

Records Research Request

Date Requested: 12/6/2023

Information Requested: Water Right Research
(Type of Request)

Requested By: 1madden88@outlook.com

Mailing Address: _____

Phone Number: _____ Fax: _____

Property Location: _____

T-R-S 13-28-13 Taxlot: 301

Additional Properties: _____

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

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

Date Request was Complete: 12/19/2023

Research Completed By: 

Comments: _____

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

JULSRUD Eric W * WRD

From: Lindsey Madden <lmadden88@outlook.com>
Sent: Wednesday, December 6, 2023 3:40 PM
To: JULSRUD Eric W * WRD
Subject: Water Rights on 51257 HWY 26, Mount Vernon

Hi Eric,
When you have a second can you pull up the water rights for:
51257 HWY 26, Mount Vernon, OR.
2.16 acres
13-28-13 TL 301

Thank you!

Sincerely,

Lindsey Madden

PRINCIPAL BROKER



541.792.0031



LMADDEN88@OUTLOOK.COM



237 S. CANYON BLVD
JOHN DAY, OR 97845



WWW.MADDENREALTYEASTERNOREGON.COM

STATE OF OREGON
 COUNTY OF GRANT
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

SARAH A. MOORE
 MT. VERNON, OREGON 97865

confirms the right to use the waters of JOHN DAY RIVER, tributary to COLUMBIA RIVER for IRRIGATION of 73.2 ACRES.

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 1885.

The amount of water used for irrigation, is limited to a diversion of ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated from April 1 to September 30; further limited to 1 acre-foot per acre per calendar month to July 1, and ¼ acre-foot per acre thereafter; not to exceed 5 acre-feet per acre for each acre irrigated during the irrigation season of each year, measured at the point of diversion. 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 above purpose is restricted to beneficial use on the lands or place of use described.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
13 S	28 E	WM	13	NE SW	3.6
13 S	28 E	WM	13	NW SW	6.9
13 S	28 E	WM	13	SW SW	24.9
13 S	28 E	WM	13	SE SW	2.0
13 S	28 E	WM	14	NE SE	10.5
13 S	28 E	WM	14	SE SE	25.3

Approximately 0.75 ac +/- on Tax lot 301 of 13-28-13 (13-28-13) 12/19/2023

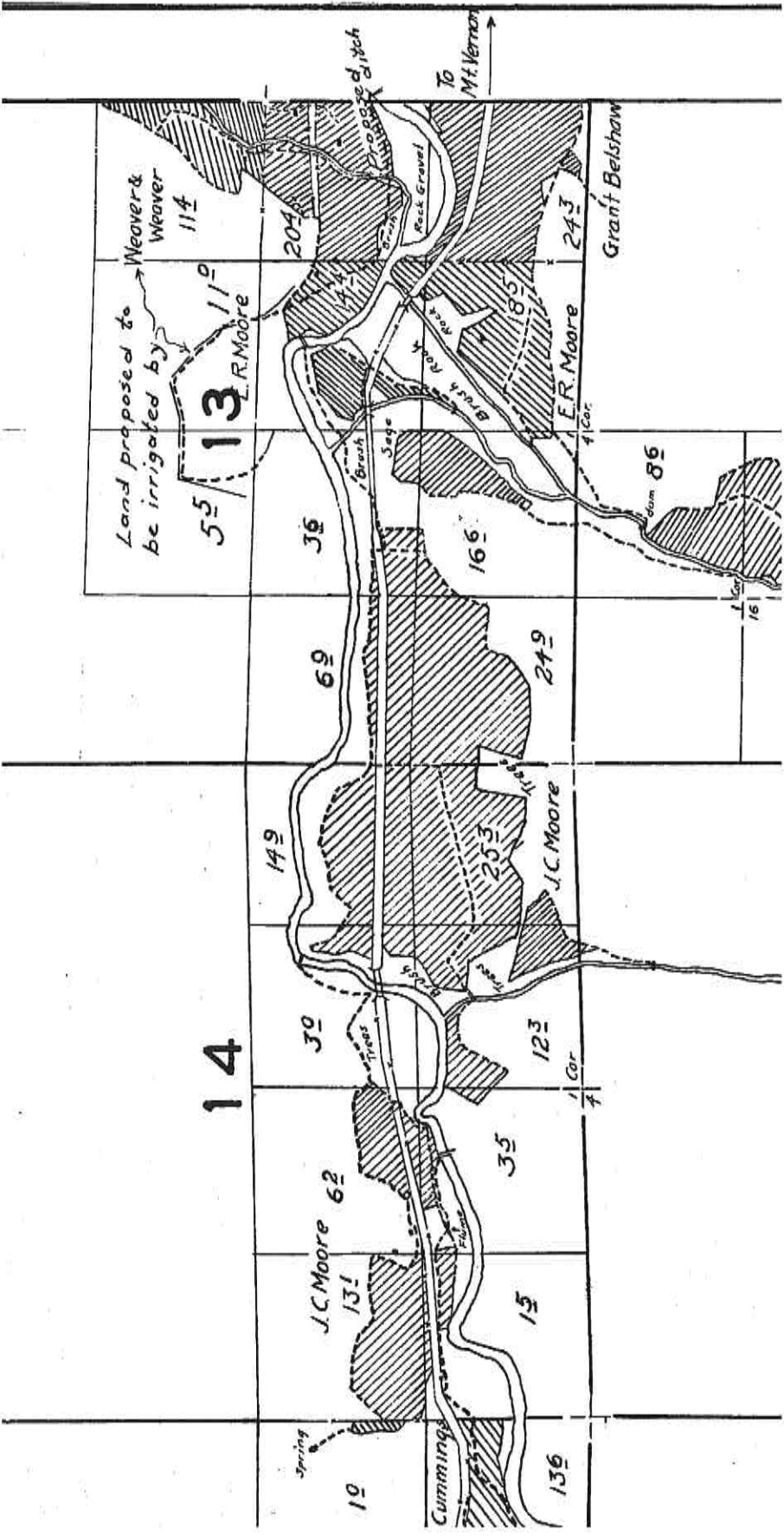
(Note: This land has a supplemental supply from Fields Creek, through the Creek Ditch with a priority of 1865.)

