

Records Research Request

Date Requested: 3/5/26

Information Requested: Water Right Research / Well logs
(Type of Request)

Requested By: Julia Smith

Mailing Address: cupperchecklandeo@gmail.com

Phone Number: _____ Fax: _____

Property Location: _____

T-R-S 12-26 Taxlot: 3602

Additional Properties: _____

Mail to: _____
Address: _____
Phone #(s): _____ Fax: _____

Mail to: _____
Address: _____
Phone #(s): _____ Fax: _____

Date Request was Complete: 3/5/26

Research Completed By: 

Comments: _____

Time (hrs / \$): _____
Copies (# / \$): _____
Total Bill (\$): _____

T.12S. R.26E. W.M.
GRANT COUNTY



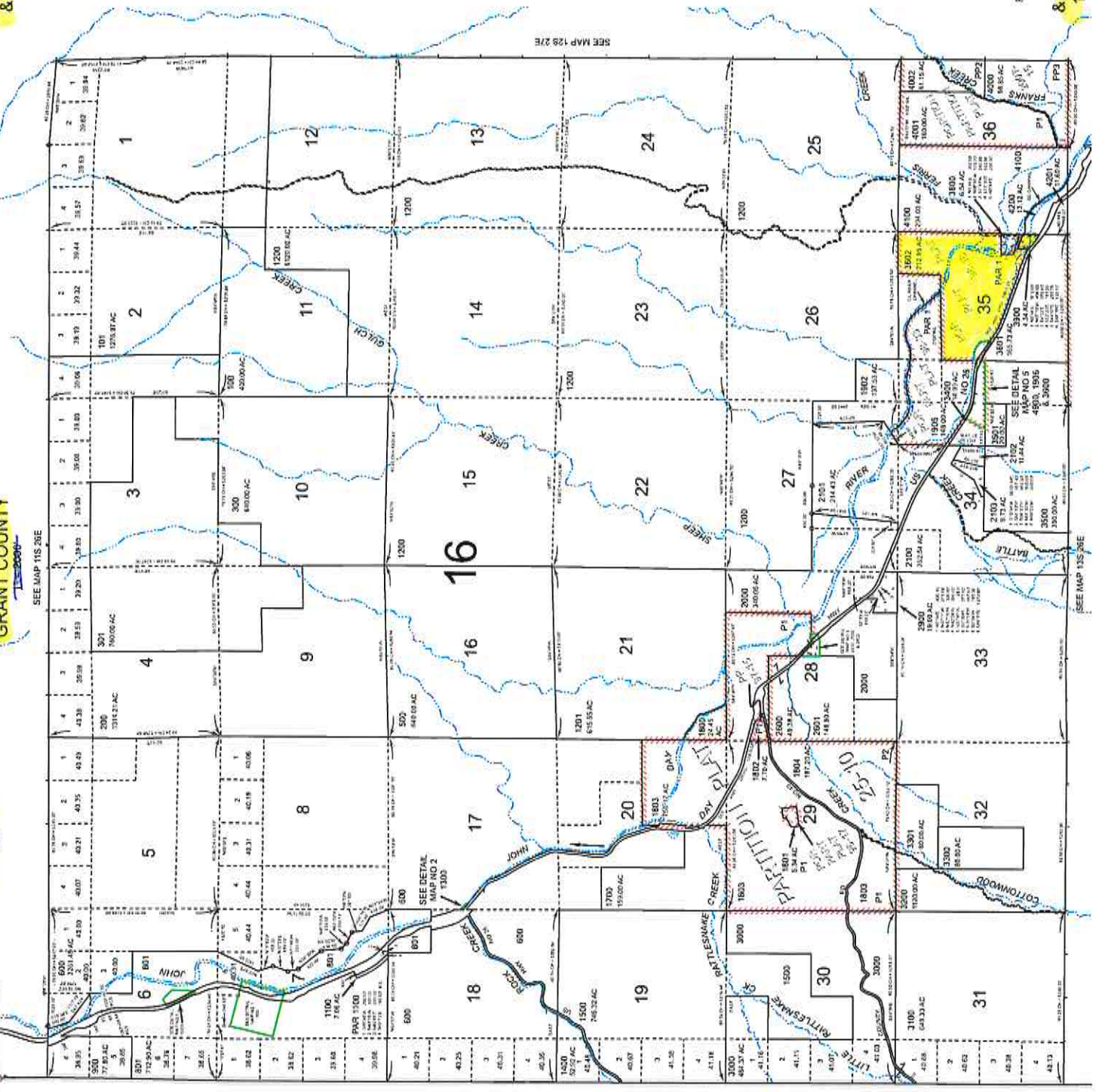
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

