

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF FREDERICK K. ROBERTSON FOR)
APPROVAL OF AN ADDITIONAL POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 4861

On August 10, 1981, an application was filed in the office of the Water Resources Director by Frederick K. Robertson for approval of an additional point of diversion from John Day River under certain water rights.

By Decree of the Circuit Court for Grant County, Oregon, entered November 15, 1956, in the Matter of the Determination of the Relative Rights of the various claimants to the Use of the Waters of John Day River and Its Tributaries, a water right was allowed in the name of Horace D. Stewart for the use of waters of John Day River for irrigation of certain lands as tabulated in Volume 10, page 606, with dates of priority of March 16, 1906 for primary irrigation and 1906 for supplemental irrigation, as evidenced by certificate recorded at page 25851, Volume 17, State Record of Water Right Certificates.

Water Right Transfers 3378 and 3593 in the name of Edward Uffelman allowed changes in points of diversion for primary irrigation of, among other lands, a certain 1.9 acres in NE 1/4 NW 1/4, 8.1 acres in NW 1/4 NW 1/4, 18.5 acres in SW 1/4 NW 1/4, 18.0 acres in SE 1/4 NW 1/4, 10.9 acres in NE 1/4 SW 1/4, 12.7 acres in NW 1/4 SW 1/4, 0.7 acre in SE 1/4 SW 1/4, 1.9 acres in SW 1/4 SE 1/4; and supplemental irrigation of 5.7 acres in NE 1/4 NW 1/4, 3.3 acres in NW 1/4 NW 1/4, 14.3 acres in SE 1/4 NW 1/4, 11.0 acres in NE 1/4 SW 1/4 and 4.0 acres in NW 1/4 SE 1/4, Section 12, Township 13 South, Range 27 East, WM.

The authorized points of diversion are located 1) 1,386 feet North and 1,518 feet West from the Southeast Corner of Section 12, being within the NW 1/4 SE 1/4, Section 12, Township 13 South, Range 27 East; 2) 430 feet South and 1,250 feet East from the Northwest Corner of Section 18, being within the NW 1/4 NW 1/4, Section 18, Township 13 South, Range 28 East, WM.

The applicant proposes to construct an additional point of diversion, without loss of priority, at a point located 110 feet North and 890 feet East from the West Quarter Corner of Section 12, being within the SW 1/4 NW 1/4, Section 12, Township 13 South, Range 27 East, WM.

Notice of the application, pursuant to ORS 540.520(2), 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 August 20, 27 and September 3, 1981.

Jerry S. Rodgers, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed additional 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 additional point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the old points of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

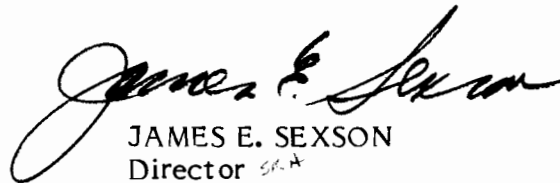
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1983.

It is FURTHER ORDERED that 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, certificates of water right shall be issued to the applicant herein confirming this and prior transfers.

Dated at Salem, Oregon this 30th day of November, 1981.


JAMES E. SEXSON
Director

NOTE: The approval of a 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.

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