

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION )  
OF J. W. HEATON FOR APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF )  
WATER )

ORDER APPROVING  
TRANSFER NO. 4436

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On March 24, 1980, an application was filed in the office of the Water Resources Director by J. W. Heaton 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 18, 1918, in the Matter of the Determination of the Relative Rights of the Various Claimants to the Use of the Waters of Powder River and Its Tributaries, a water right was allowed in the name of Richard Truscott for use of waters of Powder River for irrigation of, among other lands, a certain 40.0 acres in NE 1/4 SE 1/4 and 40.0 acres in NW 1/4 SE 1/4, Section 34, Township 8 South, Range 40 East, W.M., being tabulated at Volume 6, page 452, with dates of priority of 1873 and 1893, as evidenced by certificate recorded at page 4516, Volume 5, State Record of Water Right Certificates.

The authorized point of diversion is located 911 feet North and 363 feet East from the West Quarter Corner of Section 16, being within the SW 1/4 NW 1/4, Section 16, Township 9 South, Range 40 East, W.M. (Baldock Slough Ditch.)

The applicant proposes to change the point of diversion therefrom, without loss of priority, to a point located 106 feet North and 594 feet East from the West Quarter Corner of Section 33, being within the SW 1/4 NW 1/4, Section 33, Township 8 South, Range 40 East, W.M. (Geddes Snavelly Ditch.)

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 effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

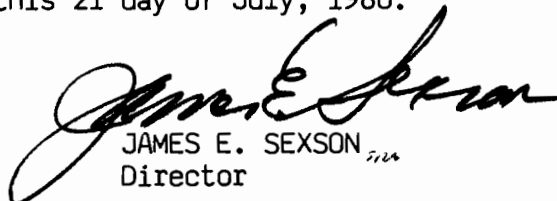
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 certificate recorded at page 4516, Volume 5, State Record of Water Right Certificates, is canceled; 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 21 day of July, 1980.

  
JAMES E. SEXSON  
Director