

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF J.R. SIMPLOT COMPANY)
FOR APPROVAL OF AN ADDITIONAL)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5585

On January 21, 1985, an application was filed in the office of the Water Resources Director by J.R. Simplot Company for approval of an additional point of diversion of water from Umatilla River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24196, Volume 17, State Record of Water Right Certificates, in the name of Ernest Dumond, describes a right which includes the use of not to exceed 0.29 cubic foot per second from Umatilla River, for irrigation of 4.0 acres in SW 1/4 SE 1/4, Section 28 and 11.2 acres in NW 1/4 NE 1/4, Section 33, Township 4 North, Range 28 East, WM, with a date of priority of March 23, 1949.

Water for the said right is diverted from a point located 405 feet South and 800 feet East from the South Quarter Corner of Section 28, being within the NW 1/4 NE 1/4 of Section 33, Township 4 North, Range 28 East, WM.

The applicant herein, owner of the lands above described, proposes to construct an additional point of diversion at a point located 165 feet North and 750 feet West from the Southwest Corner of Section 26, being within the SE 1/4 SE 1/4 of Section 27, Township 4 North, Range 28 East, WM. The additional point of diversion is reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of February 8, 15 and 22, 1985.

Larry H. Nunn, 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 point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.29 cubic foot per second.

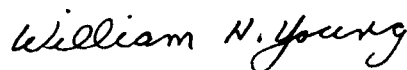
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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 the certificate recorded at page 24196, 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 25th day of March, 1985.


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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