

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION)
OF J. H. GUERNSEY FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM CANYON CREEK)

ORDER APPROVING
TRANSFER NO. G-81

On January 6, 1969, J. H. Guernsey filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Canyon Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Grant 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 Mrs. C. J. Bartlett for the use of the waters of Canyon Creek for the irrigation of, among other lands, 1.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 15 South, Range 31 East, W.M., with a date of priority of 1880. This right is evidenced by certificate recorded at page 24873, Volume 17, State Record of Water Right Certificates. These lands are irrigated by means of the Powell Ditch from a point of diversion located 250 feet north and 1240 feet west from the SE corner of Section 2 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 15 South, Range 31 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the New Powell Ditch from a point of diversion to be located 80 feet north and 320 feet east from the NW corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 15 South, Range 31 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections

to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Canyon City, Oregon, on January 20, 1970, at 9:30 a.m. The notice was published in the Blue Mountain Eagle, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three weeks in the issues of November 27, December 4 and 11, 1969. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Howard Daggett, Watermaster of District No. 4, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

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 change in point of diversion of water from Canyon Creek, to-wit:

From a point located 250 feet north and 1240 feet west from the SE corner of Section 2 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 15 South, Range 31 East, W.M.

To a point to be located 80 feet north and 320 feet east from the NW corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$ being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 15 South, Range 31 East, W.M.

for the irrigation of 1.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 15 South, Range 31 East, W.M., with a date of priority of 1880, is approved.

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, 1970.

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 and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre foot per calendar month to June 1 and four acre feet per acre during season April 1 to September 30, measured at point of diversion.

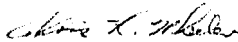
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 certificate of water right heretofore issued to Mrs. C. J. Bartlett and recorded at page 24873, Volume 17, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to J. H. Guernsey confirming said change in point of diversion.

Dated at Salem, Oregon, this 30th day of January, 1970.


CHRIS L. WHEELER
State Engineer Y