

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 PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 5181

On January 4, 1983, an application was filed in the office of the Water Resources Director by Francis B. Zimmerman for approval of changes in place of use of water from Rock Creek, 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 to the Use of the Waters of Powder River and Its Tributaries, a water right was established in the name of C.E. Morris, tabulated in Volume 6, page 422, Order Record of the Water Resources Director, for use of the waters of Rock Creek for irrigation of, among other lands, a certain 10.0 acres in NW 1/4 SW 1/4, Section 35, Township 7 South, Range 38 East, WM, with a date of priority of 1879, and for irrigation of 10.0 acres in said NW 1/4 SW 1/4 with a date of priority of 1894, as evidenced by the certificates recorded at page 46853, Volume 39, in the name of C.E. Morris and page 49226, Volume 43, in the name of Francis B. Zimmerman, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes without loss of priority to exchange the places of use of water on said 10.0 acre parcels so that the 10.0 acre parcel formerly having a date of priority of 1879 shall have a date of priority of 1894, and the 10.0 acre parcel formerly having a priority of 1894 shall have a date of priority of 1879.

V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed changes in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use 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, as described herein, without loss of priority, are approved.

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:

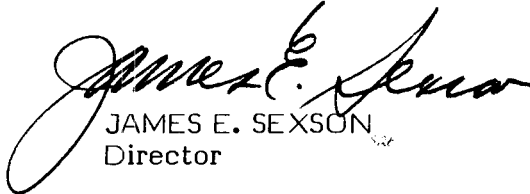
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 said water so transferred shall be applied to beneficial use on or before October 1, 1984.

It is FURTHER ORDERED that the certificates recorded at page 46853, Volume 39, and page 49226, Volume 43, State Record of Water Right Certificates, are canceled; and in lieu thereof a new certificate be issued covering the balance of the right described by Certificate 49226 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 14th day of February, 1983.


JAMES E. SEXSON
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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