

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION OF )  
LULA CHAMBERLIN FOR APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF )  
WATER )

ORDER APPROVING  
TRANSFER NO. 4394

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On February 19, 1980, an application was filed in the office of the Water Resources Director by Lula Chamberlin for approval, without loss of priority, of a change in point of diversion from Eagle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered March 18, 1918, in the Matter of the Determination of the Relative Rights of the Various Claimants to the use of the waters of Powder River and Its Tributaries, a water right was allowed in the name of John Fraser for the use of waters of Eagle Creek for irrigation of, among other lands, a certain 5.8 acres in SW 1/4 SW 1/4, Section 23, Township 9 South, Range 45 East, W.M., being tabulated at Volume 6, page 472, with a date of priority of 1878, as evidenced by certificate recorded at page 4650, Volume 5, State Record of Water Right Certificates.

By said Decree a water right was allowed in the name of Virginia A. Usher for use of waters of Eagle Creek for irrigation of, among other lands, a certain 6.2 acres in NW 1/4 SW 1/4 of Section 23, Township 9 South, Range 45 East, W.M., being tabulated at Volume 6, page 486, with a date of priority of 1879, as evidenced by certificate recorded at page 4755, Volume 5, State Record of Water Right Certificates.

The authorized point of diversion for said rights is located 1700 feet South and 2450 feet East from the Northwest Corner of Section 10, being within the SE 1/4 NW 1/4 of Section 10, Township 9 South, Range 45 East, W.M. (Kay Young Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 1640 feet North and 2350 feet East from the Center of Section 22, being within the NE 1/4 NE 1/4 of Section 22, Township 9 South, Range 45 East, W.M. (Gover Ditch).

Notice of the application, pursuant to ORS 540.520(2), was published in the Democrat-Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of April 1, 8 and 15, 1980.

Mr. V. Kent Searles, 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 point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

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:

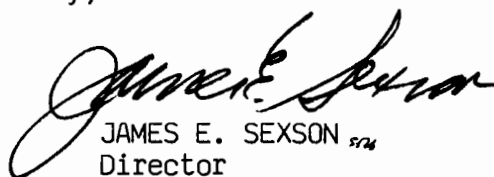
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 certificates recorded at pages 4650 & 4755, Volume 5, State Record of Water Right Certificates, be 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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 22nd day of May, 1980.

  
JAMES E. SEXSON <sup>574</sup>  
Director