

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION OF)
POWDER VALLEY WATER CONTROL DISTRICT) ORDER APPROVING
FOR APPROVAL OF AN ADDITIONAL POINT) TRANSFER 6285
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 Rock Creek, as provided by 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 to the Use of the Waters of the Powder River and its tributaries, a water right was allowed in the name of W.L. Miller Estate for the use of Water from Rock Creek for irrigation of a certain 40 acres NE 1/4 NE 1/4, 40 acres NW 1/4 NE 1/4, 35 acres SW 1/4 NE 1/4, 40 acres SE 1/4 NE 1/4, 40 acres NE 1/4 SE 1/4, 37 acres NW 1/4 SE 1/4, Section 19, 40 acres NW 1/4 NW 1/4, 40 acres SW 1/4 NW 1/4, 40 acres NE 1/4 SW 1/4, 40 acres NW 1/4 SW 1/4, Section 20, Township 7 South, Range 39 East, W.M.; being tabulated in Volume 6, page 291, with a date of priority of 1888, as evidenced by certificate 4357. These lands are irrigated by means of the Miller Ditch.

By Decree of the Circuit Court for Baker County, Oregon, entered March 18, 1918, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the Powder River and its tributaries, a water right was allowed in the name of R.V. J.A., and J.D. Toney for the use of Water from Rock Creek for irrigation of, among other lands, a certain 40 acres SE 1/4 SE 1/4, Section 24, 40 acres NE 1/4 NE 1/4, Section 25, Township 7 South, Range 38 East, W.M.; 40 acres SW 1/4 SW 1/4, Section 19, Township 7 South, Range 39 East, W.M.; being tabulated in Volume 6, page 291, with a date of priority of 1889, as evidenced by certificate 4511. These lands are irrigated by means of the Miller Ditch.

The applicant proposes to retain the present point of diversion and add a diversion located 3040 feet South and 3102 feet West from the northeast corner of Section 34, being within the NE 1/4 SW 1/4, Section 34, Township 7 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 new point of diversion, together with that diverted at the Miller Ditch, shall not exceed the quantity of water available at the Miller 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:

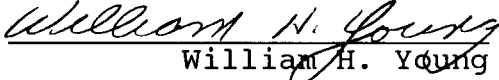
The diversion works shall include a headgate, an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 4357 and 4511 are cancelled and in lieu thereof a new certificate be issued covering the balance of certificate 4511 NOT involved in this proceeding. 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.

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


William H. Young

Recorded in Special Order Records at Volume 43, page 510.

T-6285.TES