

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UNION COUNTY

IN THE MATTER OF THE APPLICATION OF )  
POWDER VALLEY WATER CONTROL DISTRICT ) ORDER APPROVING  
FOR APPROVAL OF AN ADDITIONAL POINT ) TRANSFER 6219  
OF DIVERSION OF WATER )

The Powder Valley Water Control District filed an application with the Water Resources Director for approval of an additional point of diversion of water from Anthony Creek, as provided by ORS 540.510 to 540.530.

By Decree of the Circuit Court for Union County, Oregon, entered April 24, 1913, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the North Powder River and its tributaries, a water right was allowed in the name of John Brandt for the use of Water from Anthony creek for irrigation of a certain 31 acres NE 1/4 NE 1/4, 19 acres NW 1/4 NE 1/4, 36 acres SW 1/4 NE 1/4, 40 acres SE 1/4 NE 1/4, Section 7, 22.5 acres NE 1/4 NE 1/4, 38.5 acres NW 1/4 NE 1/4, 40 acres SW 1/4 NE 1/4, 34.5 acres SE 1/4 NE 1/4, 35 acres NE 1/4 NW 1/4, 33 acres NW 1/4 NW 1/4, Section 8, 17.5 acres NE 1/4 NW 1/4, 10 acres NW 1/4 NW 1/4, 40 acres SW 1/4 NW 1/4, 24.5 acres SE 1/4 NW 1/4, 38 acres NE 1/4 SW 1/4, 40 acres NW 1/4 SW 1/4, Section 9, Township 6 South, Range 39 East, W.M.; being tabulated in Volume 3, page 252, with a date of priority of 1898, as evidenced by certificate 1528. These lands are irrigated by means of the Carnes Ditch.

By Decree of the Circuit Court for Union County, Oregon, entered April 24, 1913, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the North Powder River and its tributaries, a water right was allowed in the name of Elmer Shipp for the use of water from Anthony Creek for irrigation of a certain 10 acres SW 1/4 NW 1/4, 4 acres SE 1/4 NW 1/4, 20 acres NE 1/4 SW 1/4, 4 acres NW 1/4 SW 1/4, Section 22, Township 6 South, Range 38 East, W.M.; being tabulated in Volume 3, page 252, with a date of priority of 1908, as evidenced by certificate 1539. These lands are irrigated by means of the Carnes Ditch.

By Decree of the Circuit Court for Union County, Oregon, entered April 24, 1913, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the North Powder River and its tributaries, a water right was allowed in the name of W.J. Welch for the use of water from Anthony Creek for irrigation of a certain 40 acres SE 1/4 SE 1/4, Section 23, 40 acres NE 1/4 SW 1/4, 40 acres SW 1/4 SW 1/4, 40 acres NW 1/4 SE 1/4, 35 acres SW 1/4 SE 1/4, 32 acres SE 1/4 SE 1/4, Section 24, 160 acres NE 1/4, Section 25, Township 6 South, Range 38 East, W.M.; being tabulated in Volume 3, page 252, with dates of priority of 1898 and 1906, as evidenced by certificate 1541. These lands are irrigated by means of the Carnes Ditch.

By Decree of the Circuit Court for Union County, Oregon, entered April 24, 1913, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the North Powder River and its tributaries, a water right was allowed in the name of Clara M. Welch for the use of water from Anthony Creek for irrigation of a certain 40 acres SE 1/4 SW 1/4, Section 24, 35 acres NE 1/4 NW 1/4, 80 acres S 1/2 NW 1/4, Section 25, Township 6 South, Range 38 East, W.M.; being tabulated in Volume 3, page 252, with a date of priority of 1905, as evidenced by certificate 1542. These lands are irrigated by means of the Carnes Ditch.

By Decree of the Circuit Court for Union County, Oregon, entered April 24, 1913, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the North Powder River and its tributaries, a water right was allowed in the name of John Shaw and E.R. McCause for the use of water from Anthony Creek for irrigation of a certain

SW 1/4 NE 1/4	40.0 acres	SE 1/4 SE 1/4	24.5 acres
SE 1/4 NW 1/4	30.0 acres		SECTION 30
NE 1/4 SW 1/4	39.6 acres	NE 1/4 NE 1/4	9.5 acres
NW 1/4 SW 1/4	16.9 acres		SECTION 31
SW 1/4 SW 1/4	40.0 acres	NE 1/4 NE 1/4	27.5 acres
SE 1/4 SW 1/4	40.0 acres	NW 1/4 NE 1/4	40.0 acres
NE 1/4 SE 1/4	40.0 acres	SW 1/4 NE 1/4	15.5 acres
NW 1/4 SE 1/4	40.0 acres	NE 1/4 NW 1/4	40.0 acres
SW 1/4 SE 1/4	40.0 acres	NW 1/4 NW 1/4	23.5 acres
SE 1/4 SE 1/4	40.0 acres	SW 1/4 NW 1/4	3.0 acres
	SECTION 29	SE 1/4 NW 1/4	32.0 acres
			SECTION 32

TOWNSHIP 5 SOUTH, RANGE 39 EAST, W.M.

being tabulated in Volume 3, page 252, with a date of priority of 1898, as evidenced by certificate 31428. These lands are irrigated by means of the Carnes Ditch.

The applicant proposes to retain the present point of diversion and add a diversion (Coughanour Ditch) located 1300 feet South and 2400 feet East from the northwest corner of Section 18, being within the NE 1/4 NW 1/4, Section 18, Township 6 South, Range 38 East, W.M.

No objections having been filed, and it appearing that the proposed additional point of diversion may be made without injury to existing rights, the proposed change should be approved.

NOW, THEREFORE, it is hereby ORDERED that the proposed additional point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the Coughanour Ditch, together with that diverted at the Carnes Ditch, shall not exceed the quantity of water available at the Carnes Ditch under the subject right.

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:

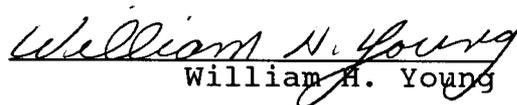
The diversion works shall include a headgate, an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

The type and plans of the headgate and measuring device must 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 water shall be used from the new diversion point on or before October 1, 1991.

It is FURTHER ORDERED that certificates 1528, 1539, 1541, 1542, and 31428 are canceled. 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, confirming certificates of water right shall be issued.

WITNESS the signature of the Water Resources Director, affixed December 29, 1989.

  
William H. Young

Recorded in Special Order Records at Volume 43, page 506.

T-6219.TES