

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF L. C. SPAULDING FOR APPROVAL)
OF AN ADDITIONAL POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 4834

On July 24, 1981, an application was filed in the office of the Water Resources Director by L. C. Spaulding for approval of an additional 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 of the Various Claimants to the Use of the Waters of John Day River and Its Tributaries, a water right was allowed in the name of J. A. Laycock for use of waters of John Day River for irrigation of, among other lands, a certain 10.8 acres in NW 1/4 NE 1/4 and 21.6 acres in SW 1/4 NE 1/4, Section 25, Township 13 South, Range 30 East, WM, being tabulated in Volume 10, page 545, with a date of priority of 1876, as evidenced by certificate recorded at page 25457, Volume 17, State Record of Water Right Certificates.

The authorized point of diversion is located 1,700 feet North and 670 feet East from the Southwest Corner of Section 20, being within the NW 1/4 SW 1/4, Section 20, Township 13 South, Range 31 East, WM (Enterprise Ditch).

The applicant herein, owner of the lands above described, proposes to construct an additional point of diversion, without loss of priority, at a point located 1,220 feet South, and 2,040 feet West from the Northeast Corner of Section 25, being within the NW 1/4 NE 1/4, Section 25, Township 13 South, Range 30 East, WM.

Notice of the application, pursuant to ORS 540.520(2), 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 August 6, 13 and 20, 1981.

Jerry S. Rodgers, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed additional 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 additional 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, 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 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;

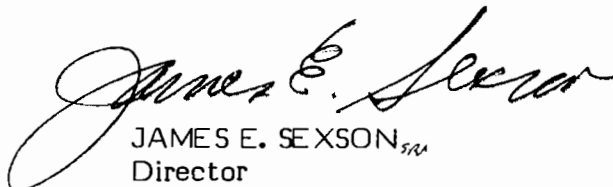
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1983.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1983.

It is FURTHER ORDERED that the certificate recorded at page 25457, Volume 17, 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 applicant herein.

Dated at Salem, Oregon this 19th day of October, 1981.


JAMES E. SEXSON, JR.
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.