12S26E
& INDEX

Cancelled
300
400
500
600
700
800
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1000
1100
1200
1300
1400
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1600
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1900
2000
2100
2200
2300
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2500
2600
2700

Revised IMA
01/13/2026

& INDEX
12S26E



WHEELER COUNTY

SEE MAP 12S 27E

SEE MAP 12S 26E

SEE MAP 12S 26E

STATE OF OREGON

COUNTY OF GRANT

44.2

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JERALD CLAUSEN
BARBARA CLAUSEN
44011 HWY 26
DAYVILLE OR 97825

RICHARD SMARR
ELIZABETH SMARR
43588 HWY 26
DAYVILLE OR 97825

CHET HETTINGS
32543 WATERMAN RD
MITCHELL OR 97750

confirms the right to use the waters of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION of 52.8 ACRES AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1868.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.32 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the points of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	26 E	WM	35	NE SE	ADDITIONAL - 1620 FEET NORTH AND 390 FEET WEST FROM SE CORNER, SECTION 35
12 S	26 E	WM	36	SW SW	ORIGINAL RINGSMEYER DITCH (POD NO. 1) - 4800 FEET SOUTH AND 980 FEET EAST FROM NW CORNER, SECTION 36

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre irrigated from APRIL 1 TO SEPTEMBER 30; FURTHER LIMITED TO 1.0 ACRE-FOOT PER ACRE PER CALENDAR MONTH TO JULY 1 AND 3/4 ACRE-FOOT PER ACRE THEREAFTER; TOTAL FIVE ACRE-FEET PER ACRE FOR IRRIGATION SEASON, measured at the point of diversion.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	26 E	WM	35	SE NW	37.3
12 S	26 E	WM	35	NE SW	15.5

✓ Approx 6.9

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

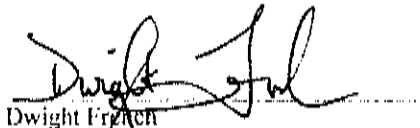
Water shall be acquired from the same surface water source as the original point of diversion.

The water user shall maintain a fish screen or fish by-pass device.

The right to the use of the water for the above purpose is restricted to beneficial use on place of use described, and is subject to all other conditions and limitations contained in said decree.

