

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION OF)	
NANETTE WALKER FOR APPROVAL OF A)	ORDER APPROVING
CHANGE IN PLACE OF USE AND POINT OF)	TRANSFER 6129
DIVERSION OF WATER)	

On August 3, 1988, an application was filed in the office of the Water Resources Director by Nanette Walker for approval of a change in place of use and point of diversion of water from the John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 43958, Volume 36, State Record of Water Right Certificates, in the name of Walter Badley, et. al., describes a right which includes the use of not to exceed 1/40 cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre foot per acre per calender month to July 1 and 3/4 acre foot per acre thereafter; total five acre feet per acre for season, from the John Day River for irrigation of a certain 0.32 acre NE1/4 NW1/4 and 0.54 acre NW1/4 NW1/4 of Section 25, Township 13 South, Range 31 East, WM, with a date of priority of 1875.

Water for said right is diverted through the Forlorn Hope Ditch from a point located 1020 feet South and 740 feet East from the North 1/4 corner of Section 25, being within the NW1/4 NE1/4 of Section 25, Township 13 South, Range 31 East, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom to a point located 740 feet South and 560 feet East from the Northwest corner of Section 25, being within the NW1/4 NW1/4, Section 25, and to transfer the water right therefrom to a certain 0.86 acre NW1/4 NW1/4, Section 25, 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 having general circulation in the area in which the water right is located, for a period of three weeks in the issues of December 22 and 29, 1988 and January 5, 1989.

Marvin and Sandra Dunham and John R. and Jackie M. Ray, owners of the land from which the right is being transferred, have signed an affidavit that they have no objection to the proposed transfer.

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

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

NOW, THEREFORE, it is hereby ORDERED that the proposed change in place of use and point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed 1/40 cubic foot per second per acre irrigated from April 1 to September 30; further limited to one 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 season, and that 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.

It is FURTHER ORDERED that the following provisions will be effective when in the judgement 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;

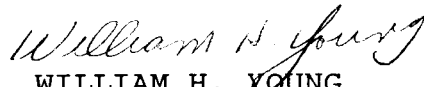
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificate 43958, and shall be beneficially used as authorized by this order on or before October 1, 1990.

It is FURTHER ORDERED that the right to divert water from the point described in Certificate 43958 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1990.

It is FURTHER ORDERED that the certificate recorded at page 43958, Volume 36, 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 applicant herein.

Dated at Salem, Oregon this 31st day of March, 1989.


WILLIAM H. YOUNG
Director

NOTE: Approval of the 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.