

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION OF)
LEROY AND DIANA BRITT FOR) ORDER APPROVING
APPROVAL OF AN ADDITIONAL) TRANSFER 5961
POINT OF DIVERSION OF WATER)

On June 19, 1987, an application was filed in the office of the Water Resources Director by LeRoy and Diana Britt for approval of an additional 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 Federal Land Bank, tabulated in Volume 10, page 500, Order Record of the Water Resources Director, for use of not to exceed 0.22 cubic foot per second from John Day River for irrigation of, among other lands, a certain 8.8 acres SE1/4 SW1/4 Section 33, Township 8 South, Range 25 East, WM with a date of priority of 1905, as evidenced by the certificate recorded at page 52096, Volume 47, State Record of Water Right Certificates.

Transfer L-100, dated January 21, 1980, authorized a change from the original point of diversion to the existing point of diversion, located 450 feet North and 2860 feet East from the Northwest corner of Section 5, being within the SE1/4 SW1/4 of Section 33, Township 8 South, Range 25 East, WM and 1820 feet South and 4990 feet East from the Northwest Corner of Section 5, being within the NE1/4 SE1/4 of Section 5, Township 9 South, Range 25 East WM.

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 Andrew F. Leckie, tabulated in Volume 10, page 571, Order Record of the Water Resources Director, for use of not to exceed 4.61 cubic feet per second from John Day River for irrigation of certain lands in Section 5, Township 9 South, Range 25 East, WM. Subsequently, changes in point of diversion were authorized by transfers M-165 and L-100, to a certain:

- 37.0 acres (Lot 2) SW1/4 NE1/4
- 17.1 acres (Lot 1) SE1/4 NE1/4
- 11.2 acres (Lot 4) SW1/4 NW1/4
- 37.0 acres (Lot 3) SE1/4 NW1/4
- 9.0 acres, NE1/4 SW1/4
- 18.0 acres NW1/4 SW1/4

24.8 acres NE1/4 SE1/4
12.5 acres NW1/4 SE1/4
1.5 acres SW1/4 SE1/3
7.3 acres SE1/4 SE1/4
Section 5
Township 9 South, Range 25 East, W.M.,

with a date of priority of 1905, as evidenced by the certificate recorded at page 52098, Volume 47, State Record of Water Right Certificates.

The certificate recorded at page 36654, Volume 28, State Record of Water Right Certificates, in the names of Andrew F. Leckie and Maxine F. Leckie, describes a right for which includes the use of not to exceed 1.84 cubic feet per second from John Day River, for irrigation of:

1.9 acres SW1/4 SW1/4
3.2 acres SE1/4 SW1/4
4.0 acres SW1/4 SE1/4
Section 33
Township 8 South, Range 25 East, W.M.

1.0 acres (Lot 3) SE1/4 NW1/4
23.2 acres NE1/4 SW1/4
1.5 acres NW1/4 SW1/4
1.0 acre SE1/4 SW1/4
27.5 acres NW1/4 SE1/4
10.3 acres SW1/4 SE1/4
Section 5
Township 9 South, Range 25 East, W.M.

with a date of priority of October 10, 1967.

The points of diversion are located in the SE1/4 SW1/4, Section 33, Township 8 South, Range 25 East, W.M.; NE1/4 SE1/4, Section 5; SE1/4 NE1/4, Section 8, Township 9 South, Range 25 East, W.M. Diversion points located: 450 feet North and 2860 feet East; 1820 feet South and 4990 feet East; 6250 feet South and 5190 feet East; all from NW Corner, Section 5.

The applicant herein, owner of the lands above described, proposes to construct an additional point of diversion to be located 500 feet South and 1000 feet West from the Northeast corner of Section 8, being within the NE1/4 NE1/4 of Section 8, Township 9 South, Range 25 East, W.M. (Britt Ditch)

Notice of the application, pursuant to ORS 540.520(2), was published in The Blue Mountain Eagle, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of July 23, 30, and August 6, 1987.

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

No objections having been filed and it appearing that the proposed additional 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 additional 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, 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, and shall not exceed 1/40 cubic foot per second per acre irrigated.

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:

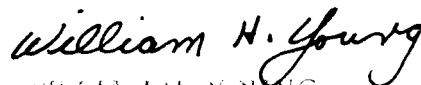
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 water shall be used from the new diversion point on or before October 1, 1989.

It is FURTHER ORDERED that the certificates recorded at pages 52096 and 52098, Volume 47, and page 36654, Volume 28, 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 36654 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 applicant herein.

Dated at Salem, Oregon, this 25th day of November, 1987.


WILLIAM H. YOUNG
Director

NOTICE: 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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