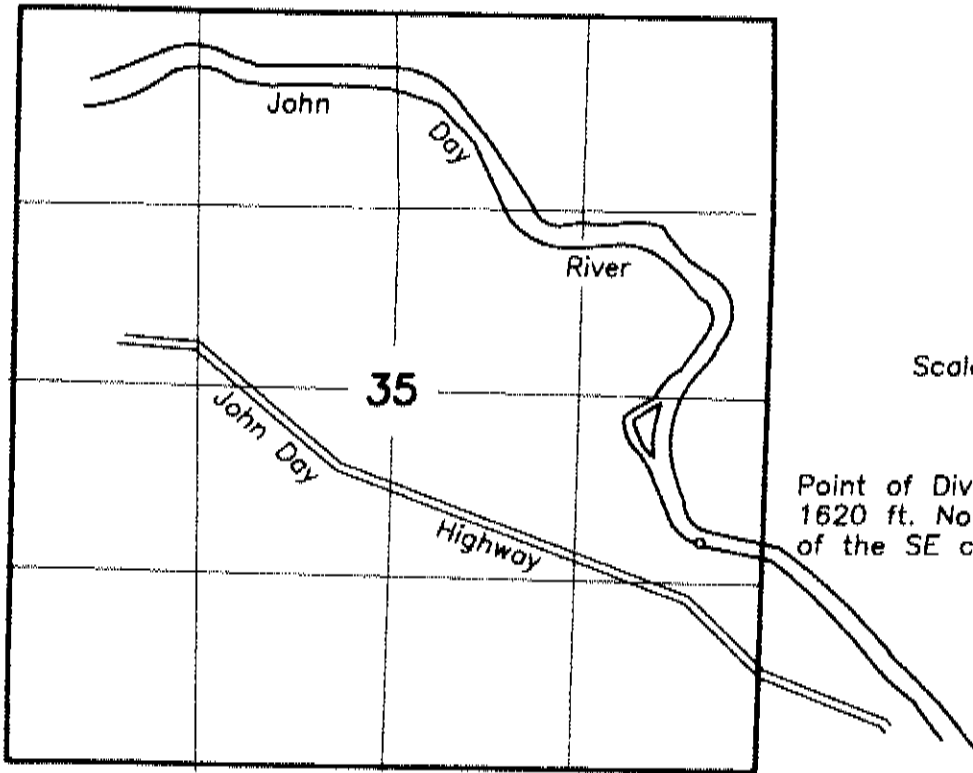
This certificate is issued to confirm an **ADDITIONAL POINT OF DIVERSION AND PARTIAL CANCELLATION OF A WATER RIGHT** approved by an order of the Water Resources Director entered December 6, 2002, at Special Order Volume 56, Page 2242, approving Transfer Application 8171, supercedes Certificate 25871, State Record of Water Right Certificates.

Issued **MAY 15 2015**



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

T12S R26E



Scale 1" = 1320'

Point of Diversion
1620 ft. North and 390 ft. West
of the SE corner of Sec. 35.

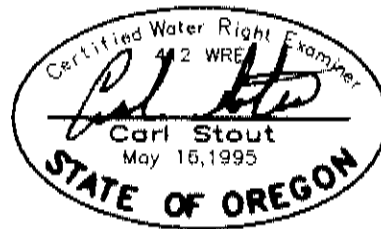
FINAL PROOF SURVEY

UNDER
Transfer T-8171

IN NAME OF

Jerald and Barbara Clausen
and
Richard and Elizabeth Smarr
and
Chet Hettinga

Surveyed March 22, 2005



RECEIVED

SEP 30 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JAN 26 1999

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION MAP FOR Additional Point of Diversion

