

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION )  
OF FRANCIS B. ZIMMERMAN FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION OF )  
WATER FROM ROCK CREEK )  
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ORDER APPROVING  
TRANSFER NO. 3503

On January 3, 1977, an application was filed in the office of the Water Resources Director by Francis B. Zimmerman for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 4367, Volume 5, State Record of Water Right Certificates, in the name of C. E. Morris, describes an existing right of record which includes the use of water from Rock Creek for irrigation of 30.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 35, Township 7 South, Range 38 East, W.M., with a date of priority of 1894.

Water for the said right is diverted through the Toney ditch from a point located 1120 feet North and 1320 feet West from the East quarter-corner of Section 34, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 34, Township 7 South, Range 38 East, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion to divert the water through the Meyers-Hunstock ditch from a point located 40 feet South and 0 feet East from the center corner of Section 34, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 34, Township 7 South, Range 38 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Baker Democrat Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of January 20, 27 and February 3, 1977.

A protest against approval of the subject application was filed by Mr. Tim Kerns on February 9, 1977, and later withdrawn by Mr. Kerns on May 10, 1977.

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

No other objection having been filed and it appearing that the proposed change in 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 change in point of diversion described herein, without loss of priority, is 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.

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;

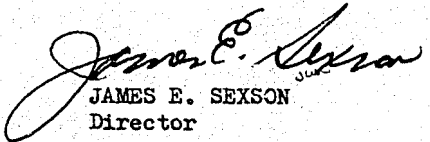
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to C. E. Morris and recorded at Page 4367, Volume 5, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be

issued covering the balance of the right 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 31st day of May, 1977.

  
JAMES E. SEXSON  
Director