

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION OF)
DAREN H. SPENCER FOR APPROVAL OF) ORDER APPROVING
CHANGES IN PLACE OF USE AND) TRANSFER 5582
POINT OF DIVERSION OF WATER)

On January 14, 1985, an application was filed in the office of the Water Resources Director by Daren H. Spencer for approval of changes in place of use and point of diversion of water from Powder River and Phillips Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 52008, Volume 47, State Record of Water Right Certificates, in the name of Bureau of Reclamation, describes a right which includes the use of not to exceed 0.22 cubic foot per second from Powder River and Phillips Reservoir, for irrigation of a certain 12.5 acres in SE 1/4 SE 1/4 and supplemental irrigation of 13.7 acres in SE 1/4 SE 1/4, Section 35, Township 8 South, Range 40 East, WM; supplemental irrigation of 11.0 acres in NE 1/4 NE 1/4, Section 2 and 2.4 acres in NW 1/4 NE 1/4, Section 3, Township 9 South, Range 40 East, WM, with a date of priority of June 19, 1958.

Water for the said right is diverted, through the Corral Ditch, from a point located 50 feet North and 2720 feet East from the Center of Section 8, being within the SE 1/4 NE 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 to the Smith Ditch, located 945 feet South and 1865 feet West from the Northeast Corner of Section 19, being within the NW 1/4 NE 1/4 of Section 19, Township 10 South, Range 40 East, WM, for primary irrigation of 4.4 acres in NE 1/4 SW 1/4; and supplemental irrigation of 5.0 acres in NE 1/4 SW 1/4 and 22.0 acres in NW 1/4 SW 1/4, Section 17; and to change the point of diversion to the Shaw-Stewart Ditch, located 570 feet South and 1900 feet West from the Northeast Corner of Section 19, being within the NW 1/4 NE 1/4 of Section 19, Township 10 South, Range 40 East, WM, for primary irrigation of 8.1 acres in SE 1/4 SE 1/4 and supplemental irrigation of 0.1 acre in SE 1/4 SE 1/4, Section 18, Township 10 South, Range 40 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Democrat-Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of April 5, 12 and 19, 1985.

V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.22 cubic foot per second.

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:

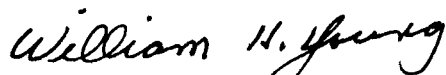
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 water used from the proposed point of diversion on or before October 1, 1986.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, the change of water right shall be considered perfected, and at a later date, a certificate of water right shall be issued to United States of America, Bureau of Reclamation confirming this and other changes within the District, and superseding Certificate 52008.

Dated at Salem, Oregon, this 24th day of May, 1985.


WILLIAM H. YOUNG
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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