

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION )  
OF MARILYN SMITH FOR APPROVAL OF )  
ADDITIONAL POINTS OF DIVERSION OF )  
WATER )  
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ORDER APPROVING  
TRANSFER NO. 4224

On May 21, 1979, an application was filed in the office of the Water Resources Director by Marilyn Smith for approval of additional points of diversion from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 44939, Volume 37, State Record of Water Right Certificates, in the name of Joseph C. Oliver, describes a right for the use of water from John Day River for irrigation of a certain 8.0 acres in NE 1/4 NE 1/4 of Section 26, Township 13 South, Range 30 East, W.M., with a date of priority of 1876. Water for this right is diverted, through the Enterprise Ditch, from a point located 1700 feet North and 650 feet East from the Southwest Corner of Section 20, being within the NW 1/4 SW 1/4 of Section 20, Township 13 South, Range 31 East, W.M.

The certificate recorded at page 44823, Volume 36 of said record, in the name of Joseph C. Oliver describes a right which includes the use of water from John Day River for irrigation of a certain 19.2 acres in NW 1/4 NW 1/4 and 8.5 acres in SW 1/4 NW 1/4 of Section 25, Township 13 South, Range 30 East, W.M., with a date of priority of 1876. Water for this right is diverted, through the Enterprise Ditch, from the point as located above and from a pumping site located 682 feet South and 530 feet East from the Northwest Corner of Section 25, being within the NW 1/4 NW 1/4 of Section 25, Township 13 South, Range 30 East, W.M.

The applicant proposes to establish additional points of diversion located (A) 820 feet South and 240 feet West from the Northwest Corner of Section 25, being within the NE 1/4 NE 1/4 of Section 26, Township 13 South, Range 30 East, W.M., for irrigation of said 8.0 acres in NE 1/4 NE 1/4 of Section 26; and (B) 870 feet South and 220 feet West

from the Northwest Corner of Section 25, being within the NE 1/4 NE 1/4 of said Section 26, and to maintain said pumping site as located above for irrigation of said 19.2 acres in NW 1/4 NW 1/4 and 8.5 acres in SW 1/4 NW 1/4 of Section 25.

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 February 14, 21 and 28, 1980.

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

No objections having been filed and it appearing that the proposed additional points of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested points 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, 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:

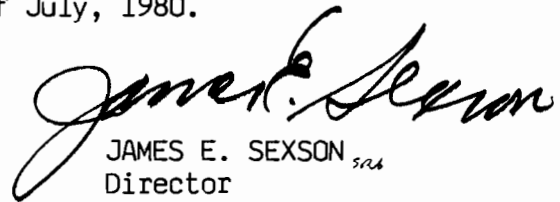
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1981.

It is FURTHER ORDERED that the certificates recorded at pages 44823, Volume 36 and 44939, Volume 37, State Record of Water Right Certificates, are canceled; and in lieu thereof a new certificate be issued covering the balance of the right under Certificate 44823 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 July, 1980.

  
JAMES E. SEXSON *sas*  
Director