

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOHN AND JEAN DeBONA)
FOR APPROVAL OF CHANGES IN)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5176

On December 17, 1982, an application was filed in the office of the Water Resources Director by John and Jean DeBona, for approval of changes in points 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 Grant 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 established in the name of Sarah A. Moore, tabulated in Volume 10, page 562, Order Record of the Water Resources Director, for use of the waters of John Day River for irrigation of, among other lands, a certain 4.4 acres in NE 1/4 SE 1/4 and 1.7 acres in NW 1/4 SE 1/4, Section 14, Township 13 South, Range 28 East, WM, with a date of priority of 1885, as evidenced by the certificate recorded at page 25580, Volume 17, State Record of Water Right Certificates.

The authorized point of diversion is located 2300 feet North and 650 feet East from the South Quarter Corner of Section 13, being within the NW 1/4 SE 1/4 of Section 13, Township 13 South, Range 28 East, WM (Moore Ditch).

The certificate recorded at page 44292, Volume 36, State Record of Water Right Certificates, in the names of Hans C. and Mary B. Eskildson, describes a right for the use of not to exceed 0.12 cubic foot per second from John Day River, for irrigation of a certain 2.0 acres in NE 1/4 SE 1/4 and 2.8 acres in NW 1/4 SE 1/4, Section 14, Township 13 South, Range 28 East, WM, with a date of priority of June 3, 1970.

Water for the said right is diverted, through the Moore Ditch, from a point located 1560 feet North and 1060 feet East from the South Quarter Corner of Section 13, being within the NW 1/4 SE 1/4 of Section 13, Township 13 South, Range 28 East, WM.

The applicants herein, owners of the lands above described, propose to change the points of diversion for both rights, without loss of priority, to two points located (1) 1560 feet North and 1060 feet East from the South Quarter Corner of Section 13, being within the NW 1/4 SE 1/4 of Section 13 (Moore Ditch) and (2) 490 feet South and 1560 feet West from the East Quarter Corner of Section 14, being within the NW 1/4 SE 1/4 of Section 14, both in Township 13 South, Range 28 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Blue Mountain Eagle, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three weeks in the issues of December 30, 1982, and January 6 and 13, 1983.

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

No objections having been filed and it appearing that the proposed changes 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 changes in points of diversion, as described herein, without loss of priority, are approved, WITH THE FOLLOWING CONDITIONS.

The quantity of water diverted at the new points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the old points of diversion under the subject right.

The following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

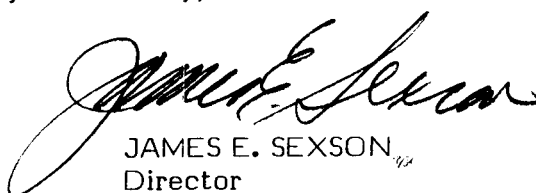
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

NO time need be fixed for completion as the changes in points of diversion are completed.

It is FURTHER ORDERED that the certificates recorded at page 25580, Volume 17 and page 44292, Volume 36, 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 25580 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 applicants herein.

Dated at Salem, Oregon this 22nd 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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