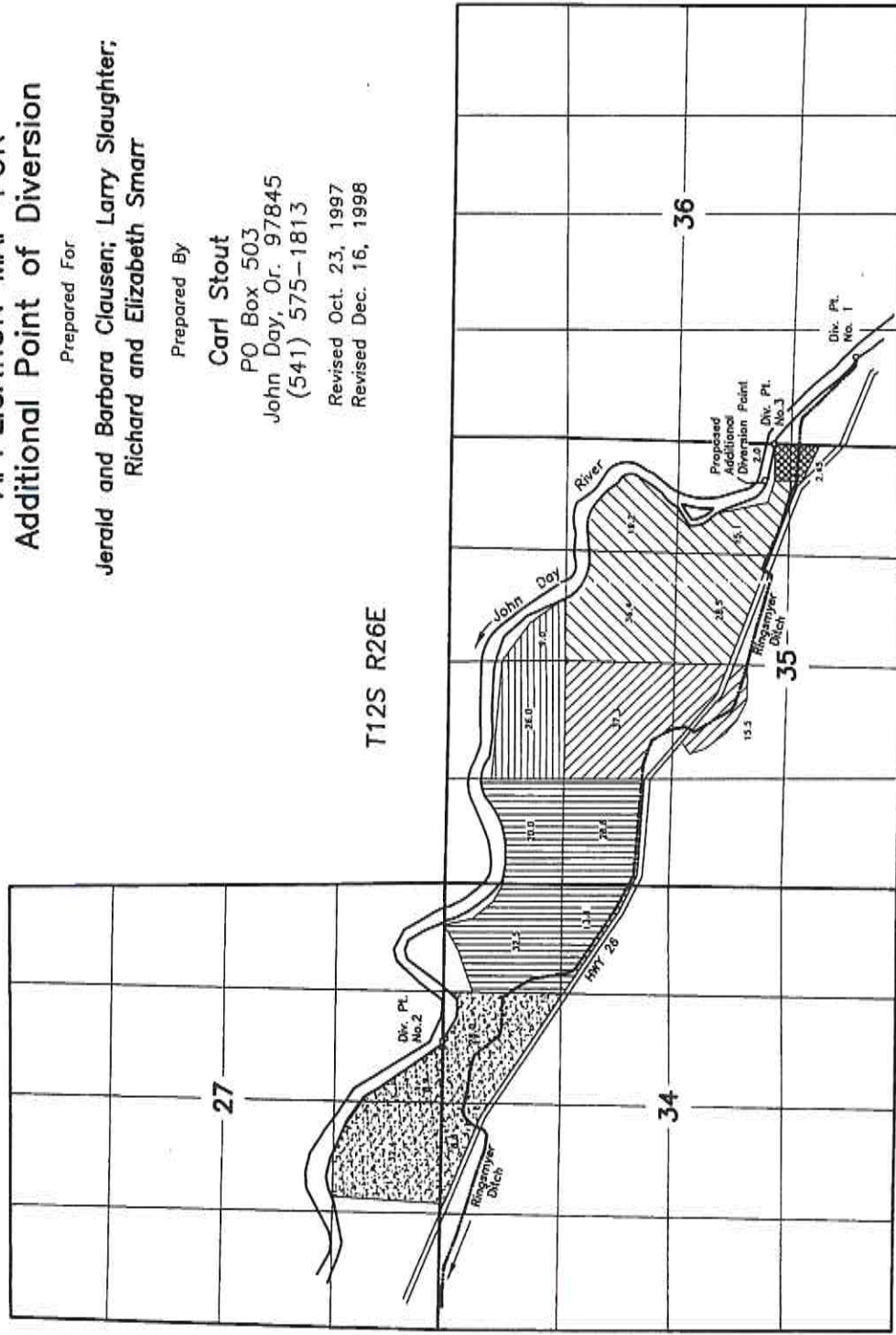
Prepared For

Jerald and Barbara Clausen; Larry Slaughte;
Richard and Elizabeth Smarr

Prepared By

Carl Stout
PO Box 503
John Day, Or. 97845
(541) 575-1813

Revised Oct. 23, 1997
Revised Dec. 16, 1998



- SCALE 1"=1320'
- C-25614 / T. 5665
 - C-25637
 - C-25871
 - C-25758
 - C-9520
 - C-8236

T-8171



Diversion Point No. 1 is 4800' S. and 980' E. of the NW corner of Sec. 36.
 Diversion Point No. 1 serves C-9520, C-25637, C-25758, C-25871, C-25614/15955.
 Diversion Point No. 2 is 10' S. and 1950' W. of the NW corner of Sec. 35.
 Diversion Point No. 2 serves C-25614 / T. 5955.
 Diversion Point No. 3 is 1378' N. of the SE corner of Sec. 35.
 Diversion Point No. 3 serves C-8236.
 Proposed additional Point of Diversion is 1620' N. and 390' W. of the SE corner of Sec. 35.

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.

99.2

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JERALD CLAUSEN
BARBARA CLAUSEN
44011 HWY 26
DAYVILLE OR 97825

RICHARD SMARR
ELIZABETH SMARR
43588 HWY 26
DAYVILLE OR 97825

CHET HETTINGS
32543 WATERMAN RD
MITCHELL OR 97750

confirms the right to use the waters of JOHN DAY RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION of 99.2 ACRES AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Grant County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 15, at Page 461. The date of priority is 1868.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.48 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	26 E	WM	35	NE SE	ADDITIONAL - 1620 FEET NORTH AND 390 FEET WEST FROM SE CORNER, SECTION 35
12 S	26 E	WM	36	SW SW	ORIGINAL RINGSMEYER DITCH (POD NO. 1) - 4800 FEET SOUTH AND 980 FEET EAST FROM NW CORNER, SECTION 36

