

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF TED BARNHOUSE FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 4940

On November 23, 1981, an application was filed in the office of the Water Resources Director by Ted Barnhouse 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 to the Use of the Waters of John Day River and Its Tributaries, water rights were established in the names of George H. Hall, William Hall and William Hall, Jr., tabulated in Volume 10, pages 516 and 517, Order Record of the Water Resources Director, for use of the waters of John Day River for irrigation of, among other lands, a certain 2.0 acres in SW 1/4 SW 1/4, 20.0 acres in SE 1/4 SW 1/4, Section 9; 21.8 acres in NE 1/4 NW 1/4, 28.8 acres in NW 1/4 NW 1/4, Section 16; 3.0 acres in NE 1/4 NE 1/4 and 1.0 acre in SE 1/4 NE 1/4, Section 17, Township 13 South, Range 33 East, WM, with a date of priority of 1867, as evidenced by the certificates recorded at pages 46387, 46388 and 46389, Volume 39, State Record of Water Right Certificates.

Water for the said rights is diverted, through the Morgan Ditch, from a point located 2,100 feet South and 220 feet West from the Center of Section 9, being within the SE 1/4 SW 1/4 of Section 9, Township 13 South, Range 33 East, WM.

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 1,420 feet North and 570 feet West from the Southeast Corner of Section 9, being within the NE 1/4 SE 1/4 of Section 9, Township 13 South, Range 33 East, WM (Hall Ditch).

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 December 3, 10 and 17, 1981.

Jerry S. 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

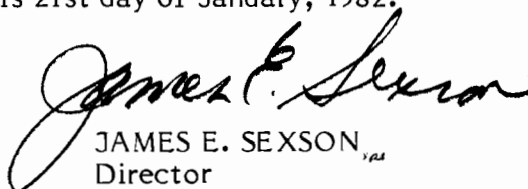
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

It is FURTHER ORDERED that the certificates recorded at pages 46387, 46388 and 46389, Volume 39, State Record of Water Right Certificates, are 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 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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