

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
GRANT COUNTY

IN THE MATTER OF THE APPLICATION OF)	
TIM LILLEBO AND JOE DONALDSON FOR)	ORDER APPROVING
APPROVAL OF A CHANGE IN POINT OF)	TRANSFER 6164
DIVERSION OF WATER)	

On November 7, 1988, an application was filed in the office of the Water Resources Director by Tim Lillebo and Joe Donaldson for approval of a change in point of diversion of water from the John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 38303, Volume 30, State Record of Water Right Certificates, in the name of R. R. McHaley, describes a right which includes the use of not to exceed 1/40 cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre foot per acre per calendar month to July 1 and 3/4 acre foot per acre thereafter; total five acre feet per acre for season, from the John Day River for irrigation of a certain 0.2 acre NW1/4 SE1/4 and 2.5 acres SW1/4 SE1/4, Section 2, Township 13 South, Range 33 East, WM, with a date of priority of 1870.

Water for said right is diverted through the Upper McHaley Ditch from a point located 3050 feet South and 370 feet East from the Northwest corner of Section 7, being within the NW1/4 SW1/4 of Section 7, Township 13 South, Range 34 East, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom to the Galbraith Ditch from a point located 3250 feet South and 4000 feet East from the Northwest corner of Section 7, being within the NE1/4 SE1/4, Section 7, Township 13 South, Range 34 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Blue Mountain Eagle, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of March 16, 23 and 30, 1989.

Jerry Rodgers, 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 is hereby ORDERED that the proposed change in point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed 1/40 cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre foot per acre per calendar month to July 1 and 3/4 acre foot per acre per calendar month thereafter; total five acre feet per acre for season, and that the quantity of water diverted at the new point of diversion, together with that diverted at the old 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 will be effective when in the judgement of the Watermaster it becomes necessary to install headgates and measuring devices:

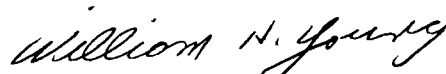
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the right to divert water from the point described in Certificate 38303 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1990.

It is FURTHER ORDERED that the certificate recorded at page 38303, Volume 30, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right 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 applicants herein.

Dated at Salem, Oregon this 2nd day of June, 1989.


WILLIAM H. YOUNG
Director

NOTE: Approval of the 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.