

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION )  
OF ARTHUR E. POWELL FOR APPROVAL )  
OF CHANGES IN PLACE OF USE AND )  
POINT OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 4161

On February 16, 1979, an application was filed in the office of the Water Resources Director by Arthur E. Powell for approval of changes in place of use and point of diversion, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4515, Volume 5, State Record of Water Right Certificates, in the name of J. C. Travillion, describes a right which includes the use of water from Powder River for irrigation of a certain 28.0 acres in NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, 30.0 acres in SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, 19.0 acres in NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, 30.0 acres in SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Section 36, Township 6 South, Range 39 East, W.M.; and 35.0 acres in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 2, Township 7 South, Range 39 East, W.M., with a date of priority of 1883.

The certificate recorded at page 4513, Volume 5 of said record, in the name of H. C. Travillion, describes a right which includes the use of water from Powder River for irrigation of 40.0 acres in SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 40.0 acres in NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> and 40.0 acres in SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Section 35, Township 6 South, Range 39 East, W.M., with a date of priority of 1883.

Water for the said rights is diverted, through the Travillion Ditch, from a point located 660 feet South and 1360 feet East from the Northwest Corner of Section 12, being within the NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Section 12, Township 7 South, Range 39 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 9.0 acres in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 5.0 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 40.0 acres in SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 8.0 acres in SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 1.0 acres in SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, 0.5 acre in NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, 4.0 acres in SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, 20.0 acres in NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, 39.5 acres in NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, 38.0 acres in SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> and 15.0 acres in SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Section 36, Township 6 South, Range 39 East, W.M.; and 2.25 acres in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 38.75 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 2.0 acres in SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, 15.0 acres in NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> and 24.0 acres in SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Section 1, Township 7 South, Range 39 East, W.M., by means of Travillion-Koester Ditch from a point of diversion located 340 feet North and 890 feet East from the West Quarter Corner of Section 1, being

within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 1, Township 7 South, Range 39 East, W.M.

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 14, 21 and 28, 1979.

Mr. V. Kent Searles, 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 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:

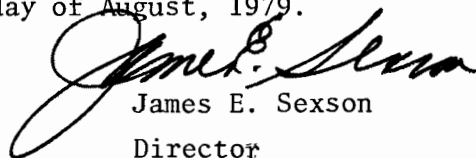
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificates recorded at pages 4513 and 4515, Volume 5, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 31st day of August, 1979.

  
James E. Sexson  
Director