

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION OF)
ELMWOOD RANCHES FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER 5969

On June 29, 1987, an application was filed in the office of the Water Resources Director by Elmwood Ranches for approval of a change in point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Grant County, Oregon, entered November 16, 1956, In the Matter of the Determination of the Relative Rights to the Use of the Waters of John Day River and Its Tributaries, a water right was established in the name of Paul D. Dexter, tabulated in Volume 10, page 555, Order Record of the Water Resources Director, for use of not to exceed 1/40 cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre calendar month to July 1 and 3/4 acre-foot per acre thereafter; total five acre-feet per acre for season, measured at point of diversion from John Day River for irrigation of, among other lands, a certain:

6.5 acres in SW 1/4 NE 1/4
Section 10
Township 13 South, Range 33 East, WM

with a date of priority of 1869, as evidenced by the certificate recorded at page 39589, Volume 31, State Record of Water Right Certificates.

Water for the said right is diverted, through the Dexter Ditch, from a point located 1700 feet South and 60 feet East from the Northeast Corner of Section 10, being within the SW 1/4 NW 1/4 of Section 11, Township 13 South, Range 33 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 2650 feet South and 1450 feet West from the Northeast Corner of Section 10, being within the NW 1/4 SE 1/4 of Section 10, Township 13 South, Range 33 East, WM. The change in point of diversion is reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in The Blue Mountain Eagle, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of July 16, 23 and 30, 1987.

Jerry Rodgers, 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 proposed change in point of diversion is approved, without loss of priority.

The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old 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 1/40 cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre calendar month to July 1 and 3/4 acre-foot per acre thereafter; total five acre-feet per acre for season, measured at point of diversion.

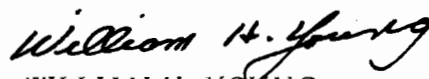
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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 certificate recorded at page 39589, Volume 31, 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 28th day of September, 1987.


WILLIAM H. YOUNG
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

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