

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF PETER W., JR., AND WILLIAM B.)
SCHOENINGH FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5130

On October 7, 1982, an application was filed in the office of the Water Resources Director by Peter W., Jr., and William B. Schoeningh for approval of a change in point of diversion of water from North Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered May 1, 1916, In the Matter of the Determination of the Relative Rights to the Use of the Waters of North Powder River and Its Tributaries, a water right was established in the name of George W. Pratt, tabulated in Volume 3, page 270, Order Record of the Water Resources Director, for use of the waters of North Powder River for stock use and irrigation of, among other lands, a certain 3.0 acres in SW 1/4 NW 1/4, 20.0 acres in NW 1/4 SW 1/4, Section 17; 27.0 acres in SW 1/4 NE 1/4, 27.0 acres in SE 1/4 NE 1/4 and 80.0 acres in N 1/2 SE 1/4, Section 18, all in Township 7 South, Range 39 East, WM, with dates of priority of 1893 and 1904, as evidenced by the certificate recorded at page 1507, Volume 2, State Record of Water Right Certificates.

Water for the said right is diverted, through the Joe Savage Ditch, from a point located 2250 feet South and 924 feet East from the Northwest Corner of Section 30, being within the SW 1/4 NW 1/4 of Section 30, Township 7 South, Range 38 East, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to the Mansfield Ditch, located 1310 feet North and 2310 feet East from the Southwest Corner of Section 19, being within the SE 1/4 SW 1/4 of Section 19, Township 7 South, Range 38 East, WM.

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 4, 11, and 18, 1983.

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, and shall not exceed 3.93 cubic feet per second from March 1 to July 1 and 1.96 cubic feet per second of water from July 1 to October 1 of each year, not to exceed 393 acre-feet per irrigation season.

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:

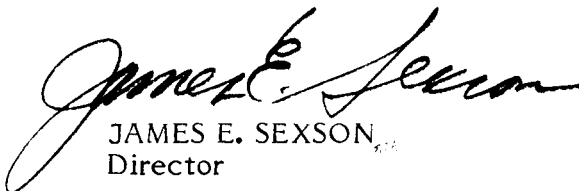
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 1507, Volume 2, State Record of Water Right Certificates, is canceled; 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 24th day of May, 1983.


JAMES E. SEXSON
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.

6608B