

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF JERALD L. BEERY FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER NO. 4409

On February 25, 1980, an application was filed in the office of the Water Resources Director by Jerald L. Beery for approval, without loss of priority, of a change in point of diversion from Eagle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is a portion of the right described by the certificate recorded at page 7424, Volume 7, State Record of Water Right Certificates, in the name of Dry Gulch Ditch Company, and is for the use of not to exceed 0.066 cubic foot per second from Eagle Creek under a priority date of July 22, 1909, for irrigation of a certain 5.3 acres in SW 1/4 NW 1/4 of Section 10, Township 9 South, Range 45 East W.M.

The authorized point of diversion is located 30 feet ~~North~~ and 2540 feet East from the Northwest Corner of Section 20, being within the NE 1/4 NW 1/4 of Section 20, Township 8 South, Range 45 East, W.M. (Dry Gulch Ditch).

*South
50ft
7-30-80*

The applicant proposes to change the point of diversion therefrom to a point located 1250 feet North and 2480 feet East from the Southwest Corner of Section 33, being within the SE 1/4 SW 1/4 of Section 33, Township 8 South, Range 45 East, W.M. (Waterbury-Allen Ditch).

Notice of the application, pursuant to ORS 540.520(2), was published in the Democrat-Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of April 10, 17, and 24, 1980.

Mr. 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:

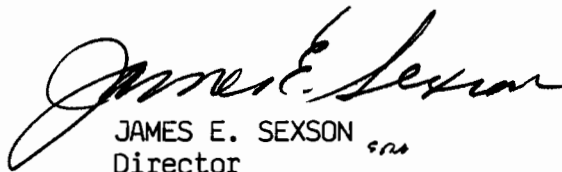
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 7424, Volume 5, 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 11th day of June, 1980.


JAMES E. SEXSON
Director