

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION OF)
JAMES A. MORRIS FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER 5461

On April 3, 1984, an application was filed in the office of the Water Resources Director by James A. Morris for approval of a change in point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 46773, Volume 39, State Record of Water Right Certificates, in the name of Mt. Vernon Irrigation and Power Company, describes a right which includes the use of not to exceed 0.04 cubic foot per second from John Day River, for irrigation of 2.0 acres in NW 1/4 NE 1/4 and 1.0 acre in NE 1/4 NW 1/4, Section 29, Township 13 South, Range 30 East, WM, with a date of priority of March 6, 1911.

Water for the said right is diverted, through the Panama Ditch, also known as Mt. Vernon Ditch, from a point located South 72 degrees East, 2705 feet from the Northwest Corner of Section 25, being within the NE 1/4 NW 1/4 of Section 25, Township 13 South, Range 30 East, WM.

The applicant herein, contract purchaser of the lands above described, with the consent of the owner, proposes to change the point of diversion therefrom to the Lemons Ditch, located 50 feet North and 1550 feet East from the West Quarter Corner of Section 28, being within the SE 1/4 NW 1/4 of Section 28, Township 13 South, Range 30 East, WM. The change in point of diversion is reported to be completed.

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 April 26, May 3 and 10, 1984.

Jerry S. 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 hereby is 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 the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.04 cubic foot per second.

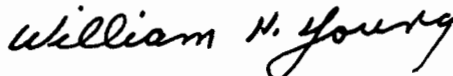
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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 certificate recorded at page 46773, Volume 39, 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, 1984.



WILLIAM H. YOUNG, 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.

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