

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF PEARL L. STEWARD FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3688

On May 27, 1977, an application was filed in the office of the Water Resources Director by Pearl L. Steward for approval of changes in place of use and point of diversion from Rock Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4110, Volume 5, State Record of Water Right Certificates, in the name of Andy DeLong, describes a right which includes the use of not to exceed 1.875 cubic feet per second from Rock Creek for irrigation of 5.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 35.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, with a date of priority of 1868; 23.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, with a date of priority of 1882; and 12.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, with a date of priority of 1904, all in Section 34, Township 7 South, Range 38 East, W.M.

Water for said right with a date of priority of 1868 is diverted, through the DeLong and Brown Ditch, from a point located 1815 feet North and 289 feet East from the Southwest Corner of Section 34, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 7 South, Range 38 East, W.M. Water for said right with dates of priority of 1882 and 1904 is diverted, through the Chambers Ditch, from a point located 1542 feet North and 1732 feet West from the Southeast Corner of Section 33, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 7 South, Range 38 East, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right appurtenant to 23.0 acres in said SE $\frac{1}{4}$ SE $\frac{1}{4}$ with a date of priority of 1868, without loss of priority, to 23.0 acres in said SW $\frac{1}{4}$ SE $\frac{1}{4}$ and to transfer the water right appurtenant to said 23.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ with a date of priority of 1882, without loss of priority, to said 23.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ to accomplish an exchange of priorities between the said two tracts.

The applicant also proposes to change from the above described points of diversion and, without loss of priority, to irrigate a certain 28.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 12.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, with a priority date of 1868, and a certain 23.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, with a date of priority of 1882,

through the McCollough Ditch from a point of diversion located 1700 feet North and 224 feet West from the Southeast Corner of Section 33, Township 7 South, Range 38 East, W.M., being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 33; and to irrigate a certain 12.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, with a priority date of 1904, through the Wilcox Ditch from a point of diversion located 1608 feet North and 1444 feet West from the said Southeast Corner of Section 33, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33.

Notice of the application, pursuant to ORS 540.510, was published in the Baker Democrat-Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of December 14, 21 and 28, 1977.

Mr. V. Kent Searles, 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 place of use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old points of diversion under the subject right, and shall not exceed 1.875 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new points 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;

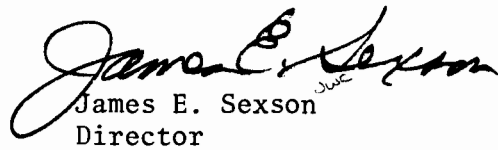
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Andy DeLong and recorded at page 4110, Volume 5, State Record of Water Right

Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right 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 applicant herein.

Dated at Salem, Oregon, this 9th day of February, 1978.


James E. Sexson
Director