

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF RICHARD MCKINLEY FOR MCKINLEY) ORDER APPROVING
BROTHERS FOR APPROVAL OF CHANGES) TRANSFER 6028
IN POINT OF DIVERSION AND PLACE)
OF USE OF WATER)

On November 19, 1987, an application was filed in the office of the Water Resources Director by Richard McKinley for McKinley Brothers for approval of changes in point of diversion and place of use of water from the John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 55295, Volume 50, State Record of Water Right Certificates, in the name of Blue Mountain Ditch Company describes a right which includes the use of not to exceed 1.86 cubic feet per second from the John Day River for irrigation of a certain:

8.5 acres NE1/4 SW1/4
1.2 acres SE1/4 SW1/4
36.2 acres NE1/4 SE1/4
32.2 acres NW1/4 SE1/4
34.3 acres SW1/4 SE1/4
36.6 acres SE1/4 SE1/4
Section 20
10.0 acres NE1/4 NE1/4
2.0 acres NW1/4 NE1/4
Section 29

Township 13 South, Range 29 East, WM.,

with a date of priority of October 23, 1916.

The applicant herein, owner of the lands above described, proposes to transfer the water right from a certain 15.0 acres in the NE1/4 SE1/4 Section 20, Township 13 South, Range 29 East W.M., to a certain 6.4 acres NE1/4SW1/4 and 8.6 acres SE1/4SW1/4, Section 20, said township and range.

Water for said right is diverted, through the Blue Mountain Ditch, from a point located 565 feet North and 2320 feet West from the East Quarter corner of Section 29, being within the SW1/4 NE1/4 of Section 29, Township 13 South, Range 30 East, WM, and Boyce Ditch, from a point located 1000 feet North and 850 feet East from the Southwest corner of Section 21, being within the SW1/4 SW1/4 of Section 21, Township 13 South, Range 29 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 2550 feet North and 2700 feet West from the Southeast corner of Section 20, being within the NE1//4 SW1/4 of Section 20, Township 13 South, Range 29 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Blue Mountain Eagle, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of July 28, August 4 and 11, 1988.

Jerry Rodgers, 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 the point of diversion and in the place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it is hereby ORDERED that the proposed changes in the point of diversion and in the place of use are 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 original point of diversion under the subject right, and shall not exceed 1.86 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificate 55295 and shall be beneficially used as authorized by this order on or before October 1, 1989.

It is FURTHER ORDERED that the right to divert water from the point described in Certificate 55295 is hereby canceled, and water shall be used from the new point of diversion on or before October 1, 1989.

It is FURTHER ORDERED that the certificate recorded at page 55295, Volume 50, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate 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, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 26th day of September, 1988.

William H. Young
WILLIAM H. YOUNG
Director

NOTE: Approval of the 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.