

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF JAMES C. BEAL FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 5202

On February 14, 1983, an application was filed in the office of the Water Resources Director by James C. Beal for approval of a change in point of diversion of water from Dugger Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, Oregon, entered March 5, 1917, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Dugger Creek and Its Tributaries, a water right was established in the name of Daniel J. Kirk, tabulated in Volume 3, page 123, Order Record of the Water Resources Director, for use of the waters of Dugger Creek for irrigation of, among other lands, a certain 29.5 acres in SW 1/4 SE 1/4 and 25.6 acres in SE 1/4 SE 1/4, Section 30, Township 6 North, Range 35 East, WM, with dates of priority of 1870, 1871, 1900 and 1909, as evidenced by the certificate recorded at page 45094, Volume 37, State Record of Water Right Certificates.

Water for the said right is diverted, through the Kirk 3 and 4 Ditches, from a point located 136 feet North and 784 feet East from the SW Corner of Section 29, being within the SW 1/4 SW 1/4 of Section 29, Township 6 North, Range 35 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 760 feet North and 175 feet West from the Southeast Corner of Section 30, being within the SE 1/4 SE 1/4 of Section 30, Township 6 North, Range 35 East, WM.

Steven P. Applegate, 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, 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, and shall not exceed 0.69 cubic foot per second from May 1 to September 1 of each year or its equivalent in case of rotation; the total quantity diverted during each irrigation season not to exceed 165.3 acre-feet.

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:

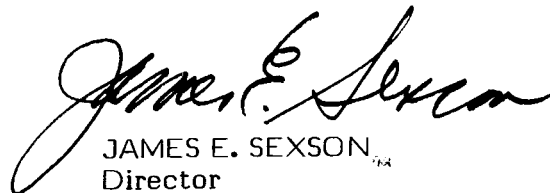
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and the change in point of diversion of water made on or before October 1, 1984.

It is FURTHER ORDERED that the certificate recorded at page 45094, Volume 37, 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 22nd 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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