

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
LAWRENCE A. BAKER FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER 5328

On July 21, 1983, an application was filed in the office of the Water Resources Director by Lawrence A. Baker for approval of a change in point of diversion of water from Deschutes River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Deschutes County, Oregon, entered September 30, 1958, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Deschutes River and Its Tributaries, a water right was established in the name of Deschutes Reclamation and Irrigation Company, tabulated in Volume 16, page 170, Order Record of the Water Resources Director, for use of water from Deschutes River for irrigation of, among other lands, a certain 3.0 acres in SW 1/4 NE 1/4, Section 20, Township 17 South, Range 12 East, WM, as authorized by Transfer 4520 with a date of priority of September 1, 1899, and evidenced by the certificate recorded at page 29054, Volume 21, State Record of Water Right Certificates.

Water for the said right is diverted, through the Swalley Canal, from a point located 1030 feet North and 630 feet West from the East Quarter Corner of Section 29, being within the SE 1/4 NE 1/4 of Section 29, Township 17 South, Range 12 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located North 60° West, 117 feet from the Center of Section 20, being within the SW 1/4 NE 1/4 of Section 20, Township 17 South, Range 12 East, WM. The change in point of diversion is reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in The Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of November 30, December 7 and 14, 1983.

Robert F. Main, Jr., 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 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 is approved, without loss of priority.

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.

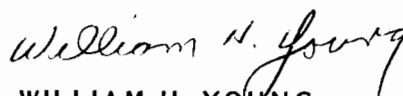
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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 upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, the change of water right shall be considered perfected, and at a later date a certificate of water right shall be issued to Deschutes Reclamation and Irrigation Company confirming this and other changes within the District, and superseding Certificate 29054.

Dated at Salem, Oregon this 13th day of January, 1984.


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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