

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION )  
OF DAN L. FORSEA & SONS, INC., )  
AND GARRY OPPERMAN FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 4455

On March 24, 1980, an application was filed in the office of the Water Resources Director by Dan L. Forsea and Sons, Inc., and Garry Opperman for approval of a change in point of diversion from Eagle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered March 18, 1918, in the Matter of the Determination of the Relative Rights of the Various Claimants to the Use of the Waters of Powder River and Its Tributaries, a water right was allowed in the name of W. J. Densley for use of waters of Eagle Creek for irrigation of, among other lands, a certain 7.2 acres in NE 1/4 NE 1/4 (Forsea) and 3.5 acres in NE 1/4 NE 1/4 (Opperman), Section 22, Township 9 South, Range 45 East, W.M., being tabulated at Volume 6, page 470, with a date of priority of 1885, as evidenced by certificate recorded at page 4639, Volume 5, State Record of Water Right Certificates.

The authorized point of diversion is located 1390 feet North and 750 feet West from the Southeast Corner of Section 15, being within the NE 1/4 SE 1/4 of Section 15, Township 9 South, Range 45 East, W.M. (Densley Ditch).

The applicants propose to change the point of diversion therefrom, without loss of priority, to a point located 1700 feet South and 2450 feet East from the Northwest Corner of Section 10, being within the SE 1/4 NW 1/4 of Section 10, Township 9 South, Range 45 East, W.M. (Kay Young 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 16, 23, and 30, 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;

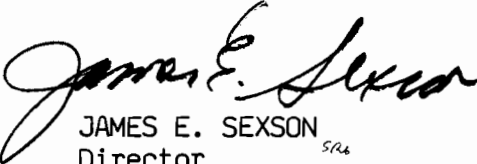
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of diversion is completed.

The order of the Water Resources Director entered June 11, 1980, approving transfer application No. 4405, provided for cancellation of the certificate of water right recorded at page 4639, Volume 5, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings.

It is FURTHER ORDERED that 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 and other orders allowing changes in points of diversion, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 13th day of June, 1980.

  
JAMES E. SEXSON  
Director