

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION OF )  
REG L. AND JOANNA SPANNAUS FOR )  
APPROVAL OF CHANGES IN PLACE OF USE )  
AND POINT OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER 4875

On August 24, 1981, an application was filed in the office of the Water Resources Director by Reg L. and Joanna Spannaus for approval of changes in place of use and point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

Pursuant to said provisions, proof has been made to the satisfaction of the Water Resources Director that a change in point of diversion has been completed under the terms of Transfer 4533 in the names of R. J. and Elizabeth Davis, for the use of water from John Day River for irrigation of, among other lands, a certain 0.1 acre in NW 1/4 NW 1/4, Section 25, Township 13 South, Range 31 East, WM, with a date of priority of 1875.

Water for the said right is diverted from a point located 745 feet South and 1,205 feet East from the Northwest Corner of Section 25, being within the NW 1/4 NW 1/4 of Section 25, Township 13 South, Range 31 East, WM.

The applicants herein, owners of the lands above described, propose to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain other 0.1 acre in said NW 1/4 NW 1/4, from a point located 705 feet South and 1,090 feet East from the Northwest Corner of Section 25, being within the NW 1/4 NW 1/4 of Section 25, Township 13 South, Range 31 East, WM.

Jerry Rodgers, 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, 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, together with that diverted at the old 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;

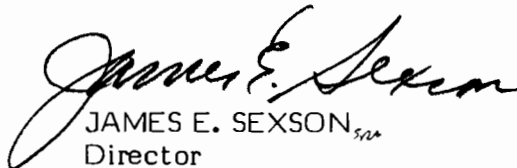
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1983.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1983.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered August 7, 1980, approving Transfer 4533; and upon receipt of 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 26th day of October, 1981.

  
JAMES E. SEXSON<sub>522</sub>  
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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