

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION)
OF EUGENE RICCO FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM JOHN DAY RIVER)
- - - - -

O R D E R
APPROVING APPLICATION

On November 15, 1962, Eugene Ricco of Prairie City, Oregon, 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 Wm. J. Galbraith and recorded at page 3288, Volume 4, State Record of Water Right Certificates, confirms a right under Permit No. 3892 to the use of the waters of John Day River for the irrigation of, among other lands, 40.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 13 South, Range 33 East, W. M., with a date of priority of April 18, 1916. These lands are irrigated through the Power Ditch, the point of diversion of said ditch being located 2100 feet North and 3300 feet East from the southwest corner of Section 7, Township 13 South, Range 34 East, W. M.

The applicant herein, owner of the land above described, proposes to irrigate these lands by means of the Settlemire Ditch, the point of diversion of said ditch being located 2700 feet South and 1400 feet West from the northeast corner of Section 10, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 10, Township 13 South, Range 33 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 January 30, 1963, at 9:30 o'clock 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 December 6, 13 and 20, 1962. The

date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 2100 feet North and 3300 feet East from the southwest corner of Section 7, Township 13 South, Range 34 East, W. M.

To a point to be located 2700 feet South and 1400 feet West from the northeast corner of Section 10, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 10, Township 13 South, Range 33 East, W. M.

for the irrigation of 40.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 13 South, Range 33 East, W. M., with a date of priority of April 18, 1916, be and the same is hereby 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, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

Dated at Salem, Oregon, this 12th day of April, 1963.

Notations made on 10/1/63

*App. # 4553
Sec. # 3225*


CHRIS L. WHEELER
State Engineer

Trsf "R-67"

3225