

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION
OF CARL ELMER FOR THE APPROVAL OF
A CHANGE IN POINT OF DIVERSION OF
WATER FROM JOHN DAY RIVER

ORDER APPROVING
TRANSFER NO. 3004

On March 26, 1974, Carl Elmer filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Grant County, Oregon, entered November 16, 1956, In the Matter of the Determination of the Relative Rights to the Use of the Waters of John Day River and its Tributaries, a water right was established in the name of Bradford C. Trowbridge for the use of the waters of John Day River for the irrigation of, among other lands, 0.48 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 13 South, Range 31 East, W.M., with a date of priority of 1875, as evidenced by certificate of water right recorded at page 35918, Volume 27, State Record of Water Right Certificates. These lands are irrigated by means of the Mill ditch from a point of diversion located 300 feet North and 1100 feet East from the Southwest corner of Section 20, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 13 South, Range 32 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 755 feet South and 585 feet West from the North $\frac{1}{4}$ corner of Section 25, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 13 South, Range 31 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the

county courthouse in Canyon City, Oregon, on June 18, 1974, at 9:30 a.m. The notice was published in the Blue Mountain Eagle, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three weeks in the issues of April 25, May 2 and 9, 1974. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Walter N. Perry, Watermaster Supervisor, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from John Day River, to wit:

From a point located 300 feet North and 1100 feet East from the Southwest corner of Section 20, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 13 South, Range 32 East, W.M.

To a point to be located 755 feet South and 585 feet West from the North $\frac{1}{4}$ corner of Section 25, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 13 South, Range 31 East, W.M.

for the irrigation of 0.48 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 13 South, Range 31 East, W.M., with a date of priority of 1875, is approved.

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, 1975.

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.

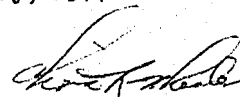
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 certificate of water right heretofore issued to Bradford C. Trowbridge and recorded at page 35918, Volume 27, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Carl Elmer confirming the change in point of diversion.

Dated at Salem, Oregon, this 12th day of July, 1974.


CHRIS L. WHEELER
State Engineer