

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOHN R. BOTT FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND POINT)
DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4025

On August 17, 1978, an application was filed in the office of the Water Resources Director by John R. Bott for approval of changes in place of use and point of diversion from Birch Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2623, Volume 3, State Record of Water Right Certificates, in the name of Carrie Sparks, describes a right which includes the use of not to exceed 0.18 cubic foot per second from Birch Creek for irrigation of 6.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9 and 8.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 1 North, Range 32 East, W.M., with a date of priority of March, 1904.

Water for the said right is diverted, through the Fraizer Ditch, from a point located 1700 feet North and 1700 feet West from the Southeast Corner of Section 22, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 1 North, Range 32 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 2.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 7.5 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 1 North, Range 32 East, W.M., from a point of diversion located 1800 feet North and 380 feet West from the Southeast Corner of Section 9, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 1 North, Range 32 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of August 23 and 30; and September 6, 1978.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and point of diversion may be made without injury to existing rights,

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the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as described herein, without loss of priority, are 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:

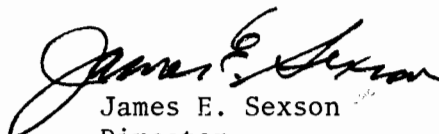
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 2623, Volume 3, 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 October, 1978.


James E. Sexson
Director