

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION }
OF PAUL LEVATIN FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM JOHN DAY RIVER }

ORDER APPROVING
TRANSFER NO. 2892

On August 27, 1973, Paul Levatin, M.D., filed an application in the office of the State Engineer for the 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 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 Donald McLennan for the use of the waters of John Day River for the irrigation of, among other lands, 2.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, 5.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, 4.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, and 8.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 13 South, Range 27 East, W.M., with a date of priority of 1902, as evidenced by certificate of water right recorded at page 25542, Volume 17, State Record of Water Right Certificates. These lands are irrigated by means of the Lower ditch from a point of diversion located 200 feet North and 1100 feet East from the West $\frac{1}{4}$ corner of Section 12, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, Township 13 South, Range 27 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1000 feet South and 175 feet East from the Northwest corner of Section 11, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 13 South, Range 27 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 February 19, 1974 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 December 27, 1973, January 3, and 10, 1974. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Monte E. Graham, Watermaster of District No. 14, 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.

Calvin J. Ritchey, mortgagee, has submitted written approval of the proposed change in point of diversion.

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 change in point of diversion of water from John Day River, to wit:

From a point located 200 feet North and 1100 feet East from the West $\frac{1}{4}$ corner of Section 12, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 13 South, Range 27 East, W.M.

To a point to be located 1000 feet South and 175 feet East from the Northwest corner of Section 11, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 13 South, Range 27 East, W.M.

for the irrigation of 2.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, 5.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, 4.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, and 8.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 13 South, Range 27 East, W.M., with a date of priority of 1902, 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, 1974.

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.


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 Donald McLennan and recorded at page 25542, 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 Paul Levatin, M.D., confirming the change in point of diversion.

Dated at Salem, Oregon, this 15th day of April, 1974.


CHRIS L. WHEELER
State Engineer