

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION)  
OF PAUL D. DEXTER FOR THE AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM JOHN DAY )  
RIVER )  
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ORDER APPROVING  
TRANSFER NO. D-117

On January 20, 1966, Paul D. Dexter filed an application in the office of the State Engineer for the 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 R. T. McHaley for the use of the waters of John Day River for the irrigation of, among other lands, 8.8 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 15.2 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 10, Township 13 South, Range 33 East, W.M., with a date of priority of 1869. This right was confirmed by certificate recorded at page 25529, Volume 19, State Record of Water Right Certificates.

The water is conveyed to these lands by means of the Lower McHaley Ditch, the point of diversion being located 1350 feet south and 1780 feet west from the northeast corner of Section 12, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 12, Township 13 South, Range 33 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from the Dexter Ditch, the point of diversion to be located 900 feet north and 120 feet east from the west quarter corner of Section 11, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, Township 13 South, Range 33 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse

at John Day, Oregon, on April 5, 1966, at 9:30 a.m. The notice 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 February 10, 17 and 24, 1966. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Wayne J. Overcash, Watermaster of District No. 4, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing 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 proposed change in point of diversion of water from John Day River, to-wit:

From a point located 1350 feet south and 1780 feet west from the northeast corner of Section 12, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 12, Township 13 South, Range 33 East, W.M.

To a point to be located 900 feet north and 120 feet east from the west quarter corner of Section 11, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, Township 13 South, Range 33 East, W.M.

for the irrigation of 8.8 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 15.2 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 10, Township 13 South, Range 33 East, W.M., with a date of priority of 1869, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1967.

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

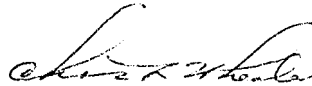
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 certificate of water right heretofore issued to R. T. McHaley and recorded at page 25529, Volume 19, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Paul D. Dexter confirming the change in point of diversion.

Dated at Salem, Oregon this 7th day of April 1966.



CHRIS L. WHEELER, State Engineer