED]

Phone Number: _____ Fax: _____

Property Location: _____

T-R-S 18-24

Taxlot: 2000, 2001, 2002

Additional Properties: _____

Mail to:

Address: _____

Phone #(s): _____

Fax: _____

Mail to:

Address: _____

Phone #(s): _____

Fax: _____

Date Request was Complete: 6/20/2005

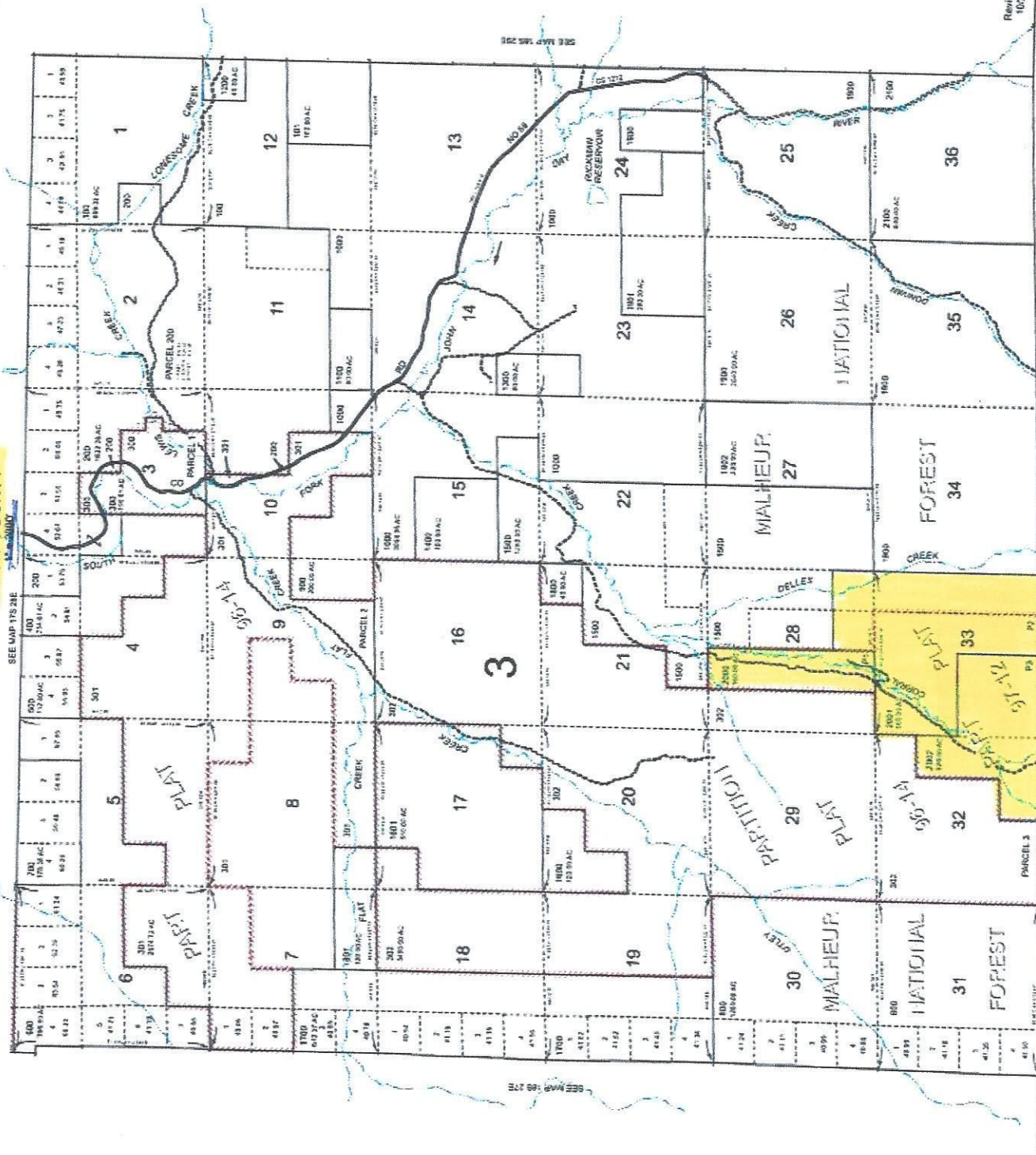
Research Completed By: [Signature]

