

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF WAYNE MORRIS FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM POWDER RIVER)
- - - - -

ORDER APPROVING
TRANSFER NO. 4171

On March 9, 1979, an application was filed in the office of the Water Resources Director by Wayne Morris 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.

The certificate recorded at page 4457, Volume 5, State Record of Water Right Certificates, in the name of J. E. Sherman, describes a right which includes the use of not to exceed 1/40th cubic foot per second per acre from Powder River for irrigation of a certain 40.0 acres in NE¹/₄ SE¹/₄ and 40.0 acres in NW¹/₄ SE¹/₄ of Section 3, Township 9 South, Range 40 East, W.M., with a date of priority of 1895.

Water for the said right is diverted, through the Baldock Ditch, from a point located 1760 feet South and 360 feet East from the Northwest Corner of Section 16, being within the SW¹/₄ NW¹/₄ of Section 16, Township 9 South, Range 40 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 20 feet North and 80 feet East from the West Quarter Corner of Section 9, being within the SW¹/₄ NW¹/₄ of said Section 9, Township 9 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 August 31, September 7 and 14, 1979.

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 objection 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, and shall be subject to all other conditions and limitations contained in the Powder River Decree, page 291, Volume 6, Record of the State Water Board of the State of Oregon, and shall not exceed 1/40th cubic foot per second per acre.

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:

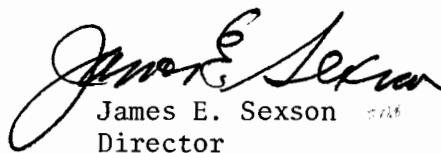
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 4457, Volume 5, 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 applicant herein.

Dated at Salem, Oregon this 13th day of November, 1979.


James E. Sexson
Director