

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF ORAN MCKITTRICK, ET AL., FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4480

On April 12, 1980, an application was filed in the office of the Water Resources Director by Oran and Eloise McKittrick, Robert McKittrick and Bonnie Joy Dinwiddie for approval of a change in point of diversion of water from Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered March 28, 1946, in the Matter of the Determination of the Relative Rights of the Various Claimants to the use of waters of Powder River and Its Tributaries, a water right was allowed in the name of Pacific Loan and Investment Co., Limited for the use of waters of Powder River for irrigation of, among other lands, a certain 10.5 acres in SE 1/4 SW 1/4, Section 8 and 22.7 acres in NE 1/4 NW 1/4, Section 17, Township 10 South, Range 40 East, W.M., being tabulated at Volume 14, page 391, with a date of priority of March, 1905, as evidenced by certificate recorded at page 9167, Volume 9, State Record of Water Right Certificates.

The authorized point of diversion for said rights is located 945 feet South and 1865 feet West from the Southeast Corner of Section 18, being within the NW 1/4 NE 1/4, Section 19, Township 10 South, Range 40 East, W.M., (Smith Ditch.)

The applicant proposes to change the point of diversion therefrom to a point located 300 feet South and 1310 feet East from the Northwest Corner of Section 17, being within the NW 1/4 NW 1/4 of Section 17, Township 10 South, Range 40 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Democrat-Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of May 1, 8, and 15, 1980.

Mr. V. Kent Searles, 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 requested change in 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 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 point of diversion as herein confirmed:

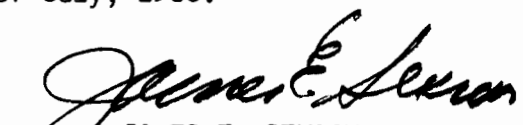
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 9167, Volume 9, 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 9th day of July, 1980.


JAMES E. SEXSON
Director