

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION OF)
NEAL J. DOW FOR APPROVAL OF A CHANGE) ORDER APPROVING
IN POINT OF DIVERSION OF WATER) TRANSFER 6167

On November 21, 1988, an application was filed in the office of the Water Resources Director by Neal J. Dow for approval of a change in 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 25644, Volume 17, State Record of Water Right Certificates, in the name of Herman and Frank Oliver, 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 calendar 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 2.0 acres SW1/4 SE1/4 and 5.8 acres SE1/4 SE1/4 of Section 19; 0.6 acre NE1/4 NE1/4, 12.5 acres NW1/4 NE1/4 and 17.0 acres NE1/4 NW1/4 of Section 30, Township 13 South, Range 32 East, WM, with a date of priority of 1870.

Water for said right is diverted from a point located 400 feet North and 1060 feet East from the Southwest corner of Section 20, being within the SW1/4 SW1/4 of Section 20, Township 13 South, Range 32 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 250 feet North and 2300 feet East from the Southwest corner of Section 20 being within the SE1/4 SW1/4, Section 20, Township 13 South, Range 32 East, WM.

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 is hereby ORDERED that the proposed change in 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:

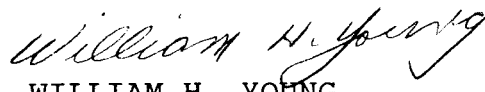
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 right to divert water from the point described in Certificate 25644 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 25644, Volume 17, State Record of Water Right Certificates, is canceled; 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.