

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION)
OF FLOYD HABBE FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM JOHN DAY RIVER)

ORDER APPROVING
TRANSFER NO. 2353

On March 30, 1970, Floyd Habbe 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.

Certificate of water right issued to Blue Mountain Ditch Company and recorded at page 24504, Volume 17, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 10.5 cubic feet per second of water from John Day River for the irrigation of, among other lands, 4.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 10.9 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 13 South, Range 29 East, W.M., with a date of priority of October 23, 1916. These lands are irrigated by means of the Blue Mountain Ditch from a point of diversion located 565 feet north and 2320 feet west from the E $\frac{1}{4}$ corner of Section 29 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 13 South, Range 30 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 670 feet north and 1300 feet west from the S $\frac{1}{4}$ corner of Section 21 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 13 South, Range 29 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 10, 1970, 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 16, 23, and 30, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Howard Daggett, Watermaster of District No. 4, has filed a report 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 proposed change in point of diversion of water from John Day River, to-wit:

From a point located 565 feet north and 2320 feet west from the E $\frac{1}{4}$ corner of Section 29 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 13 South, Range 30 East, W.M.

To a point to be located 670 feet north and 1300 feet west from the S $\frac{1}{4}$ corner of Section 21 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 13 South, Range 29 East, W.M.

for the irrigation of 4.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 10.9 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 13 South, Range 29 East, W.M., with a date of priority of October 23, 1916, 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, 1971.

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 and shall not exceed 0.19 cubic foot per second.

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.

The right to appropriate 0.19 cubic foot per second of water for the irrigation of 14.8 acres was canceled by an order of the State Engineer entered November 18, 1963. This order canceled the certificate recorded at page 24504, State Record of Water Right Certificates and provided for issuance of a new certificate for the remainder of the right not canceled.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a new certificate shall be issued to Blue Mountain Ditch Company confirming the change in point of diversion and covering the balance of the lands not involved in this proceeding including prior changes.

Dated at Salem, Oregon, this 29th day of January, 1971.


CHRIS L. WHEELER
State Engineer