

BEFORE THE STATE ENGINEER OF OREGON

Grant County

IN THE MATTER OF THE APPLICATION)
OF ROBERT L. CARTER FOR THE APPRO-) VAL OF A CHANGE IN POINT OF DIVER-) SION OF WATER FROM JOHN DAY RIVER)

O R D E R
APPROVING APPLICATION

On April 6, 1962, Robert L. Carter of Prairie City, Oregon, filed an application in the office of the State Engineer for the approval of a change 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 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 H. O. Meader for the use of the waters of a branch of John Day River for the irrigation of 35.1 acres in the SW $\frac{1}{2}$ NW $\frac{1}{2}$, 36.7 acres in the SE $\frac{1}{2}$ NW $\frac{1}{2}$, 12.3 acres in the NE $\frac{1}{2}$ SW $\frac{1}{2}$ and 2.9 acres in the NW $\frac{1}{2}$ SW $\frac{1}{2}$, Section 16, Township 13 South, Range 34 East, W. M., with a date of priority of 1868. These lands are irrigated through the Rice Ditch, the point of diversion of said ditch being located 1400 feet South and 1900 feet East from the northwest corner of Section 22, and being within the SE $\frac{1}{2}$ NW $\frac{1}{2}$, said Section 22, Township 13 South, Range 34 East, W. M.

The applicant herein, owner of 50.0 acres of the lands above described, to-wit: 18.5 acres in the SW $\frac{1}{2}$ NW $\frac{1}{2}$, 16.3 acres in the SE $\frac{1}{2}$ NW $\frac{1}{2}$, 12.3 acres in the NE $\frac{1}{2}$ SW $\frac{1}{2}$ and 2.9 acres in the NW $\frac{1}{2}$ SW $\frac{1}{2}$, Section 16, proposes to change the point of diversion for the irrigation of these lands to a point to be located 1320 feet North and 2200 feet East from the southwest corner of Section 16, and being within the SE $\frac{1}{2}$ SW $\frac{1}{2}$, said Section 16, Township 13 South, Range 34 East, W. M.

Notice of the filing of the application was given by publication

setting forth a time and place certain for hearing objection. to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse at Canyon City, Oregon, on June 26, 1962, at 9:30 o'clock a.m. The notice 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 May 3, 10 and 17, 1962. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Gary A. Gasaway, Watermaster of District No. 4, has filed a report to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections 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 proposed change in point of diversion of water from John Day River, to-wit:

From a point located 1400 feet South and 1900 feet East from the northwest corner of Section 22, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 22, Township 13 South, Range 34 East, W. M.

To a point to be located 1320 feet North and 2200 feet East from the southwest corner of Section 16, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 16, Township 13 South, Range 34 East, W. M.

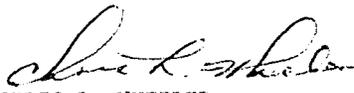
for the irrigation of 18.5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 16.3 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 12.3 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.9 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, Township 13 South, Range 34 East, W. M., with a date of priority of 1868, be and the same is approved.

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, 1963, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

Dated at Salem, Oregon, this 20th day of July, 1962.

When so Received
July 10 p. 559
Dist. # 25554


CHRIS L. WHEELER
State Engineer