

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROY HOWARD FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM JOHN DAY RIVER)

ORDER APPROVING
TRANSFER NO. 3886

On February 17, 1978, an application was filed in the office of the Water Resources Director by Roy Howard for approval of a change in point of diversion from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 38646, Volume 30, State Record of Water Right Certificates, in the name of Frank N. Noble, describes a right which includes the use of water from John Day River for irrigation of a certain 0.2 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.6 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 13 South, Range 30 East, W.M., with a date of priority of 1876.

Water for the said right is diverted, through the Enterprise Ditch, from a point located 1700 feet North and 650 feet East from the Southwest Corner of Section 20, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 13 South, Range 31 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1225 feet South and 600 feet West from the Northeast Corner of Section 27, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 13 South, Range 30 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in The Blue Mountain Eagle, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three weeks in the issues of March 2, 9 and 16, 1978.

Mr. Jerry Rodgers, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change 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 change in point of diversion, as described herein, without loss of priority, is 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.

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:

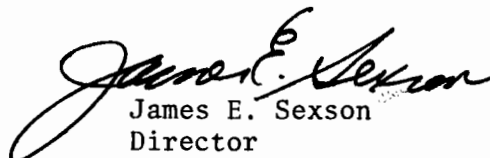
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Frank N. Noble and recorded at page 38646, Volume 30, 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 24th day of April, 1978.


James E. Sexson
Director