

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WHEELER COUNTY

IN THE MATTER OF THE APPLICATION OF )  
RUBE W, AND SARGIE JONES EVANS FOR )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM JOHN DAY )  
RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3667

On May 10, 1977, an application was filed in the office of the Water Resources Director by Rube W. and Sargie Jones Evans for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 25711, Volume 17, State Record of Water Right Certificates, in the name of Prineville Land & Livestock Co., describes a right which includes the use of water from John Day River for irrigation of 4.5 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 4.6 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9; and 3.0 acres in Lot 3 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 10, Township 8 South, Range 19 East, W.M., with a date of priority of 1890.

Water for the said right is diverted from a point located 260 feet South and 1090 feet East from the Northwest corner of Section 22, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22, Township 8 South, Range 19 East, W.M.

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 1432 feet North and 1090 feet West from the Southeast corner of Section 9, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, Township 8 South, Range 19 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Gilliam-Wheeler Times-Journal, a newspaper printed and having general circulation in Wheeler County, Oregon, for a period of three weeks in the issues of June 23 and 30 and July 7, 1977.

Mr. Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed change in point of diversion maybe 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 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 judgement of the watermaster it becomes necessary to install head-gates 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;

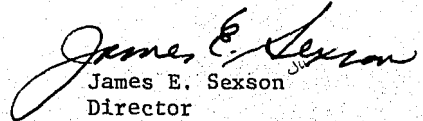
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Prineville Land & Livestock Co. and recorded at page 25711, 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 12th day of September, 1977.

  
James E. Sexson  
Director