The amount of water used for irrigation, together with the amount secured under any other right for the same lands, is limited to ONE-FORTIETH of one cubic foot per second per acre irrigated from APRIL 1 TO SEPTEMBER 30; FURTHER LIMITED TO 1.0 ACRE-FOOT PER ACRE PER CALENDAR MONTH TO JULY 1 AND 3/4 ACRE-FOOT PER ACRE THEREAFTER; TOTAL FIVE ACRE-FOOT PER ACRE FOR IRRIGATION SEASON, measured at the points of diversion.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
12 S	26 E	WM	35	SW NE	36.4
12 S	26 E	WM	35	SE NE	19.2
12 S	26 E	WM	35	NE SE	15.1
12 S	26 E	WM	35	NW SE	28.5

✓
✓
✓
✓

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The water user shall maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

Water shall be acquired from the same surface water source as the original point of diversion.

The water user shall maintain a fish screen or fish by-pass device.

The right to the use of the water for the above purpose is restricted to beneficial use on place of use described, and is subject to all other conditions and limitations contained in said decree.

This certificate is issued to confirm an ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered December 6, 2002, at Special Order Volume 56, Page 2242, approving Transfer Application 8171, supercedes Certificate 25637, State Record of Water Right Certificates.

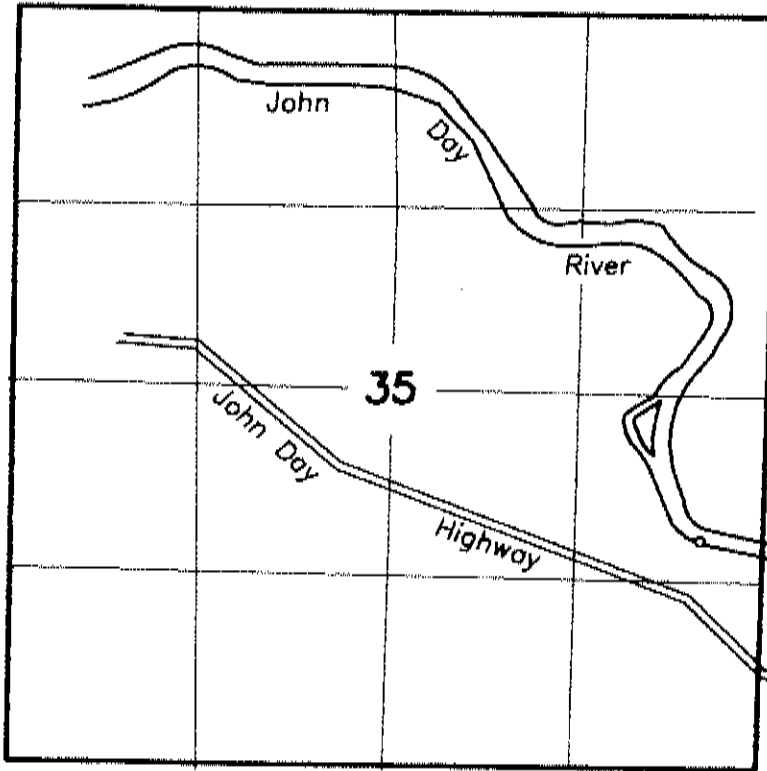
MAY 15 2015

Issued _____



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

T12S R26E



Scale 1"=1320'

Point of Diversion
1620 ft. North and 390 ft. West
of the SE corner of Sec. 35.

