

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UNION COUNTY

IN THE MATTER OF THE APPLICATION)
OF MICHAEL MASON FOR APPROVAL OF)
AN ADDITIONAL POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 4938

On November 20, 1981, an application was filed in the office of the Water Resources Director by Michael Mason for approval of an additional point of diversion of water from Anthony Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Union County, Oregon, entered April 24, 1912, In the Matter of the Determination of the Relative Rights to the Use of the Waters of North Powder River and Its Tributaries, a water right was established in the name of James A. Pilcher, tabulated in Volume 1, page 410, Order Record of the Water Resources Director, for use of the waters of Anthony Creek for irrigation of, among other lands, a certain 20.0 acres in NW 1/4 NE 1/4, 28.0 acres in SW 1/4 NE 1/4, 20.0 acres in SE 1/4 NE 1/4, 17.0 acres in NE 1/4 NW 1/4 and 12.5 acres in SE 1/4 NW 1/4, Section 28, Township 6 South, Range 38 East, WM, with dates of priority of 1870 and 1884, as evidenced by the certificate recorded at page 1536, Volume 2, State Record of Water Right Certificates.

Water for the said right is diverted, through the Pilcher-Dryborough Ditch, from a point located 370 feet North and 1,520 feet East from the Southwest Corner of Section 17, being within the SE 1/4 SW 1/4 of Section 17, Township 6 South, Range 38 East, WM.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 2,310 feet North and 100 feet East from the Southwest Corner of Section 17, being within the NW 1/4 SW 1/4 of Section 17, Township 6 South, Range 38 East, WM (Lone Pine Ditch).

Notice of the application, pursuant to ORS 540.520(2), was published in the Review-Recorder, a newspaper printed and having general circulation in Union County, Oregon, for a period of three weeks in the issues of December 3, 10 and 17, 1981.

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

No objections having been filed and it appearing that the proposed additional 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 additional 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, 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 following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

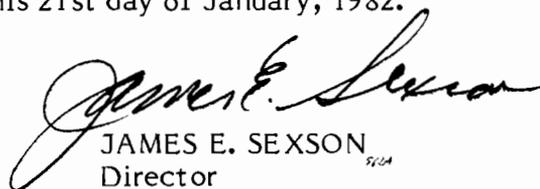
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 additional point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 1536, Volume 2, 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 in Transfer P-37; a new certificate issued to Louis F. Pratt and G. W. Pratt confirming the change authorized by Transfer P-37; 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 21st day of January, 1982.


JAMES E. SEXSON
Director

NOTE: The approval of a 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.

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