

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION )  
OF WILLIAM R. LEWIS FOR APPROVAL )  
OF AN ADDITIONAL POINT OF DIVER- )  
SION OF WATER )

ORDER APPROVING  
TRANSFER NO. 4465

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On March 31, 1980, an application was filed in the office of the Water Resources Director by William R. Lewis for approval of an additional point of diversion of water from North Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered March 18, 1918, in the Matter of the Determination of the Relative Rights of the Various Claimants to the Use of the Waters of Powder River and Its Tributaries, a water right was allowed in the name of O. D. Thomlinson for use of waters of North Powder River for irrigation of, among other lands, a certain 40.0 acres in NE 1/4 SW 1/4, 40.0 acres in NW 1/4 SW 1/4, 40.0 acres in SW 1/4 SW 1/4 and 40.0 acres in SE 1/4 SW 1/4, Section 23, Township 6 South, Range 39 East, W.M., being tabulated at Volume 1, page 408, with a date of priority of 1890, as evidenced by certificate recorded at page 1515, Volume 2, State Record of Water Right Certificates.

The authorized point of diversion is located 740 feet North and 2145 feet West from the Southeast Corner of Section 28, being within the SW 1/4 SE 1/4, Section 28, Township 6 South, Range 39 East, W.M. (Harlan Sanders Ditch).

The applicant proposes to establish an additional point of diversion at a point located 1590 feet North and 1210 feet West from the Southeast Corner of Section 22, being within the NE 1/4 SE 1/4 of Section 22, Township 6 South, Range 39 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Democrat-Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of April 14, 18 and 28, 1980.

Mr. 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, and shall not exceed 4.0 cubic feet per second from March 1 to July 1 and 2.0 cubic feet per second from July 1 to October 1.

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 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 the construction work shall be completed and the additional point of diversion of water made on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 1515, Volume 2, 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 applicant herein.

Dated at Salem, Oregon this 11th day of August, 1980.

  
JAMES E. SEXSON <sup>7/14</sup>  
Director