

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOHN CHANDLER FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER NO. 4530

On June 2, 1980, an application was filed in the office of the Water Resources Director by John Chandler for approval of a change in point of diversion of water from Eagle Creek pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered March 18, 1918, in the Matter of the Determination of the Relative Rights of the Various Claimants to the Use of the Waters of Powder River and Its Tributaries, a water right was allowed in the name of Lanthis Chandler for use of waters of Eagle Creek for irrigation of, among other lands, a certain 5.6 acres in NE 1/4 NW 1/4 and 2.4 acres in NE 1/4 SW 1/4, Section 15, Township 9 South, Range 45 East, W.M., being tabulated at Volume 6, page 467, with a date of priority of 1884, as evidenced by certificate recorded at page 4619, Volume 5, State Record of Water Right Certificates.

The authorized point of diversion is located 2060 feet North and 610 feet East from the Southwest Corner of Section 3, being within NW 1/4 SW 1/4, Section 3, Township 9 South, Range 45 East, W.M. (Holstine Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 590 feet North and 2720 feet East from the Southwest Corner of Section 10, being within SE 1/4 SW 1/4, Section 10, Township 9 South, Range 45 East, W.M. (Nash Ditch).

By said Decree, a water right was allowed in the names of D.J. and G.B. Saunders for use of waters of Eagle Creek for irrigation of, among other lands, a certain 2.4 acres in SW 1/4 NE 1/4 of said Section 15, being tabulated at Volume 6, page 482, with a date of priority of 1903, as evidenced by certificate recorded at page 4723, Volume 5 of said record.

The authorized point of diversion is located 590 feet North and 2720 feet East from the Southwest Corner of Section 10, being within SE 1/4 SW 1/4, Section 10, Township 9 South, Range 45 East, W.M. (Nash Ditch).

The applicant proposes to change the point of diversion therefrom to a point located 2060 feet North and 610 feet East from the Southwest Corner, Section 3, being within NW 1/4 SW 1/4, Section 3, Township 9 South, Range 45 East, W.M. (Holstine Ditch).

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 June 9, 16 and 23, 1980.

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed changes in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes 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 changes in 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 points of diversion shall not exceed the quantity of water available at the old points of diversion under the subject right.

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.

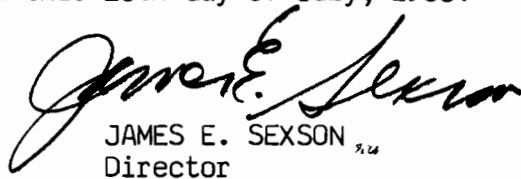
It is FURTHER ORDERED that NO time need be fixed for completion as the changes in point of diversion are completed.

It is FURTHER ORDERED that the certificate recorded at page 4723, Volume 45, 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.

The order of the Water Resources Director entered May 22, 1980, approving transfer application No. 4393, provided for cancellation of the certificate of water right recorded at page 4619, Volume 5, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; therefore,

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered May 22, 1980, approving transfer application No. 4393; 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 July, 1980.


JAMES E. SEXSON
Director