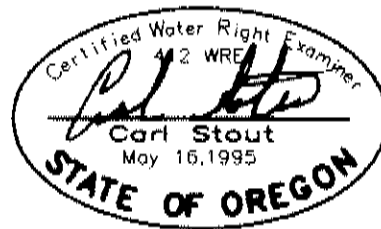
FINAL PROOF SURVEY

UNDER
Transfer T-8171

IN NAME OF

Jerald and Barbara Clausen
and
Richard and Elizabeth Smarr
and
Chet Hettinga

Surveyed March 22, 2005



RECEIVED

SEP 30 2005

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

JAN 26 1999

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION MAP FOR Additional Point of Diversion

Prepared For

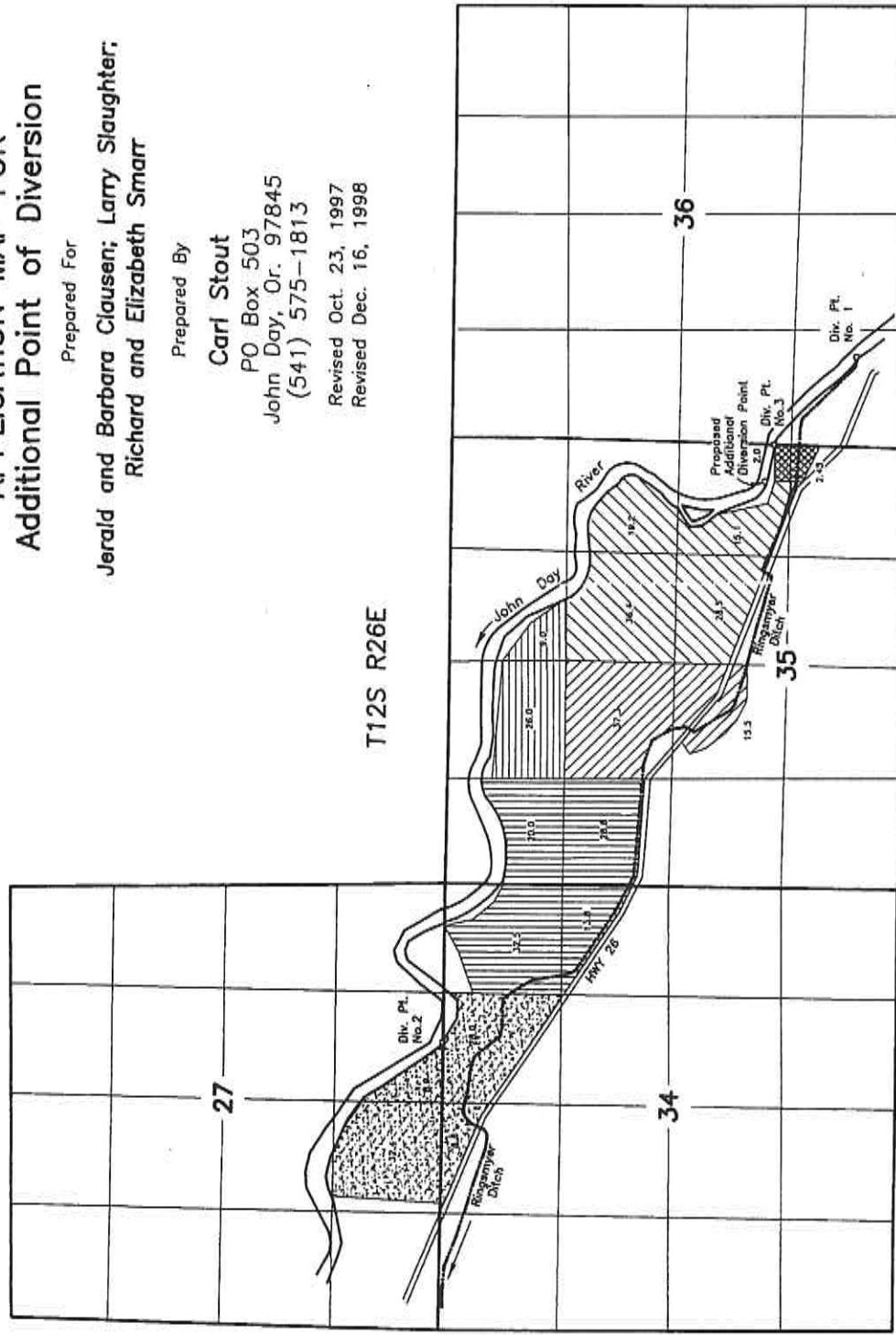
Jerald and Barbara Clausen; Larry Slaughter;
Richard and Elizabeth Smarr

