

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF GRANT DEVELOPMENT CO. FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE, POINT OF DIVERSION & USE)
HERETOFORE MADE OF WATER)

ORDER APPROVING
TRANSFER NO. 4486

On April 25, 1980, an application was filed in the office of the Water Resources Director by Grant Development Co. for approval of changes in place of use, point of diversion and use heretofore made 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 L. A. Porter for use of waters of John Day River for irrigation of, among other lands, a certain 15.4 acres in SE 1/4 NE 1/4, Section 21, Township 13 South, Range 31 East, W.M., tabulated at Volume 10, page 581, with a date of priority of 1866, as evidenced by certificate recorded at page 25694, Volume 17, State Record of Water Right Certificates.

By said Decree a water right was allowed in the name of Estate of John C. Silvers, for use of waters of John Day River for irrigation of, among other lands, a certain 18.8 acres in SW 1/4 NW 1/4 and 8.5 acres in SE 1/4 NW 1/4, Section 22, Township 13 South, Range 31 East, W.M., tabulated at Volume 10, page 598, with a date of priority of 1889, as evidenced by certificate recorded at page 37364, Volume 29, said record.

Water for said rights is diverted, through the Trowbridge Ditch, from a point located 2150 feet North and 920 feet West from the East Quarter Corner of Section 25, being within the NE 1/4 NE 1/4, Section 25, Township 13 South, Range 31 East, W.M.

The applicant herein proposes to sever the right therefrom and to use said water for lumber manufacturing purposes in NE 1/4 SE 1/4 of said Section 21, from a point of diversion located 840 feet South and 990 feet West from the East Quarter Corner of Section 21, being within the NE 1/4 SE 1/4, Section 21, 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 May 22 and 29 and June 5, 1980.

Mr. Jerry Rodgers, Watermaster, has filed a statement to the effect that the proposed changes in place of use, point of diversion, and use heretofore made may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use, point of diversion, and use heretofore made 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, point of diversion, and use heretofore made, as described herein, without loss of priority, are 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, and shall not exceed 1.07 cubic feet per second from April 1 to September 30; further limited to 42.7 acre feet per calendar month to July 1 and 32.0 acre feet per calendar month thereafter, total 212.5 acre feet for season, measured at the point of diversion.

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;

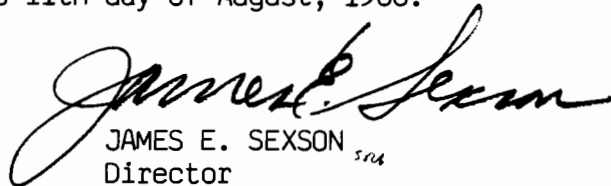
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1981.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificates recorded at page 25694, Volume 17 and page 37364, Volume 29, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights NOT involved in this proceeding; 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 ⁵⁰⁴
Director