

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION )  
OF LEO AND DIANE HOLTHOUSE FOR )  
APPROVAL OF CHANGES IN PLACE )  
OF USE AND POINT OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER 5044

On May 12, 1982, an application was filed in the office of the Water Resources Director by Leo and Diane Holthouse for approval of changes in place of use and point of diversion of water from Cummings Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 4973, Volume 5, State Record of Water Right Certificates, in the name of A. Braga, describes a right for the use of not to exceed 0.54 cubic foot per second of water from Cummings Creek for irrigation of 7.0 acres in NW 1/4 NE 1/4, 1.0 acre in SW 1/4 NE 1/4, 3.0 acres in SE 1/4 NE 1/4 and 32.0 acres in NE 1/4 NW 1/4, Section 16, Township 13 South, Range 28 East, WM, with a date of priority of March 12, 1920.

Water for the said right is diverted from a point located South 14 degrees, 30 minutes East, 1,793 feet from the Northwest Corner of Section 15, being within the SW 1/4 NW 1/4 of Section 15, Township 13 South, Range 28 East, WM.

The applicants herein, owners of the lands above described, propose to sever the right from 5.0 acres in NW 1/4 NE 1/4, 1.0 acre in SW 1/4 NE 1/4, 3.0 acres in SE 1/4 NE 1/4 and 21.0 acres in NE 1/4 NW 1/4 and, without loss of priority, to use said right for supplemental irrigation of 15.3 acres in SW 1/4 SE 1/4, 7.4 acres in SE 1/4 SE 1/4, Section 8; 3.0 acres in NE 1/4 NE 1/4 and 4.3 acres in NW 1/4 NE 1/4, Section 17, Township 13 South, Range 28 East, WM, and the balance of the aforesaid lands from a point of diversion located 1,330 feet North and 1,650 feet East from the Southwest Corner of Section 3, being within the SE 1/4 SW 1/4 of Section 3, Township 13 South, Range 28 East, WM.

Notice of the application, pursuant to ORS 540.520(2), 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 May 27, June 3 and 10, 1982.

Jerry S. Rodgers, Watermaster, has filed a statement to the effect that the proposed changes in 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 place of use and 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 place of use and point of diversion, as described herein, without loss of priority, are approved WITH THE FOLLOWING CONDITIONS:

The water right described herein shall be used for supplemental irrigation only.

The quantity of water diverted at the new point of diversion shall not exceed 0.54 cubic foot per second, and shall not exceed the quantity of water available at the old point of diversion under the subject right.

The following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

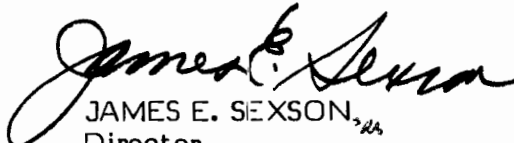
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

NO time need be fixed for completion as the charges in place of use and point of diversion are completed.

It is FURTHER ORDERED that the certificate recorded at page 4973, Volume 5, State Record of Water Right Certificates, is canceled; 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 applicants herein.

Dated at Salem, Oregon this 29th day of October, 1982.

  
JAMES E. SEXSON, <sup>WA</sup>  
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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