

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF KENNETH M. ERREND FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3023

On April 24, 1974, an application was filed in the office of the Water Resources Director by Kenneth M. Errend for approval of changes in place of use and point of diversion of water from Beaver Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4118, Volume 5, State Record of Water Right Certificates, in the name of Geo. P. Dyke, describes a right which includes the use of not to exceed 0.20 cubic foot per second from Beaver Creek for irrigation of a certain 8.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 10 South, Range 40 East, W.M., with a date of priority of 1882.

The authorized point of diversion of record for said right is through Gard Ditch No. 2 from a point located 1700 feet North and 1300 feet West from the Southeast Corner of Section 17, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 17, Township 10 South, Range 40 East, W.M.

The certificate recorded at page 4159, Volume 5 of said record, in the name of Amos Gard, describes a right which includes the use of not to exceed 1/40th cubic foot per second per acre from Beaver Creek for irrigation of a certain 8.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 19.2 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 10 South, Range 40 East, W.M., with dates of priority of January 21, 1873 for 12.0 acres, 1889 for 18.5 acres and 1898 for 7.0 acres.

The authorized point of diversion of record for said right is through Gard Ditch No. 1 from a point located 330 feet South and 1760 feet East from the Southeast Corner of said Section 17, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 10 South, Range 40 East, W.M., and through Gard Ditch No. 2 as described above.

The applicant herein, owner of the lands above described, proposes to change from the above described places of use and points of diversion and to hereafter irrigate a certain 8.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, under a priority date of 1882; 12.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, under a priority date of January 21, 1873; 2.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, and 15.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 21, under a priority date of 1889; 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, 1.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, under a priority date of 1898; diverting water for said lands from Beaver Creek from a point located 950 feet North and 450 feet West from the Southeast Corner of Section 17, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, all within Township 10 South, Range 40 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Record-Courier, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of March 29; April 5 and 12, 1979.

Mr. 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 requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

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

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;

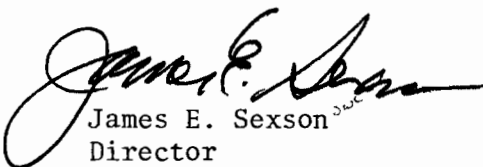
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the changes in place of use and point of diversion are completed.

It is FURTHER ORDERED that the certificates recorded at pages 4118 and 4159, Volume 5, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 8th day of June, 1979.



James E. Sexson
Director