

BEFORE THE STATE ENGINEER OF OREGON

Grant County

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

ORDER APPROVING
TRANSFER NO. M-147

On June 24, 1963, Art Morgan of Prairie City, Oregon, filed an application in the office of the State Engineer for the 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, a water right was allowed in the name of George H. Hall, with a date of priority of 1867, for the use of the waters of John Day River for the irrigation of, among other lands, 2.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 20.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.4 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 13 South, Range 33 East, W.M., as confirmed by certificate recorded at page 25267, Volume 17, State Record of Water Right Certificates. In the same proceedings, a water right was allowed in the names of George H. Hall and William Hall, Jr., with a date of priority of 1867, for the irrigation of, among other lands, 7.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, and 3.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.0 acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 13 South, Range 33 East, W.M., as confirmed by certificate recorded at page 25268, Volume 17, State Record of Water Right Certificates. In the same proceedings, a water right was allowed in the name of William Hall for the irrigation of 21.8 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 21.8 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 13 South, Range 33 East, W.M., with a date of priority of 1867, as confirmed by certificate recorded at page 25277, Volume 17, State Record of Water Right Certificates. These lands are irrigated through the Hall Ditch, the point of diversion of said ditch being located 1310 feet north and 950 feet west from the southeast corner of Section 9, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 9, Township 13 South, Range 33 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of the Morgan Ditch, the point of diversion of said ditch to be located 850 feet north and 2400 feet west from the southeast corner of Section 9, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 9, Township 13 South, Range 33 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Canyon City, Oregon, on September 15, 1964, at 9:30 a.m. The notice 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 July 23, 30 and August 6, 1964. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. George M. Ward, Watermaster of District No. 4, has filed a report 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 of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from John Day River, to-wit:

From a point located 1310 feet north and 950 feet west from the southeast corner of Section 9, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 9, Township 13 South, Range 33 East, W.M.

To a point to be located 850 feet north and 2400 feet west from the southeast corner of Section 9, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 9, Township 13 South, Range 33 East, W.M.

for the irrigation of 2.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 20.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, and 2.4 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9 and 21.8 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 28.8 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16 and 3.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.0 acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, all in Township 13 South, Range 33 East, W.M., is approved.

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, 1965, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

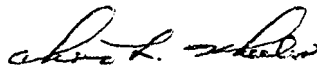
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 certificates of water right heretofore issued to George H. Hall, recorded at page 25267, Volume 17, State Record of Water Right Certificates; George H. Hall and William Hall, Jr., recorded at page 25268, Volume 17, State Record of Water Right Certificates and William Hall, recorded at page 25277, Volume 17, State Record of Water Right Certificates, are canceled, and in lieu of certificates 25267 and 25268, new certificates shall be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Art Morgan confirming said change in point of diversion.

Dated at Salem, Oregon, this 15th day of March, 1965.



CHRIS L. WHEELER
State Engineer