

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
WHEELER COUNTY

IN THE MATTER OF THE APPLICATION)	
OF D.R. AND R.M. GOODELL)	
FOR APPROVAL OF CHANGES IN)	ORDER APPROVING
POINT OF DIVERSION OF WATER)	TRANSFER 5258

On May 2, 1983, an application was filed in the office of the Water Resources Director by D.R. and R.M. Goodell for approval of changes in point of diversion of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wheeler 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 Federal Land Bank, tabulated in Voume 10, page 500, Order Record of the Water Resources Director, for the use of the waters of John Day River for irrigation of, among other lands, a certain 2.8 acres in SE 1/4 NE 1/4 and 26.3 acres in NE 1/4 SE 1/4, Section 32, Township 8 South, Range 25 East, WM, with a date of priority of 1905, as evidenced by the certificate recorded at page 25160, Volume 17, State Record of Water Right Certificates.

The certificate recorded at page 35285, Volume 27, State Record of Water Right Certificates, in the name of Federal Land Bank, describes a right which includes the use of water from John Day River, for irrigation of a certain 28.0 acres in SE 1/4 SE 1/4, Section 32; 13.5 acres in SW 1/4 NW 1/4, 38.6 acres in NW 1/4 SW 1/4, and 12.8 acres in SW 1/4 SW 1/4, Section 33, Township 8 South, Range 25 East, WM, with a date of priority of 1905.

Pursuant to the provisions of ORS 540.510 to 540.530, proof has been made to the satisfaction of the Water Resources Director that water right transfer has been completed under the terms of Transfer L-100 in the names of Andrew F. and Maxine F. Leckie, for the use of water from John Day River, for irrigation of a certain 3.5 acres in Lot 4 (SW 1/4 NW 1/4), Section 5, Township 9 South, Range 25 East, WM, with a date of priority of 1905.

The authorized points of diversion are located:

- 1- 858 feet North and 2970 feet West from the Southeast Corner of Section 33, being within the SE 1/4 SW 1/4 of Section 33, Township 8 South, Range 25 East, WM;
- 2- 660 feet North and 2464 feet West from the Southeast Corner of Section 33, being within the SW 1/4 SE 1/4 of Section 33, Township 8 South, Range 25 East, WM;
- 3- 1089 feet North and 3872 feet West from the Southeast Corner of Section 33, being within the SE 1/4 SW 1/4 of Section 33, Township 8 South, Range 25 East, WM;
- 4- 957 feet North and 4686 feet West from the Southeast Corner of Section 33, being within the SW 1/4 SW 1/4 of Section 33, Township 8 South, Range 25 East, WM;
- 5- 1020 feet North and 2720 feet East from the Northwest Corner of Section 5, Township 9 South, Range 25 East, WM, being within the SE 1/4 SW 1/4 of Section 33, Township 8 South, Range 25 East, WM.

The applicants herein, owners of the lands above described, propose to change the points of diversion therefrom, to two points located 1) 890 feet North and 3060 feet East from the Northwest Corner of Section 5, being within the SE 1/4 SW 1/4 of Section 33, Township 8 South, Range 25 East, WM, and 2) 790 feet South and 300 feet East from the Northwest Corner of Section 5, being within the SW 1/4 NW 1/4 of Section 5, Township 9 South, Range 25 East, WM. The changes in point of diversion are reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in the Times-Journal, a newspaper printed and having general circulation in Wheeler County, Oregon, for a period of three weeks in the issues of May 12, 19 and 26, 1983.

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

No objections having been filed and it appearing that the proposed changes 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 proposed changes in point of diversion are approved, without loss of priority.

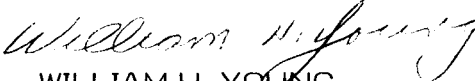
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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 certificates recorded at page 25160, Volume 17, and page 35285, Volume 27, 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 of completion of works and beneficial us of water to the extent intended under the provisions of this order, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 18th day of November, 1983.


WILLIAM H. YOUNG
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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