Comments: _____

Time (hrs / \$): _____

Copies (# / \$): _____

Total Bill (\$): _____



STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That, **WALTER CAREY**

of **Iowa**, State of **Oregon**, has a right to the use of
the waters of **Corral Creek tributary of John Day River**
for the purpose of **Irrigation**

and that said right has been confirmed by decrees of the Circuit Court of the State of Oregon for
Grant County, and the said decrees 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 **1905**

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 **1/10** cubic foot per
second per acre irrigated to June 1 and **1/80** cubic foot per second per acre there-
after; 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:

9.2 acres in NE 1/4
6.8 acres in SE 1/4
9.6 acres in NE 1/4
4.6 acres in SE 1/4
Section 28,
T. 18 S., R. 28 E., W. 4 N.

And said right shall be subject to all other conditions and limitations contained in said decrees.
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

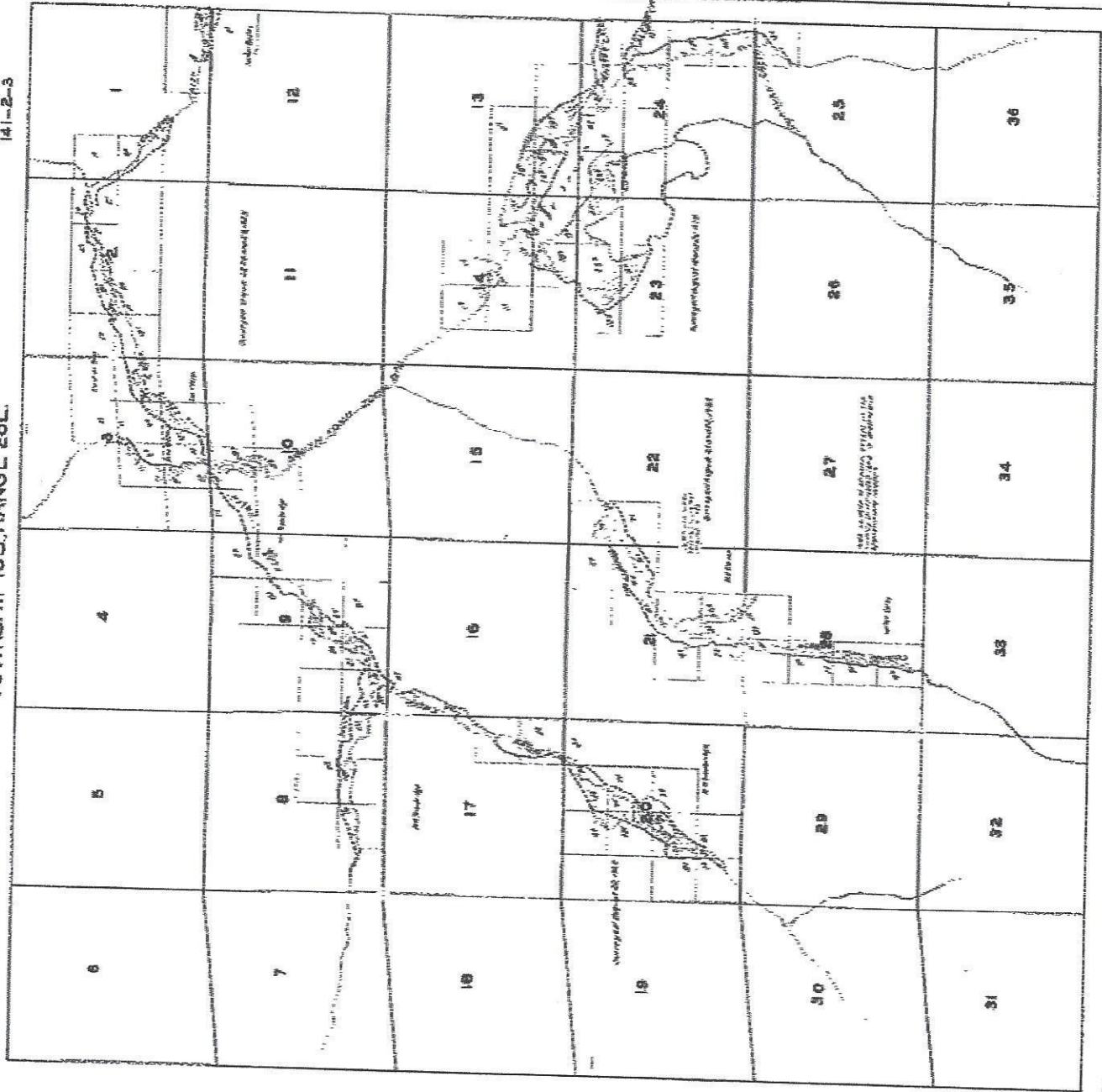
State Engineer

Recorded in State Record of Water Right Certificates, Volume **17**, page **24380**

