

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF )  
PETE WILSON (DESCHUTES RECLAMATION )  
AND IRRIGATION COMPANY) FOR ) ORDER APPROVING  
APPROVAL OF A CHANGE IN POINT OF ) TRANSFER 5839  
DIVERSION OF WATER )

On August 1, 1986, an application was filed in the office of the Water Resources Director by Pete Wilson for approval of a change in point of diversion of water from Deschutes River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Deschutes County, Oregon, entered September 30, 1958, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Deschutes River and Its Tributaries, a water right was allowed in the name of Deschutes Reclamation and Irrigation Company for use of the waters of Deschutes River for irrigation of certain lands, as described in the Certificate recorded at page 29054, Volume 21, State Records of Water Right Certificates, with a date of priority of September 1, 1899. The order of the Water Resources Director dated November 18, 1983, approving Water Right Transfer 5253, authorized a change in place of use for irrigation of 20.5 acres of said right to 1.0 acre in NE 1/4 NW 1/4 and 19.5 acres in SE 1/4 NW 1/4, Section 16, Township 16 South, Range 12 East, WM.

The authorized point of diversion is located 1620 feet South and 600 feet West from the Northeast Corner of Section 29, being within the SE 1/4 NE 1/4 of Section 29, Township 17 South, Range 12 East, WM (Swalley Canal).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 390 feet North and 475 feet West from the Center of Section 16, being within the SE 1/4 NW 1/4 of Section 16, Township 16 South, Range 12 East, WM. The change in point of diversion is reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in The Bulletin, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of August 15, 22, and 29, 1986.

No objections having been filed and it appearing that the proposed change in point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion is approved, without loss of priority.

Approval of this 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.

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 point of diversion under the subject right, and shall not exceed 0.50 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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 29054 is hereby canceled.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of use of water from the diversion point authorized herein, the change of water right shall be considered perfected, and at a later date a certificate of water right shall be issued to Deschutes Reclamation and Irrigation Company confirming this and other changes within the District, and superseding Certificate 29054.

Dated at Salem, Oregon, this 27th day of May, 1987.

*William H. Young*  
WILLIAM H. YOUNG,  
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

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