BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION)
OF PHYLLIS MCCARTHY FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER NO. 4491

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On May 1, 1980, an application was filed in the office of the Water Resources Director by Phyllis McCarthy for 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.

The water right in question was allowed by Decree of Circuit Court for Grant County, entered November 16, 1956, in the Matter of the Determination of the Relative Rights to the Use of the Waters of John Day River, tabulated at page 544, Volume 10, Order Record of the Water Resources Director, in the name of E.P. Laurance, and is a portion of the right described by the certificate recorded at page 25451, Volume 17, State Record of Water Right Certificates, in the name of E.P. Laurance, and is for the use of not to exceed 1/40 cubic foot per second per acre irrigated from April 1 to September 30; further limited to one acre-foot per acre per calendar month to July 1 and 3/4 acre-foot per acre thereafter; total five acre-feet per acre for season, of water from John Day River, with a date of priority of 1869, for irrigation of a certain 1.6 acres in NE 1/4 NW 1/4, Section 11, Township 13 South, Range 33 East, W.M.

Water for the said right is diverted, through the Lower McHaley Ditch, from a point located 1370 feet South and 3480 feet East from the Northwest Corner of Section 12, being within the SW 1/4 NE 1/4 of Section 12, Township 13 South, Range 33 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located 230 feet South and 50 feet West from the Southwest Corner of Block C of the Bradford Laycock Addition to Prairie City, being within the NE 1/4 NW 1/4, Section 11, Township 13 South, Range 33 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Pioneer Press, a newspaper printed and having general circulation in Grant County, Oregon, for a period of three weeks in the issues of May 15, 22 and 29, 1980.

Mr. Jerry Rodgers, 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

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;
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> 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 NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate recorded at page 25451, Volume 17, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right 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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 21st day of July, 1980.

JAMES E. SEXSON
Director