

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF JIM AND MARILYN DeROY)
FOR APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5180

On January 3, 1983, an application was filed in the office of the Water Resources Director by Jim and Marilyn DeRoy 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 established in the name of Eva M. Belshaw, tabulated in Volume 10, page 459, Order Record of the Water Resources Director, for use of the waters of John Day River for irrigation of, among other lands, a certain 10.0 acres in NE 1/4 SW 1/4, Section 19, Township 13 South, Range 31 East, WM, with a date of priority of 1868, as evidenced by the certificate recorded at page 24894, Volume 17, State Record of Water Right Certificates.

The certificate recorded at page 27521, Volume 19, State Record of Water Right Certificates, in the name of James A. Wyllie, describes a right for the use of not to exceed 0.41 cubic foot per second of water John Day River, for irrigation of a certain 21.6 acres in NE 1/4 SW 1/4, Section 19, Township 13 South, Range 31 East, WM, with a date of priority of February 28, 1958.

Water for the said rights is diverted, through the Laycock-Long Ditch, from a point located 160 feet North and 430 feet East from the West Quarter Corner of Section 21, being within the SW 1/4 NW 1/4, Section 21, Township 13 South, Range 31 East, WM.

The applicants herein propose to change the point of diversion therefrom, without loss of priority, to a point located 1120 feet North and 100 feet West from the South Quarter Corner of Section 19, being within the SE 1/4 SW 1/4 of Section 19, Township 13 South, Range 31 East, WM.

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 January 13, 20, and 27, 1983.

Jerry S. 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, WITH THE FOLLOWING CONDITIONS.

The quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right.

The following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

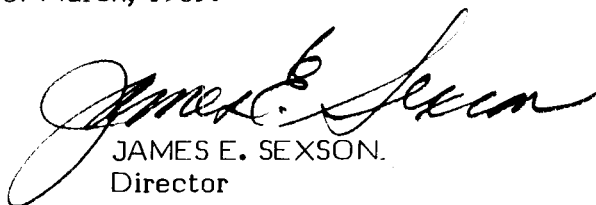
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

The construction work shall be completed and water used from the proposed point of diversion on or before October 1, 1984.

It is FURTHER ORDERED that the certificates recorded at page 24894, Volume 17 and page 27521, Volume 19, State Record of Water Right Certificates, are canceled; and in lieu thereof a new certificate be issued covering the balance of the right described by Certificate 27521 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, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 7th day of March, 1983.


JAMES E. SEXSON.
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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