

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION )  
OF KENNETH W. KORTGE FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 4307

On October 17, 1979, an application was filed in the office of the Water Resources Director by Kenneth W. Kortge for approval of a change in point of diversion from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 5703, Volume 6, State Record of Water Right Certificates, in the name of Julius Mesplie and Melanie Stegman, describes a right for the use of water from Mill Creek and Springs for stock use and for irrigation of a certain 2.2 acres in NE 1/4 SW 1/4, 2.3 acres in SE 1/4 SW 1/4, 2.0 acres in NW 1/4 SE 1/4 and 1.7 acres in SW 1/4 SE 1/4; the certificate recorded at page 5704 of said Volume 6, in the names of Julius Mesplie, Melanie Stegman, Marie Chatterton, Carrie Mesplie Wilson and Ceclie Mesplie Dwyer, describes a right for the use of water from Mill Creek for stock use and for irrigation of a certain 1.0 acre in NE 1/4 SW 1/4 and 0.2 acre in NW 1/4 SE 1/4; the certificate recorded at page 5720 of said Volume 6, in the name of Mrs. Melanie Stegman, describes a right for the use of water from Mill Creek and Spring for stock use and for irrigation of a certain 3.6 acres in NW 1/4 SE 1/4 and 2.1 acres in SW 1/4 SE 1/4, all in Section 13, Township 1 North, Range 12 East, W.M., all with a date of priority of 1856.

Water for the said rights is diverted, through the Mesplie South Ditch, from a point located 1400 feet North and 1160 feet East from the Southwest Corner of Section 13, being within the NW 1/4 SW 1/4 of said Section 13; and through the Mesplie North Ditch, from a point located 1450 feet North and 1310 feet East from the Southwest Corner of Section 13, being within the NW 1/4 SE 1/4 of said Section 13, both Township 1 North, Range 12 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1680 feet North and 1310 feet East from the Southwest Corner of Section 13, being within the NW 1/4 SE 1/4, Section 13, Township 1 North, Range 12 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Dalles Chronicle, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of March 13, 20 and 27, 1980.

Mr. Thomas J. Paul, 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:

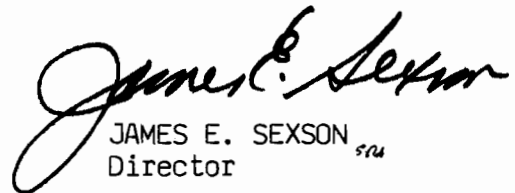
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 5703, 5704 and 5720, Volume 6, State Record of Water Right Certificates, are 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 30th day of May, 1980.

  
JAMES E. SEXSON <sup>512</sup>  
Director