

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WHEELER COUNTY

IN THE MATTER OF THE APPLICATION)	
OF BARBARA Y. AND WILLIAM J.)	ORDER APPROVING
BOWERMAN FOR APPROVAL OF A CHANGE)	TRANSFER 5262
IN POINT OF DIVERSION OF WATER)	

On May 11, 1983, an application was filed in the office of the Water Resources Director by Barbara Y. and William J. Bowerman for 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.

By Decree of the Circuit Court for Wheeler County, Oregon, entered November 16, 1956, In the Matter of the Determination of the Relative Rights to the Use of the Waters of John Day River and Its Tributaries, a water right was established in the name of Prineville Land and Livestock Company, tabulated in Volume 10, page 584, Order Record of the Water Resources Director, for use of the waters of John Day River for irrigation of, among other lands, a certain 12.7 acres in SW 1/4 NE 1/4, 1.7 acres in SE 1/4 NE 1/4, 3.0 acres in NE 1/4 SE 1/4 and 13.8 acres in NW 1/4 SE 1/4, Section 16, Township 8 South, Range 19 East, WM, with a date of priority of 1890, as evidenced by the certificate recorded at page 45124, Volume 37, State Record of Water Right Certificates.

Water for the said right is diverted from a point located 260 feet South and 1090 feet East from the Northwest Corner of Section 22, being within the NW 1/4 NW 1/4 of Section 22, Township 8 South, Range 19 East, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, to a point located 2060 feet South and 2400 feet West from the Northeast Corner of Section 16, being within the SW 1/4 NE 1/4 of Section 16, Township 8 South, Range 19 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Gilliam-Wheeler Times-Journal, a newspaper printed and having general circulation in Wheeler County, Oregon, for a period of three weeks in the issues of May 19, 26 and June 2, 1983.

Jerry S. Rodgers, Watermaster, has filed a statement 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 is approved, without loss of priority.

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 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, 1985.

It is FURTHER ORDERED that the certificate recorded at page 45124, Volume 37, State Record of Water Right Certificates, is canceled; 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 20th day of July, 1983.



CHRIS L. WHEELER
Deputy 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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