

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF CARL AND BARBARA J. WENDT)
FOR APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5224

On March 25, 1983, an application was filed in the office of the Water Resources Director by Carl and Barbara J. Wendt for approval of a change in point of diversion of water from North Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered May 1, 1916, In the Matter of the Determination of the Relative Rights to the Use of the Waters of North Powder River and Its Tributaries, a water right was established in the name of W.S. Dougherty, tabulated in Volume 3, page 257, Order Record of the Water Resources Director, for use of the waters of North Powder River for irrigation of, among other lands, a certain

40.0 acres NE 1/4 SE 1/4
33.0 acres SE 1/4 SE 1/4
Section 7

12.5 acres NW 1/4 SW 1/4
23.0 acres SW 1/4 SW 1/4
Section 8

36.0 acres NW 1/4 NW 1/4
38.0 acres SW 1/4 NW 1/4
26.5 acres SE 1/4 NW 1/4
40.0 acres NE 1/4 SW 1/4
20.0 acres NW 1/4 SW 1/4
Section 17

21.0 acres NE 1/4 NE 1/4
2.0 acres SE 1/4 NE 1/4
Section 18
Township 7 South, Range 39 East, WM

with a date of priority of 1904, as evidenced by the certificate recorded at page 1457, Volume 2, State Record of Water Right Certificates.

Water for the said right is diverted, through the Warfield-Burnside Ditch, from a point located 1100 feet North and 2275 feet East from the Southwest Corner of Section 19, being within the SE 1/4 SW 1/4 of Section 19, Township 7 South, Range 38 East, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 1310 feet North and 2310 feet East from the Southwest Corner of Section 19, being within the SE 1/4 SW 1/4 of Section 19, Township 7 South, Range 38 East, WM (Mansfield Ditch).

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 certificate recorded at page 1457, Volume 2, 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 applicants herein.

Dated at Salem, Oregon this 23rd 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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