

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WHEELER COUNTY

IN THE MATTER OF THE APPLICATION)
OF JON H. BOWERMAN FOR APPROVAL)
OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5185

On January 17, 1983, an application was filed in the office of the Water Resources Director by Jon H. Bowerman for approval of a change in point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wheeler County, Oregon, entered November 16, 1956, In the Matter of the Determination of the Relative Rights to the Use of the Waters of John Day River and Its Tributaries, a water right was established in the name of Francis T. Easter, tabulated in Volume 10, page 495, Order Record of the Water Resources Director, for use of the waters of John Day River for irrigation of, among other lands, a certain 20.3 acres in NE 1/4 SE 1/4, 4.0 acres in NW 1/4 SE 1/4 and 0.3 acre in SE 1/4 SE 1/4, Section 22, Township 8 South, Range 19 East, WM, with a date of priority of February 1, 1909, as evidenced by the certificate recorded at page 25129, Volume 17, State Record of Water Right Certificates.

Water for the said right is diverted from a point located 1350 feet South and 450 feet West from the East Quarter Corner of Section 22, being within the SE 1/4 SE 1/4 of Section 22, Township 8 South, Range 19 East, WM.

The applicant herein, contract purchaser of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to two points located: 1) 1250 feet South and 650 feet West from the East Quarter Corner of Section 22 for irrigation of 19.5 acres in NE 1/4 SE 1/4, 0.3 acre in NW 1/4 SE 1/4 and 0.3 acre in SE 1/4 SE 1/4, Section 22; 2) 450 feet North and 2200 feet West from the East Quarter Corner of Section 22 for irrigation of 0.8 acre in NE 1/4 SE 1/4 and 3.7 acres in NW 1/4 SE 1/4 of Section 22, all in Township 8 South, Range 19 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Gilliam-Wheeler Times-Journal, a newspaper printed and having general circulation in Wheeler County, Oregon, for a period of three weeks in the issues of March 10, 17 and 24, 1983.

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 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 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 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; total of five acre-feet per acre for season, measured at point of diversion.

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 change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 25129, 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 4th day of May, 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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