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cyclic Post Per Second	Number Acres	Use	Name of Ditch	Stream	Description of Land or Place of Use
24975 Cannon R. D., Mitchell, Oregon. (Proof No. 208)	1883		11.2	Irrigation	Flock ditch	Spring in Sec. 1, T. 12S. R. 26E. and Marsh all Creek trib. of Mountain Creek	0.1 acre in NW 1/4 Sec. 1, T. 12S. R. 26E. and 7.1 acres in SW 1/4 Sec. 6, T. 12 S. R. 26 E. W. M.
24976 Cant, James, Dayville, Oregon. (Proof No. 209)	1899		65.5	Irrigation	Unnamed ditch	Rock Creek	3.9 acres in SE 1/4 Sec. 1, T. 11 S. R. 26 E. W. M. 3.3 acres in NE 1/4 Sec. 1, T. 11 S. R. 26 E. W. M. 4.7 acres in SE 1/4 Sec. 31, T. 11 S. R. 26 E. W. M. 5.2 acres in SW 1/4 Sec. 6, T. 12 S. R. 26 E. W. M. 5.7 acres in SE 1/4 Sec. 6, T. 12 S. R. 26 E. W. M. 5.3 acres in NE 1/4 Sec. 6, T. 12 S. R. 26 E. W. M. 3.5 acres in SW 1/4 Sec. 6, T. 12 S. R. 26 E. W. M. 0.9 acres in NW 1/4 Sec. 6, T. 12 S. R. 26 E. W. M. 4 acres in SE 1/4 Sec. 6, T. 12 S. R. 26 E. W. M. 4 acres in NE 1/4 Sec. 6, T. 12 S. R. 26 E. W. M. 10 acres in SW 1/4 Sec. 7, T. 12 S. R. 26 E. W. M. 5 acres in NW 1/4 Sec. 18, T. 12 S. R. 26 E. W. M.
24977 (Proof No. 210)	1902		9.3	Irrigation and domestic	Pipe line	Spring in NW 1/4 Sec. 12 T. 12S. R. 26E. trib. of John Day River	7 acres in NE 1/4 Sec. 6, T. 12 S. R. 26 E. W. M. 2.3 acres in SE 1/4 Sec. 6, T. 12 S. R. 26 E. W. M.
(Proof No. 211)	(Rights acquired under State Engineer's Permit No. 1386, Certificate 1956.)						
24978 Canyon City, Town of, a mun. corp., by Geo. Hagy, Recorder, Canyon City, Oregon. (Proof No. 212)	1905	max. flow 0.0933 S.F.		Municipal	Town Water System	Spring in Whiskey Gulch trib. of Canyon Creek	Used in Canyon City, Ore. T. 12 S. R. 26 E. W. M. T. 12 S. R. 26 E. W. M. T. 12 S. R. 26 E. W. M.
24979 Cardwell, S. J., Long Creek, Oregon. (Proof No. 213)	1879		15.1	Irrigation domestic and stock	Carl or Crisman ditch	Paul Creek	2 acres in SE 1/4 Sec. 9, T. 10 S. R. 26 E. W. M. 3 acres in NW 1/4 Sec. 16, T. 10 S. R. 26 E. W. M. 10.1 acres in NE 1/4 Sec. 17, T. 10 S. R. 26 E. W. M.
24980 Carey, Walter, Ise, Oregon. (Proof No. 214)	1906		30.4	Irrigation	Carey ditch	Corral Creek trib. of John Day River	9.2 acres in NW 1/4 Sec. 28, T. 18 S. R. 28 E. W. M. 6.8 acres in SE 1/4 Sec. 28, T. 18 S. R. 28 E. W. M. 9.6 acres in NE 1/4 Sec. 28, T. 18 S. R. 28 E. W. M. 4.6 acres in SW 1/4 Sec. 28, T. 18 S. R. 28 E. W. M.

