

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF ELMER THOMPSON & DERROL MCKERN)
FOR APPROVAL OF CHANGES IN PLACE)
OF USE AND POINT OF DIVERSION OF)
WATER FROM JOHN DAY RIVER)

ORDER APPROVING
TRANSFER NO. 3954

On May 5, 1978, an application was filed in the office of the Water Resources Director by Elmer Thompson and Derrol McKern for approval of a change in point of diversion from John Day River and a change in place of use from John Day River and Beech Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2397, Volume 3, State Record of Water Right Certificates, in the name of Mt. Vernon Irrigation and Power Company, describes a right which includes the use of not to exceed 0.07 cubic foot per second from John Day River and Beech Creek for irrigation of 5.23 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 13 South, Range 30 East, W.M., with a date of priority of March 6, 1911.

The authorized points of diversion of record for said right are located: (John Day River) South 72 degrees East, 2705 feet from the Northwest Corner of Section 25, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 13 South, Range 30 East, W.M.; and (Beech Creek) South 31 degrees West, 2244 feet from the Northeast Corner of Section 21, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 13 South, Range 30 East, W.M. (Panama Ditch).

The applicants herein propose to change the place of use of the above described water right, without loss of priority, and to irrigate in lieu thereof a certain 5.23 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 13 South, Range 30 East, W.M. The applicants herein also propose to change the point of diversion of water from John Day River, without loss of priority, to a point located 520 feet South and 2080 feet East from the Northwest Corner of Section 25, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 13 South, Range 30 East, W.M. (Panama Ditch).

Mr. Jerry Rodgers, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 place of use and point of diversion, as described herein, without loss of priority, are 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, and shall not exceed 0.07 cubic foot per second.

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:

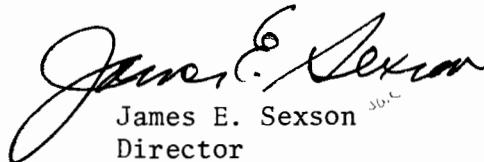
That the diversion works shall include an in line flow meter, a weir, or other device suitable for measuring the water to which the applicant is entitled;

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 and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Mt. Vernon Irrigation and Power Company and recorded at page 2397, Volume 3, 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 July, 1978.


James E. Sexson
Director