

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION)
OF ELMWOOD RANCH FOR THE APPROVAL)
OF CHANGES IN POINT OF DIVERSION)
OF WATER FROM JOHN DAY RIVER)

ORDER APPROVING
TRANSFER NO. 3409

On May 13, 1976, Elmwood Ranch, by Eugene Ricco, filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion and an additional point of diversion under an existing right of record from the John Day River.

Certificate of water right issued to Eugene Ricco and recorded at Page 39817, Volume 31, State Record of Water Right Certificates, confirms a right to the use of 1.46 cubic feet per second of water from John Day River for the irrigation of 40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 37.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, Township 13 South, Range 33 East, W.M., with a date of priority of April 18, 1916.

These lands are irrigated by means of the Power ditch from a point of diversion located 2150 feet North and 3300 feet East from the Southwest corner of Section 7, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 13 South, Range 34 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate the said lands from two points of diversion located as follows:

- (1) Power ditch, 2020 feet North and 1330 feet West from the Southeast corner of Section 7, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 13 South, Range 33 East, W.M.
- (2) Galbraith-Olp-Hall ditch, 2690 feet North and 380 feet West from the Southeast corner of Section 10, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 13 South, Range 33 East, W.M.

Notice of the application, pursuant to ORS 540.510 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 June 10, 17 and 24, 1976.

Mr. Robert F. Main, Jr., Watermaster of District No, 4, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed changes 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 requested changes in point of diversion and an 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 shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 1.46 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices:

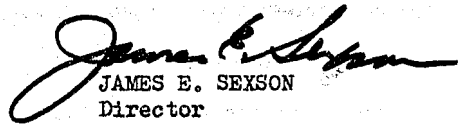
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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, 1977.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Eugene Ricco and recorded at Page 39817, Volume 31, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Elmwood Ranch, by Eugene Ricco, confirming the right.

Dated at Salem, Oregon, this 14th day of September, 1976.


JAMES E. SEXSON
Director