

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION OF )  
PAUL AND EVELYN LEVATIN FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 4605

On September 22, 1980, an application was filed in the office of the Water Resources Director by Paul and Evelyn Levatin for approval of a change in point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Grant County, Oregon, entered November 16, 1956, In the Matter of the Determination of the Relative Rights to the Use of the Waters of John Day River and Its Tributaries, a water right was allowed in the name of Donald McClennan for use of the waters of John Day River for irrigation of, among other lands, a certain 16.0 acres in NE 1/4 NE 1/4, 7.4 acres in NW 1/4 NE 1/4, 9.9 acres in NE 1/4 NW 1/4, irrigated from point of diversion No. 1, and 15.0 acres in NW 1/4 NE 1/4 irrigated from point of diversion No. 2, all in Section 11, Township 13 South, Range 27 East, W.M., with a date of priority of 1906, being tabulated in the name of Donald McClennan at Volume 15, page 557, as evidenced by the certificate recorded at page 25542, Volume 17, State Record of Water Right Certificates.

Water for the said right is diverted, through the Lower and Upper Ditches from Points located 1) in SW 1/4 NW 1/4, Section 12, Township 13 South, Range 27 East, W.M. and 2) in NE 1/4 NW 1/4, Section 18, Township 13 South, Range 28 East, W.M.

The applicants herein, owners of the lands above described, propose to change the points of diversion therefrom, without loss of priority, to a single point located 2530 feet South and 1030 feet East from the Northwest Corner of Section 12, being within the SW 1/4 NW 1/4 of Section 12, Township 13 South, Range 27 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Blue Mountain Eagle, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three weeks in the issues of October 2, 9 and 16, 1980.

Mr. Jerry Rodgers, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old points of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

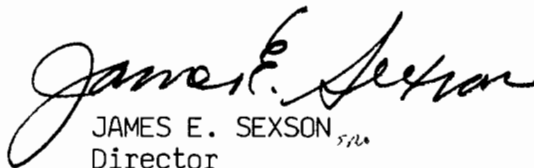
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 25542, Volume 17, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 25th day of November, 1980.

  
JAMES E. SEXSON, Sr.  
Director