

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF PEGGY M. SATTERBERG FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5208

On February 23, 1983, an application was filed in the office of the Water Resources Director by Peggy M. Satterberg for approval of a change in point of diversion of water from Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered March 18, 1918, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Powder River and Its Tributaries, a water right was established in the name of M.S. Hughes, tabulated in Volume 6, page 400, Order Record of the Water Resources Director, for use of the waters of Powder River for irrigation of, among other lands, a certain 40.0 acres in SE 1/4 NE 1/4 of Section 8, Township 9 South, Range 40 East, WM, with a date of priority of 1883, as evidenced by the certificate recorded at page 4239, Volume 5, State Record of Water Right Certificates.

Water for the said right is diverted, through the Eppinger-Lynn Ditch, from a point located 40 feet South and 2640 feet East from the Center of Section 8, being within the NE 1/4 SE 1/4 of Section 8, Township 9 South, Range 40 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to the Satterberg Ditch, located 1560 feet North and 290 feet West from the Southeast Corner of Section 8, being within the NE 1/4 SE 1/4 of Section 8, Township 9 South, Range 40 East, WM.

V. Kent Searles, 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 one-fortieth cubic foot per second per acre.

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:

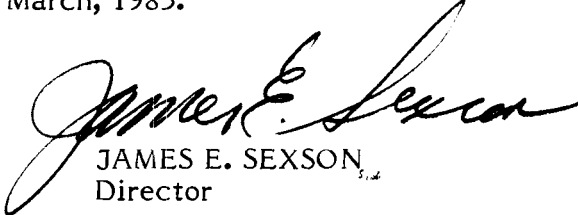
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 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 4239, Volume 5, 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, 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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