

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
CITY OF SISTERS FOR APPROVAL OF)
CHANGES IN POINT OF DIVERSION AND)
USE OF WATER FROM POLE CREEK)

ORDER APPROVING
TRANSFER NO. 3733

On July 21, 1977, an application was filed in the office of the Water Resources Director by City of Sisters for changes in point of diversion and use heretofore made of water under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 864, Volume 2, State Record of Water Right Certificates, in the name of E. C. Wyman, describes a right which includes the use of not to exceed 0.20 cubic foot per second from Pole Creek for irrigation of 10.0 acres in S $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 15 South, Range 10 East, W.M., with a date of priority of 1885.

The authorized diversion of water for the said right is through the Smith and Wilt Ditch, from a point located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 15 South, Range 10 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion and use heretofore made and, without loss of priority, to hereafter use the water appropriated for municipal use through its municipal water supply system in SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4; SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5; E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 8 and N $\frac{1}{2}$ of Section 9, from a point of diversion located 14 chains South and 12 chains West from the Northeast corner of Section 19, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, all within Township 15 South, Range 10 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Bend B

Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of September 1, 8 and 15, 1977.

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

No objections having been filed and it appearing that the proposed changes in point of diversion and use heretofore made may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in point of diversion and use heretofore made of water from Pole Creek, 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 0.20 cubic foot per second.

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;

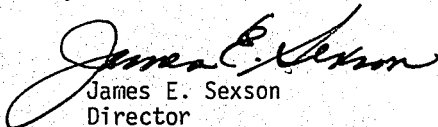
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that 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 E. C. Wyman and recorded at page 864, Volume 2, State Record of Water Right Cer-

tificates, 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 October, 1977.


James E. Sexson
Director