BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION OF)
ELMER D. HILL FOR APPROVAL OF AN)
ADDITIONAL POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 5484

On May 23, 1984, an application was filed in the office of the Water Resources Director by Elmer D. Hill for approval of an additional 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 M.F. Wilcox, tabulated in Volume 3, page 272, Order Record of the Water Resources Director, for use of water from North Powder River for stock use and irrigation of, among other lands, a certain 4.0 acres in NW 1/4 NE 1/4, Section 27, Township 6 South, Range 39 East, WM, with dates of priority of 1881 and 1887, as evidenced by the certificate recorded at page 1517, Volume 2, State Record of Water Right Certificates.

Water for the said right is diverted, through the Harlan-Sanders Ditch, from a point located 800 feet North and 2000 feet West from the Southeast Corner of Section 28, being within the SW 1/4 SE 1/4 of Section 28, Township 6 South, Range 39 East, WM.

The applicant herein, owner of the lands above described, proposes to construct an additional point of diversion at a point located 650 feet North and 2180 feet West from the Southeast Corner of Section 22, being within the SW 1/4 SE 1/4 of Section 22, Township 6 South, Range 39 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 June 4, 11 and 18, 1984.

V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed additional 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 additional 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, 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, and shall not exceed 0.1 cubic foot per second from March 1 to July 1 and 0.05 cfs from July 1 to October 1 of each year.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

> 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 additional point of diversion of water in use on or before October 1, 1985.

It is FURTHER ORDERED that the certificate recorded at page 1517, Volume 2, 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 16th day of July, 1984.

William H. Young

WILLIAM H. YOUNG
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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