

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION OF )  
TRI-SET, INC. FOR APPROVAL OF )  
CHANGES IN PLACE OF USE AND )  
POINT OF DIVERSION OF WATER )

ORDER APPROVING  
TRANSFER 5610

On March 20, 1985, an application was filed in the office of the Water Resources Director by Tri-Set, Inc. for approval of changes in place of use and point of diversion of water from Westland Irrigation District waste and drainage, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 50169, Volume 44, State Record of Water Right Certificates, in the name of Clarence W. Ruddell, describes a right which includes the use of not to exceed 1.26 cubic feet per second from Westland Irrigation District waste and drainage, for irrigation of 24.7 acres in SW 1/4 SE 1/4 and 25.7 acres in SE 1/4 SE 1/4, Section 4, Township 3 North, Range 27 East, WM, with a date of priority of November 28, 1961.

Water for the said right is diverted from a point located 2100 feet South and 270 feet West from the Northeast Corner of Section 9, being within the SE 1/4 NE 1/4 of Section 9, Township 3 North, Range 27 East, WM.

Pursuant to the provisions of ORS 540.530(2), proof has been made to the satisfaction of the Water Resources Director that a water right transfer has been completed under the terms of Transfer 4773 in the name of Tyler Hansell/Tri-Set, Inc. for the use of not to exceed 0.08 cubic foot per second from Westland Irrigation District waste and drainage from a point of diversion located 2020 feet South and 30 feet East from the Northwest Corner of Section 10, being within the SW 1/4 NW 1/4 of Section 10, Township 3 North, Range 27 East, WM, for irrigation of, among other lands, 3.1 acres in SW 1/4 SE 1/4, Section 4, Township 3 North, Range 27 East, WM, with a date of priority of November 28, 1961.

The applicant herein, owner of the lands above described, proposes to transfer the rights therefrom to a certain 29.9 acres in SW 1/4 NW 1/4, 12.0 acres in SE 1/4 NW 1/4, Section 3; 6.3 acres in SE 1/4 SE 1/4, Section 4 and 5.3 acres in NE 1/4 NE 1/4, Section 9, all Township 3 North, Range 27 East, WM, and to irrigate said lands from both aforesaid points of diversion.

Larry H. Nunn, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion are 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 1.34 cubic feet 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:

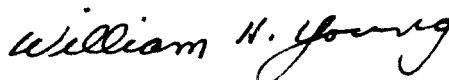
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and water used from the proposed point of diversion on or before October 1, 1986.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to Clarence O. Ruddell and recorded at page 50169, Volume 44, State Record of Water Right Certificates, be canceled, and in lieu thereof a new certificate of water right be issued to the applicant confirming the changes authorized herein and including the balance of the rights described in Certificate 50169 and Transfer 4773.

Dated at Salem, Oregon, this 13th day of May, 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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