

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF JACK & ELAINE KIGHT FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER NO. 4536

On June 4, 1980, an application was filed in the office of the Water Resources Director by Jack and Elaine Kight for approval of a change in point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Grant County, Oregon, entered November 16, 1956, in the Matter of the Determination of the Relative Rights of the Various Claimants to the Use of the Waters of John Day River and Its Tributaries, a water right was allowed in the name of Bradford C. Trowbridge for use of waters of John Day River for irrigation of, among other lands, a certain 0.3 acre in NE 1/4 NW 1/4, Section 25, Township 13 South, Range 31 East, W.M., being tabulated at Volume 10, page 618, with a date of priority of 1875, as evidenced by certificate recorded at page 42919, Volume 34, State Record of Water Right Certificates.

The authorized point of diversion is located 2300 feet South and 1080 feet East from West Quarter Corner of Section 20, being within SW 1/4 SW 1/4, Section 20, Township 13 South, Range 31 East, W.M. (Forlorn Hope Ditch).

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom to a point located 750 feet South and 1595 feet East from Northwest Corner of Section 25, being within NE 1/4 NW 1/4, Section 25, Township 13 South, Range 31 East, W.M.

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 June 12, 19 and 26, 1980.

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;

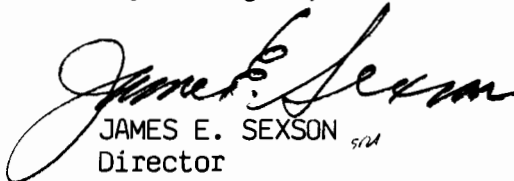
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of diversion is completed.

The order of the Water Resources Director entered August 7, 1980, approving transfer application No. 4532, provided for cancellation of the certificate of water right recorded at page 42919, Volume 34, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right not involved in the transfer proceedings; therefore,

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered August 7, 1980, approving transfer application No. 4532; 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 7th day of August, 1980


JAMES E. SEXSON
Director