Prepared By

Carl Stout
PO Box 503
John Day, Or. 97845
(541) 575-1813

Revised Oct. 23, 1997
Revised Dec. 16, 1998

T12S R26E



- SCALE 1" = 1320'
- C-25614 / T 5965
 - C-25637
 - C-25871
 - C-25758
 - C-9520
 - C-8236

T-8171



Diversion Point No. 1 is 4800' S. and 980' E. of the NW corner of Sec. 36.
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 Diversion Point No. 2 is 10' S. and 1950' W. of the NW corner of Sec. 35.
 Diversion Point No. 2 serves C-25614 / T 5955.
 Diversion Point No. 3 is 1378' N. of the SE corner of Sec. 35.
 Diversion Point No. 3 serves C-8236.
 Proposed additional Point of Diversion is 1620' N. and 390' W. of the SE corner of Sec. 35.

NOTE: The preparation of this map was for the purpose of identifying the location of the proposed water right and has no intent to provide dimensions or location of property ownership lines. Location information shown hereon was furnished by the applicant.

NOV 13 1990

of WATER RESOURCES DEPT. SALES OFFICER

Gran 031

125/26E/35 22497

STATE OF OREGON WATER WELL REPORT (as required by ORS 887.785)

(1) OWNER: Name John Stronge, Address HCR 1 Rd 911, City Darville Ore, State, Zip 97825

(2) TYPE OF WORK: [X] New Well, [] Deepen, [] Recondition, [] Abandon

(3) DRILL METHOD: [] Rotary Air, [] Rotary Mud, [X] Cable, [] Other

(4) PROPOSED USE: [X] Domestic, [] Community, [] Industrial, [] Irrigation, [] Thermal, [] Injection, [] Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval Yes No, Depth of Completed Well 50 ft., Explosives used [] Yes [X] No, Type, Amount

Table with columns: HOLE Diameter, From, To, SEAL Material, From, To, Amount sacks or pounds. Row 1: 12", 0, 20, Bentonite, 0, 20, 10. Row 2: 8", 20, 50.

How was seal placed: Method [] A [] B [] C [] D [] E, [X] Other Henry Pipe, Backfill placed from ft. to ft. Material, Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Casing: 8, 0, 20, .025, [X] Steel, [] Plastic, [X] Welded, [] Threaded.

Final location of shoe(s)

PERFORATIONS/SCREENS: [] Perforations Method, [] Screens Type Material

Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner. Multiple empty rows.

(8) WELL TESTS: Minimum testing time is 1 hour. [X] Pump, [] Bailer, [] Air, [] Flowing, [] Artesian. Yield gal/min 176Pm, Drawdown 1', Drill stem at, Time 1 hr.

Temperature of water, Depth Artesian Flow Found, Was a water analysis done? [] Yes By whom, Did any strata contain water not suitable for intended use? [] Too little, [] Salty [] Muddy [] Odor [] Colored [] Other, Depth of strata

(9) LOCATION OF WELL by legal description: County Grant, Latitude, Longitude, Township 12S, N or S, Range 26E, E or W, WM, Section 35, NW 1/4, SE 1/4, Tax Lot, Lot, Block, Subdivision, Street Address of Well

(10) STATIC WATER LEVEL: ft. below land surface, Date, Artesian pressure lb. per square inch, Date

(11) WATER BEARING ZONES: Table with columns: From, To, Estimated Flow Rate, SWL. Row 1: 22, 24, 50 Gpm, 10.

(12) WELL LOG: Table with columns: Material, From, To, SWL. Rows: Brown clay (0-10), GRAY Hard Pan (10-22), Coarse GRAVEL (22-24), GRAY clay (24-50). Includes RECEIVED stamp and SEP 4 1990 date.

