

BEFORE THE OREGON WATER RESOURCES COMMISSION

In the Matter of the Protest against) ORDER DISMISSING
Transfer application T8269) CONTESTED CASE HEARING
Steven Harris, Applicant,)
Eric Romtvedt, Protestant)

Application T8269 was filed on June 14, 1999, proposing to add an additional point of diversion to applicant's existing surface water right, evidenced by the portion of Certificate 74042 allowing use of up to 0.98 cubic feet per second for irrigation of 39.4 acres under a priority date of 1885. The proposed change would allow appropriation at the existing point of diversion on Emele Ditch and at a new point of diversion from the Erwin Ditch. The source for both ditches is the Powder River.

The authorized point of diversion on the Emele ditch is as follows:
450' S & 250' W from the East ¼-corner of Sec. 20, in the NE¼ SE¼ Sec. 20, T7N R41E

The location of the additional point of diversion requested on the Erwin ditch is:
3850' N & 100' W from the South ¼-corner of Sec. 34, in the SE¼ NW¼ Sec. 34, T7N R41E

The Department reviewed the application and determined that the proposed additional point of diversion could be made without injury if conditioned on water being available at the original point of diversion. The water applicant seeks to take at the additional point of diversion must be available at the authorized point of diversion. The applicant would be limited to a total diversion of 0.98 from both points of diversion combined.

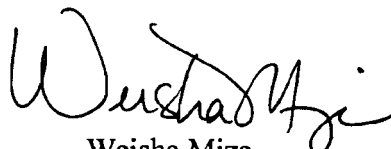
A timely protest was received from Eric Romtvedt. Protestant asserts that the proposed additional point of diversion would cause injury to his water rights, evidenced by the portions of Certificates 74041 and 74050 appurtenant to his property.

On January 14, 2000, Eric Romtvedt withdrew his protest against approval of Transfer Application T8269.

NOW, THEREFORE, it is ORDERED that the contested case proceeding in this matter is DISMISSED.

It is FURTHER ORDERED that te Department approve this transfer application as proposed, subject to the addition of any further conditions deemed necessary and appropriate.

DATED this 18th day of January, 2000.


Weisha Mize
Hearings Judge

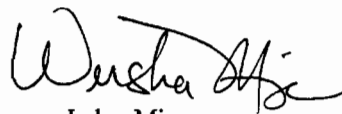
I certify that on January 18, 2000, I placed copies of the foregoing ORDER DISMISSING CONTESTED CASE HEARING in the U.S. Mail at Salem, Oregon, postage pre-paid, addressed to the following individuals:

Stephen Harris
44268 Miles Bridge Rd.
Baker City OR 97814

Eric Romtvedt
24672 Keating Grange Lane
Baker City WA 97814

and delivered, by interoffice mail, a copy to:

David Jarrett
OWRD
158 12th St. NE
Salem OR 97310


Judge Mize