TOWNSHIP 18S, RANGE 28E.

141-2-3



Important Disclaimer

This water rights research was conducted by staff at the Watermaster's office located in Canyon City, Oregon. Although every effort has been made to ensure an accurate search, the following discrepancies may occur:

- Acreage shown with a +/- symbol are approximations of the amount of water right on a tax lot. This could mean that a water right does not lie entirely within the tax lot requested or there is some other doubt as to the actual acreage indicated.
- If the recipient of the research wishes to know more accurately the amount of water rights appurtenant to their property they may want to consider hiring a surveyor who offers services to assemble a complete "water right portfolio". Individuals or businesses who perform this type of work can provide more detailed information on the amount of water right acreages on their property and better determine totals of legal flow or rate for each tax lot in question.
- Although a property may have water rights of record, if they have undergone five successive years of non-use they may be subject to cancellation under ORS 540.610. For a copy of this statute or more information, please contact the Watermaster's office.
- Some research may indicate water rights appurtenant to the property may be in "permit" form or may be in "transfer" form. These forms of a water right are a valid water right of record but are in an "Inchoate status". This means the water right is subject to variations, alterations or changes as the water right is processed to completion into a water right certificate. For more information contact the Watermaster Office.
- It is critical that the person requesting the research carefully check any research conducted by staff from this office to be sure that the water right is appurtenant to the property they are interested in. Any listings as a result of a manual search of the Watermaster's records are not based on the official water right of record. The official water right records are kept in the Salem office.



Oregon
Eina Kotele, Governor

Oregon Water Resources Department
Field Services Division
725 Summer St NE Ste A
Salem, Oregon 97301
(503) 986-0900
www.Oregon.gov/owrd

MEMO

Monday, August 14, 2023

Subject: Irrigation season for water rights in the John Day Basin

"The Irrigation season of the John Day River and its tributaries is hereby fixed as the period from April 1st to September 30th of each year."

John Day Basin Decree, Paragraph 106, Page 80

Irrigation that is authorized outside of the dates of April 1st through September 30th of each year is only allowed if the individual water right specifies a different period of time. If the certificate of water right in question does not list a time frame for an authorized irrigation season the default season is set by the John Day Basin Decree as April 1st through September 30th of each year. Please read your certificate of water right for clarification of your allowed irrigation season.

Violation of Oregon Water Law or Oregon Water Resources Department Administrative Rules may be subject to enforcement action and may include fines and or civil penalties as allowed under law.

If you have any questions concerning your water rights please do not hesitate to contact the local Watermaster Office for assistance.

Thank You

Eric W. Julsrud

Watermaster District 4

Oregon Water Resources Dept.



Tuesday, September 26, 2023

Irrigation Season

The irrigation season of the John Day River and its tributaries is hereby fixed as the period from April 1st to September 30th of each year.

Rate and Duty

1. Main John Day River above Picture Gorge:

A rate of flow limited to one-fortieth of one cubic foot per second per acre during the irrigation season.

A quantity of water limited to one acre foot per acre during any calendar month prior to July 1st, and thereafter not to exceed three-fourths of one acre foot per acre, and a total limitation during the irrigation season not to exceed five acre feet per acre.

2. Main John Day River below Picture Gorge, and the North and Middle Forks of the John Day River:

A rate of flow limited to one-fortieth of one cubic foot per second per acre during the irrigation season.

A quantity of water not to exceed one acre foot per acre during any calendar month and a total quantity during the irrigation season not to exceed five acre feet per acre.

3. South Fork John Day River and tributaries, all tributaries of the Main John Day River, and of the North and Middle Forks of the John Day River.

A rate of flow limited to one-fortieth of one cubic foot per second per acre prior to June 1st, and thereafter not to exceed one-eighth of one cubic foot per second per acre during the remainder of the irrigation season.

A quantity of water limited to one acre foot per acre during any calendar month prior to June 1st, and not to exceed, during the irrigation season, four acre feet per acre.

FORFEITURE OF WATER RIGHTS

540.610 Use as measure of water right; presumption of forfeiture of right for nonuse; basis for rebutting presumption; confirmation of rights of municipalities.