Date started 7-30-90, Completed 8-16-90

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Signed Steve Walker, WWC Number, Date 1528

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. Signed Steve Walker, WWC Number, Date 1528

NOV 13 1990

12S/26E/35db

17909

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 537.785)

Grant
032

WATER RESOURCES DEPT.
SALEM, OREGON

(1) OWNER: Well Number: _____
Name Jest Clausen
Address 1424 East HCRol Box 910
City DAYVILLE State OR Zip 97701

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other _____

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 50 ft.
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Amount sacks or pounds
Diameter	From To	Material	From To	
8	0 20	Cement	0 12	30 Sacks

How was seal placed: Method A B C D E
 Other _____
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

Casing/Liner	Diameter	From	To	Gauge	Material			
					Steel	Plastic	Welded	Threaded
Casing	8	+1	23	.027	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

PERFORATIONS/SCREENS:
 Perforations Method _____
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian
Yield gal/min 10 GPM Drawdown 90' Drill stems at _____ Time 1 hr.

Temperature of water _____ Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Grant Latitude _____ Longitude _____
Township 12S N or S, Range 26E E or W, WM.
Section 35 NW SE
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL:
8 ft. below land surface, Date 7-30-90
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 8'

From	To	Estimated Flow Rate	SWL
8	15	20 GPM	8
34	35	9 GPM	8

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
Brown clay	0	10	8
GRAY Hard Pan	10	18	8
Green SLICKY CLAY	18	34	8
GRAY Clay + GRAVEL	34	100	8

RECEIVED

SEP - 4 1990

WATER RESOURCES DEPT.
SALEM, OREGON

Date started 7-16-90 Completed 7-30-90

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed _____ WWC Number _____
Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed Steve Mathew WWC Number 1523
Date 8-29-90

STATE OF OREGON
 WATER SUPPLY WELL REPORT
 (as required by ORS 537.765)

WELL I.D. # L 49947
 START CARD # 115291

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Well Number _____
 Name TED CLAYSON
 Address HCR-01 BOX 910
 City DAYVILLE State OR Zip 97825

(2) TYPE OF WORK
 New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:
 Rotary Air Rotary Mud Cable Auger
 Other _____

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other _____

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Well _____ ft.
 Explosives used Yes No Type _____ Amount _____

HOLE		SEAL	
Diameter	From To	Material	Sacks or pounds
		<u>EXISTING SEAL</u>	

How was seal placed: Method A B C D E
 Other _____

Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	<u>EXISTING</u>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:	<u>5"</u>	<u>20'</u>	<u>210</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
 Final location of shoe(s) 210'

(7) PERFORATIONS/SCREENS:
 Perforations Method SAW CUT
 Screens Type SLOT Material _____

From	To	Slot size	Number	Diameter size	Tele/pipe size	Casing	Liner
<u>80'</u>	<u>210'</u>	<u>1/8"</u>	<u>300</u>	<u>1/2 x 6"</u>	<u>2 x 160</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem at	Time
<u>7 GPM</u>	<u>UNKNOWN</u>	<u>210'</u>	<u>1 hr.</u>

Temperature of water 56° Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL by legal description:
 County GRANT Latitude _____ Longitude _____
 Township 12 N or S Range 26 E or W. WM.
 Section 35 SW 1/4 NE 1/4
 Tax Lot 300 Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) Hwy 26 E DAYVILLE, OR

(10) STATIC WATER LEVEL:
26' ft. below land surface. Date 6/12/01
 Artesian pressure 0 lb. per square inch Date 6/12/01

(11) WATER BEARING ZONES:

Depth at which water was first found 145'

From	To	Estimated Flow Rate	SWL
<u>145'</u>	<u>146'</u>	<u>26 GPM</u>	<u>26'</u>

(12) WELL LOG:
 Ground Elevation _____

Material	From	To	SWL
<u>GREEN CLAYSTONE</u>	<u>110'</u>	<u>210'</u>	<u>26'</u>

RECEIVED
 JUN 11 2001
 WATER RESOURCES DEPT
 SALEM, OREGON

Date started 6/12/01 Completed 6/12/01

(unbonded) Water Well Constructor Certification:
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
CUMMINGS WELL
 Signed DRILLING 447-2967 WWC Number _____ Date _____

(bonded) Water Well Constructor Certification:
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
 Signed [Signature] WWC Number 1355 Date 6/12/01

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

Tina Kottek, 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-eightieth 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)(i) 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]