

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION )  
OF R. O. STANCLIFF FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM JOHN DAY RIVER )

ORDER APPROVING  
TRANSFER NO. 2566

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On August 30, 1971, R. O. Stancliff 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 R. R. McHaley and recorded at page 25526, Volume 17, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 0.225 cubic foot per second of water from John Day River for the irrigation of among other lands, .7 of an acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , 1.50 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 1.8 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, Township 13 South, Range 33 East, W.M., with a date of priority of 1870. These lands are irrigated by means of the Upper McHaley Ditch from a point of diversion located 3050 feet south and 370 feet east from the NW corner of Sec. 7 being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 7, Township 13 South, Range 34 East, W.M.

The applicant herein, owner of the lands above described proposes to divert the water for irrigation through Galbraith Ditch from a point of diversion to be located 3250 ft. South and 3950 feet E from the NW corner of Section 7, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 7, Township 13 South, Range 34 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 at Canyon City, Oregon, on January 26,

1972, at 9:30 a.m. The notice was published in the Grant County 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 2, 9, & 16, 1971. 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 3050 feet South and 370 feet East from the NW corner of Section 7, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 7, Township 13 South, Range 34 East, W.M.

To a point to be located 3250 feet South and 3950 feet East from the NW corner of Section 7, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 7, Township 13 South, Range 34 East, W.M.

for the irrigation of .7 of an acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , 1.50 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 1.8 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, Township 13 South, Range 33 East, W.M., with a date of priority of 1870, 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, 1972.

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 0.10 cubic foot per second.

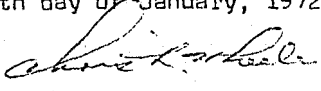
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 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 R. R. McHaley and recorded at page 25526, Volume 17, 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 R. O. Stancliff confirming the change in point of diversion.

Dated at Salem, Oregon, this 27th day of January, 1972.

  
/s/ CHRIS L. WHEELER  
State Engineer