(1) Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right.

(2) Upon a showing of failure to use beneficially for five successive years, the appropriator has the burden of rebutting the presumption of forfeiture by showing one or more of the following:

(a) The water right is for use of water, or rights of use, acquired by cities and towns in this state, by appropriation or by purchase, for all reasonable and usual municipal purposes.

(b) A finding of forfeiture would impair the rights of such cities and towns to the use of water, whether acquired by appropriation or purchase, or heretofore recognized by act of the legislature, or which may hereafter be acquired.

(c) The use of water, or rights of use, are appurtenant to property obtained by the Department of Veterans' Affairs under ORS 407.135 or 407.145 for three years after the expiration of redemptions as provided in ORS 18.568 to 18.598 while the land is held by the Director of Veterans' Affairs, even if during such time the water is not used for a period of more than five successive years.

(d) The use of water, or rights of use, under a water right, if the owner of the property to which the right is appurtenant is unable to use the water due to economic hardship as defined by rule by the Water Resources Commission.

(e) The period of nonuse occurred during a period of time within which land was withdrawn from use in accordance with the Act of Congress of May 28, 1956, chapter 327 (7 U.S.C. 1801-1814; 1821-1824; 1831-1837), or the Federal Conservation Reserve Program, Act of Congress of December 23, 1985, chapter 198 (16 U.S.C. 3831-3836, 3841-3845). If necessary, in a cancellation proceeding under this section, the water right holder rebutting the presumption under this paragraph shall provide documentation that the water right holder's land was withdrawn from use under a federal reserve program.

(f) The end of the alleged period of nonuse occurred more than 15 years before the date upon which evidence of nonuse was submitted to the commission or the commission initiated cancellation proceedings under ORS 540.631, whichever occurs first.

(g) The owner of the property to which the water right was appurtenant is unable to use the water because the use of water under the right is discontinued under an order of the commission under ORS 537.775.

(h) The nonuse occurred during a period of time within which the water right holder was using reclaimed water in lieu of using water under an existing water right.

(i) The nonuse occurred during a period of time within which the water right holder was reusing water through land application as authorized by ORS 537.141 (1)(f) or 537.545 (1)(g) in lieu of using water under an existing water right.

(j) The owner or occupant of the property to which the water right is appurtenant was unable to make full beneficial use of the water because water was not available. A water right holder rebutting the presumption under this paragraph shall provide evidence that the water right holder was ready, willing and able to use the water had it been available.

(k) The holder of a water right is prohibited by law from using the water. If the prohibition is subject to remedial action that would allow the use of the water, the water right holder shall provide evidence that the water right holder is conducting the remedial action with reasonable diligence.

(l) The nonuse occurred during a period of time within which the exercise of all or part of the water right was not necessary due to climatic conditions, so long as the water right holder had a facility capable of handling the full allowed rate and duty, and was otherwise ready, willing and able to use the entire amount of water allowed under the water right.

(m) The nonuse occurred during a period of time within which the water was included in a transfer application pending before the Water Resources Department.

(3) Notwithstanding subsection (1) of this section, if the owner of a perfected and developed water right uses less water to accomplish the beneficial use allowed by the right, the right is not subject to forfeiture so long as:

(a) The user has a facility capable of handling the entire rate and duty authorized under the right; and

(b) The user is otherwise ready, willing and able to make full use of the right.

(4) The right of all cities and towns in this state to acquire rights to the use of the water of natural streams and lakes, not otherwise appropriated, and subject to existing rights, for all reasonable and usual municipal purposes, and for such future reasonable and usual municipal purposes as may reasonably be anticipated by reason of growth of population, or to secure sufficient water supply in cases of emergency, is expressly confirmed.

(5) After a water right is forfeited under subsection (1) of this section, the water that was the subject of use shall revert to the public and become again the subject of appropriation in the manner provided by law, subject to existing priorities. [Amended by 1985 c.689 §5; 1987 c.339 §4; 1989 c.699 §1; 1989 c.833 §61a; 1991 c.370 §6; 1995 c.356 §2; 1995 c.366 §1; 1997 c.42 §5; 1997 c.244 §5; 1997 c.283 §1; 1999 c.335 §3; 1999 c.804 §§3,4]