

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM AND JUDITH MARTIN AND DONNA )  
ROUND FOR APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER 5404

On October 14, 1983, an application was filed in the office of the Water Resources Director by William and Judith Martin and Donna Round 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 Grant 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 Bradford C. Trowbridge, tabulated in Volume 10, page 618, Order Record of the Water Resources Director, for use of the waters of John Day River for irrigation of, among other lands, a certain 0.5 acre in NE 1/4 SW 1/4, Section 23, Township 13 South, Range 31 East, WM with a date of priority of 1863, as evidenced by the certificate recorded at page 49681, Volume 41, State Record of Water Right Certificates.

Water for the said right is diverted, through the Trowbridge Ditch, from a point located 440 feet South and 920 feet West from the Northeast Corner of Section 25, being within the NE 1/4 NE 1/4 of Section 25, Township 13 South, Range 13 South, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom to a point located 1000 feet South and 700 feet West from the Center of Section 23, being within the NE 1/4 SW 1/4 of Section 23, Township 13 South, Range 31 East, WM. The change in point of diversion is reported to be completed.

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 October 27, November 3 and 10, 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.

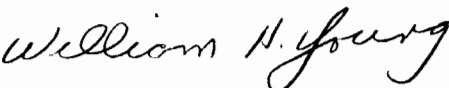
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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 certificate recorded at page 49681, Volume 41, 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 applicants herein.

Dated at Salem, Oregon this 14th day of December, 1983.

  
WILLIAM H. YOUNG<sup>5/14</sup>  
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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