This certificate describes that portion of the water right confirmed by Certificate 51510, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered SEP 0 3 2009 approving Transfer Application T-10563.

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.

WITNESS the signature of the Water Resources Director, affixed SEP 0 3 2009.


 Phillip C. Ward, Director



13-2-96

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

This Is to Certify, That R. R. (TODD) MOORE

of Mount Vernon, State of Oregon, 97865, 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 3.5 acres

under Permit No. 35183 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 June 3, 1970 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 0.09 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 1/4 SW 1/4, Section 13, T. 13 S., R. 28 E., W. M., 1560 feet North and 1060 feet East from the S 1/4 Corner of Section 13.

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 acre feet per acre for each acre irrigated during the irrigation season 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:

Approximately 0.5 acre on Tax lot 301 13-28-13 12/19/2023

0.4 acre NE 1/4 SW 1/4 3.1 acres NW 1/4 SW 1/4 Section 13 T. 13 S., R. 28 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, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

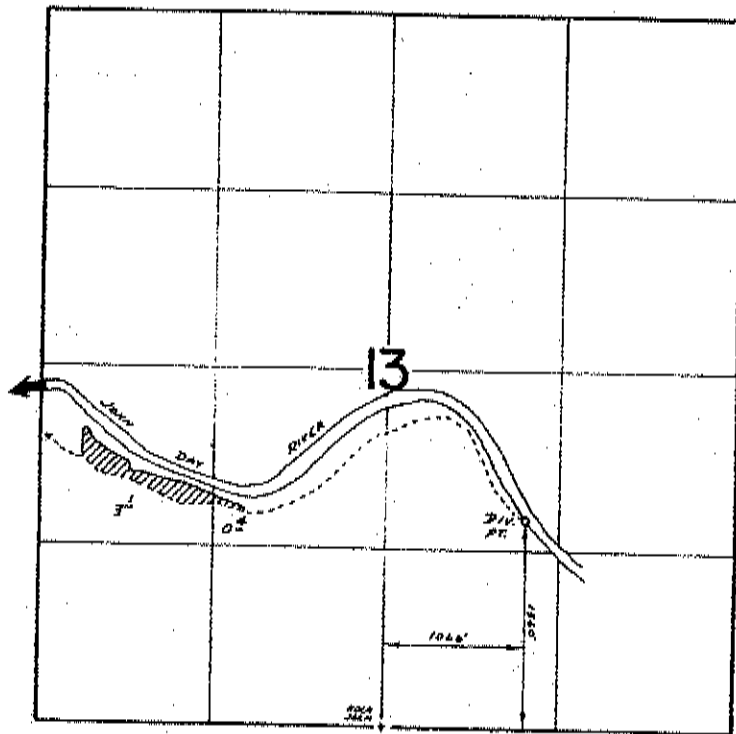
WITNESS the signature of the Water Resources Director, affixed

this date. September 30, 1976

James E. Saxson Water Resources Director

~~A-37583~~
35183
C-43644

T.13S., R.28E., W.M.



FINAL PROOF SURVEY
UNDER

Application No. 47038 Permit No. 35183
IN NAME OF
R. R. (TODD) MOORE
Surveyed June 21 1975, by D. Norby

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

Tim Koebel, 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.366 §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]