

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 )  
-----

ORDER APPROVING  
TRANSFER NO. 4225

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 25533, Volume 17, State Record of Water Right Certificates, in the name of Alice Mae McKenna, describes a right which includes the use of water from John Day River for irrigation of a certain 15.7 acres in NW 1/4 NE 1/4 of Section 26, Township 13 South, Range 30 East, W.M., with a date of priority of 1873.

The certificate recorded at page 25228 of said volume, in the names of George and Ralph Gilbert, describes a right for the use of water from John Day River for irrigation of a certain 25.4 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 1872.

The certificate recorded at page 33252, Volume 25 of said record, in the name of J.J. Moura, describes a right which includes the use of water from John Day River for irrigation of a certain 12.3 acres in SW 1/4 SE 1/4, 10.3 acres in SE 1/4 SE 1/4 of Section 23; and 7.0 acres in NW 1/4 NW 1/4 of Section 25, Township 13 South, Range 30 East W.M., with a date of priority of 1873.

The authorized point of diversion of record for said rights described by certificates 25533, 25228, and 33252 is located 380 feet South and 1600 feet East from the Northwest Corner of Section 25, being within the NE 1/4 NW 1/4 of Section 25, Township 13 South, Range 30 East, W.M. (Panama Ditch).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 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 all said lands described by certificates 25533, 25228 and 33252 and to establish an additional point of diversion at the existing point of diversion for Panama Ditch located 520 feet South and 2080 feet East from the Northwest Corner of Section 25, being within the NE 1/4 NW 1/4 of Section 25, Township 13 South, Range 30 East, W.M., for irrigation of said 12.3 acres in SW 1/4 SE 1/4 and 10.3 acres in SE 1/4 SE 1/4 of Section 23.

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 changes in points of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in 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 changes in points of diversion, as described herein, without loss of priority, is 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 point of diversion under the subject right.

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, and the watermaster be notified at least three days prior to the change in point of diversion:

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 25533 and 25228, Volume 17 and page 33252, Volume 25, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights under certificates 25533 and 33252 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, 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, <sup>1984</sup>  
Director