

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF ERNEST O'DEANE FARIS FOR) ORDER APPROVING
APPROVAL OF A CHANGE IN POINT) TRANSFER 6017
DIVERSION OF WATER)

On October 28, 1987, an application was filed in the office of the Water Resources Director by Ernest O'Deane Faris for approval of a change in point of diversion of water from McKay Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, Oregon, entered September 9, 1916, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Umatilla River and Its Tributaries, a water right was established in the name of J. W. Rork, tabulated in Volume 3, page 127, Order Record of the Water Resources Director, for the use of not to exceed 0.039 cubic foot per second from McKay Creek for irrigation of, among other lands, a certain 3.1 acre in the SE1/4 SE1/4 Section 1, Township 1 South, Range 32 East, W.M. with a priority of April, 1902, as evidenced by the certificate recorded at page 39852, Volume 31, State Record of Water Right Certificates.

Water for said right is diverted from points located 1570 feet South and 3340 feet East; 1640 feet South and 3930 feet East from the West Quarter corner of Section 1, being within the SW1/4 SE1/4 and SE1/4 SE1/4 of Section 1, Township 1 South, Range 32 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 1200 feet North and 30 feet West from the Southeast corner of Section 1, being within the SE1/4SE1/4 Section 1, Township 1 South, Range 32 East, W.M.

Michael F. Ladd, 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 is hereby ORDERED that the proposed change point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water used at the new point of diversion shall not exceed 0.039 cubic feet per second and 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 that is available at the old points of diversions and provided further that the water diverted at the new point of diversion will be shared proportionally with the remaining acres under Certificate 39852 if there is a shortage.

It is FURTHER ORDERED that when in the judgement of the Watermaster it becomes necessary to install headgates and measuring devices:

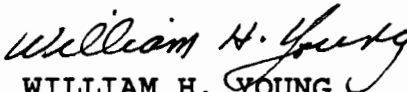
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 right to divert water from the point described in Certificate 39852 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1989.

It is FURTHER ORDERED that the certificate recorded at page 39852, Volume 31, 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 30th day of March, 1988.


WILLIAM H. YOUNG
Director

NOTE: Approval of the 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.