

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION OF)
CO-GEN CO. AND PRAIRIE WOOD PRODUCTS) ORDER APPROVING
FOR APPROVAL OF A CHANGES IN USE) TRANSFER 6113
HERETOFORE MADE OF THE WATER, PLACE)
OF USE AND POINT OF DIVERSION)

On May 16, 1988, an application was filed in the office of the Water Resources Director by Co-Gen Co. and Prairie Wood Products for approval of changes in use heretofore made of the water, place of use and point of diversion from the John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 39589, Volume 31, State Record of Water Right Certificates, in the name of Paul D. Dexter, describes a right which includes the 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 per calender month to July 1 and 3/4 acre foot per acre thereafter; total five acre feet per acre per season, measured at the point of diversion from the John Day River for irrigation of a certain 2.3 acres in the SW1/4 NE1/4 and 15.2 acres in the SE1/4 NE1/4, Section 10, Township 13 South, Range 33 East, WM, with a date of priority of 1869. This land also has a supplemental supply from Dixie Creek through the Dixie Creek Ditch with a priority of 1868 and a supplemental supply from a spring in the SW1/4 SW1/4, Section 2, Township 13 South, Range 33 East, WM, with a priority date of 1886.

Water for said right is diverted from a point located 4340 feet South and 60 feet East from the West Quarter Corner of Section 2, being within the SW1/4 NW1/4, Section 11, Township 13 South, Range 33 East, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom to a point located 300 feet North and 500 feet West from the East Quarter Corner of Section 10, being within the SE1/4 NE1/4, Section 10, and the use heretofore made of the water to Industrial, including operation of a power plant, log deck sprinkling and general sawmill use, in the NE1/4 NE1/4 and SE1/4 NE1/4, Section 10 and the NW1/4 NW1/4, Section 11, Township 13 South, Range 33 East, WM.

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 September 1, 8 and 15, 1988.

Jerry Rodgers, Watermaster, has filed a statement to the effect that the proposed changes in use heretofore made of the water, place of use and point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it is hereby ORDERED that the proposed changes in use heretofore made of the water, place of use and point of diversion are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed 0.438 cubic feet per second and 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.

It is FURTHER ORDERED that the use of water shall be limited to the irrigation season of each year from April 1 to September 30.

It is FURTHER ORDERED that the following provisions will be effective when in the judgement 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;

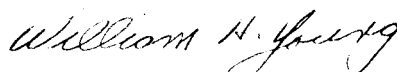
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificate 39589, and shall be beneficially used as authorized by this order on or before October 1, 1990.

It is FURTHER ORDERED that the right to divert water from the point described in Certificate 39589 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1990.

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 22nd day of December, 1988.



WILLIAM H. YOUNG
Director

NOTE: Approval of the 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.