

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF FRANCIS H. DOBBIN FOR APPROVAL)
OF AN ADDITIONAL POINT OF DIVER-)
SION OF WATER)

ORDER APPROVING
TRANSFER NO. D-112

On April 2, 1965, an application was filed in the office of the Water Resources Director by Francis H. Dobbin for approval of an additional point of diversion from North Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 1469, Volume 2, State Record of Water Right Certificates, in the name of J. H. Hutchinson, describes a right which includes the use of water from North Powder River for stock use and for irrigation of a certain 22.0 acres in SW¹/₄ SW¹/₄, 16.0 acres in SE¹/₄ SW¹/₄ and 8 acres in SW¹/₄ SE¹/₄ of Section 34, Township 6 South, Range 38 East, W.M., with dates of priority of 1871 and 1882.

Water for the said right is diverted, through the Gardner Mill Race Ditch, from a point located 460 feet North and 500 feet East from the South Quarter Corner of Section 32, being within the SW¹/₄ SE¹/₄ of Section 32, Township 6 South, Range 38 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 240 feet North and 310 feet East from the South Quarter Corner of Section 32, being within the SW¹/₄ SE¹/₄ of Section 32, Township 6 South, Range 38 East, W.M. (Hutchinson Hillside Ditch).

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be established without injury to existing rights.

No objections having been filed and it appearing that the proposed additional point of diversion may be established without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the request for an 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 additional

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.

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;

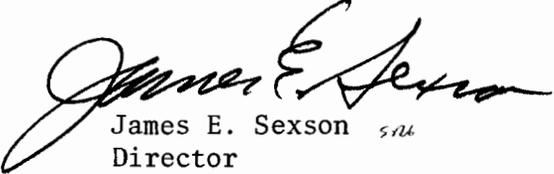
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the additional point of diversion is established.

The order of the Water Resources Director entered August 7, 1978, approving transfer application No. 3889, provided for cancellation of the certificate recorded at page 1469, Volume 2, 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, 1978, approving transfer application No. 3889; 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 20th day of December, 1979.


James E. Sexson *sm*
Director