

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF MILTON NURSERY COMPANY, INC.,)
FOR APPROVAL OF A CHANGE IN POINT)
OF APPROPRIATION OF WATER)

ORDER APPROVING
TRANSFER NO. 4412

On March 3, 1980, an application was filed in the office of the Water Resources Director by Milton Nursery Company, Inc., for approval of a change in point of appropriation from a well, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 9102, Volume 8, State Record of Water Right Certificates, in the name of Milton Nursery Company, describes a right for the use of not to exceed 1.75 cubic feet per second from a well for irrigation of a certain 30 acres in the SW 1/4 NE 1/4, 10 acres in the SE 1/4 NE 1/4, 40 acres in the SE 1/4 NW 1/4, 20 acres in the NE 1/4 SW 1/4, 35 acres in the NW 1/4 SW 1/4, 4 acres in the SW 1/4 SW 1/4 and 1 acre in the NW 1/4 SE 1/4, Section 31, Township 6 North, Range 36 East, W.M., with a date of priority of December 3, 1927.

The point of appropriation for said right is located 2540 feet North and 2690 feet East from the Southwest Corner of Section 31, being within the NW 1/4 SE 1/4 of Section 31, Township 6 North, Range 36 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation, without loss of priority, to a point located 2563 feet North and 2709 feet East from the Southwest Corner of Section 31, being within the NW 1/4 SE 1/4 of Section 31, Township 6 North, Range 36 East, W.M.

Mr. Steven P. Applegate, Watermaster, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

Mr. William S. Bartholomew, Hydrogeologist, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of appropriation 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 appropriation, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of appropriation shall not exceed the quantity of water available at the old point of appropriation under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective 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 construction work shall be completed and the change in point of appropriation of water made on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 9102, Volume 8, State Record of Water Right Certificates, is canceled; 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 29th day of April, 1980.



JAMES E. SEXSON

Director

by CHRIS L. WHEELER

Deputy Director