

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF ERNEST KIRKLAND FOR APPROVAL)
OF AN ADDITIONAL POINT OF DIVER-)
SION OF WATER)

ORDER APPROVING
TRANSFER NO. 3889

On February 22, 1978, an application was filed in the office of the Water Resources Director by Ernest Kirkland for approval of an additional point of diversion from North Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 1469, Volume 2, State Record of Water Right Certificates, in the name of J. H. Hutchinson, describes a right which includes the use of water from North Powder River for stock use and for irrigation of 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 28.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 6 South, Range 38 East, W.M., with dates of priority of 1871 and 1882.

Water for the said right is diverted, through the Gardner Mill Race Ditch, from a point located 440 feet North and 1810 feet West from the Southeast Corner of Section 32, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 6 South, Range 38 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 2760 feet South and 2380 feet West from the East Quarter Corner of Section 32, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 7 South, Range 38 East, W.M. (Hutchinson Hillside Ditch).

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be established without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the request for an additional point of diversion as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the additional 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 shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

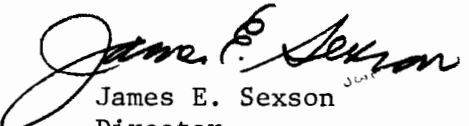
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 additional point of diversion is established.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to J. H. Hutchinson and recorded at page 1469, Volume 2, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued.

Dated at Salem, Oregon this 7th day of August, 1978.


James E. Sexson
Director