

WHEELER COUNTY

IN THE MATTER OF THE APPLICATION)
OF ANDREW F. LECKIE FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM JOHN DAY RIVER)

ORDER APPROVING
TRANSFER NO. L-100

On October 3, 1969, an application was filed in the office of the Water Resources Director by Andrew F. Leckie for approval of a change in point of diversion from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The special order approving transfer No. M-165, recorded at page 171, Volume 17, Special Order Record of the State Engineer, in the name of C.A. McCarty, describes a right which includes the use of water from John Day River for irrigation of a certain 37.0 acres in Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), 15.8 acres in Lot 1 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), 11.2 acres in Lot 4 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), 37.0 acres in Lot 3 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), 9.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 17.7 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 24.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 12.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 1.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 9 South, Range 25 East, W.M.; and 8.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 8 South, Range 25 East, W.M., with a date of priority of 1905, from points of diversion located 2290 feet South and 330 feet West from the Northeast Corner of Section 5, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5; and 720 feet South and 720 feet West from the Northeast Corner of Section 5, being within Lot 1 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 5, both in Township 9 South, Range 25 East, W.M.; and for irrigation of 3.5 acres in Lot 4 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 5, Township 9 South, Range 25 East, W.M., with a date of priority of 1905 from a point located 957 feet North and 4686 feet West from the Southeast Corner of Section 33, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 8 South, Range 25 East, W.M.

The applicant proposes to change the points of diversion therefrom and, without loss of priority, to irrigate the aforesaid 37.0 acres in Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), 15.8 acres in Lot 1 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), 11.2 acres in Lot 4 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), 37.0 acres in Lot 3 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), 9.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 17.7 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 24.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 12.5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 1.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 9 South, Range 25 East, W.M., and 8.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 8 South, Range 25 East, W.M., from points located 450 feet North and 2860 feet East from the Northwest Corner of Section 5, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 8 South, Range 25 East, W.M.; 1820 feet South and 4990 feet East from the Northwest Corner of Section 5, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 9 South, Range 25 East, W.M.; and to irrigate the aforesaid 3.5 acres in Lot 4 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 5, Township 9 South, Range 25 East,

W.M., from a point located 1020 feet North and 2720 feet East from the Northwest Corner of Section 5, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 8 South, Range 25 East, W.M.

Mr. Jerry Rodgers, Watermaster, has filed a statement to the effect that the proposed change in points of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in points 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 points of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the original points of diversion under the subject right, located 1930 feet South and 30 feet West from the Northeast Corner of Section 5, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5 and 2900 feet South and 520 feet East from the Northwest Corner of Section 9, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, both in Township 9 South, Range 25 East, W.M.

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;

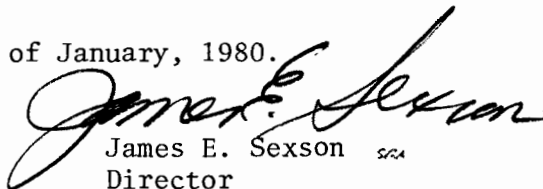
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of diversion is completed.

The order of the State Engineer entered June 4, 1969, approving transfer No. M-165, provided for cancellation of the certificates recorded at pages 25162 and 25632, Volume 17, State Record of Water Right Certificates, and issuance of new certificates covering the balance of the rights NOT involved in the transfer proceedings; therefore,

It is FURTHER ORDERED that 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, 1980.


James E. Sexson SEA
Director