

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

HOOD RIVER COUNTY

IN THE MATTER OF THE APPLICATION )  
OF MIDDLE FORK IRRIGATION DIS- )  
TRICT FOR APPROVAL OF CHANGES IN )  
POINT OF DIVERSION OF WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3303

On August 25, 1975, an application was filed in the office of the Water Resources Director by Middle Fork Irrigation District for approval of changes in point of diversion from Griswell Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 20369, Volume 15, State Record of Water Right Certificates, in the name of Middle Fork Irrigation District, describes a right which includes the use of not to exceed 0.87 cubic foot per second from Griswell Creek for irrigation of a certain 23.8 acres in Section 32, Township 1 North, Range 10 East, W.M., and a certain 24.1 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 12.3 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.2 acres in S $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 2.1 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 0.3 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 5, Township 1 South, Range 10 East, W.M., with a date of priority of June 16, 1924.

The said certificate listed the location of the said 23.8 acres in Section 32 as: 0.2 acre in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 8.4 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 15.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ ; however, a resurvey of the lands by employees of the Water Resources Director revealed the listing to be in error and that the correct description for the said 23.8 acres is: 7.8 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 15.6 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 0.4 acre in SE $\frac{1}{4}$  SE $\frac{1}{4}$ .

The certificate recorded at page 14959, Volume 12, State Record of Water Right Certificates, in the name of Ziba Dimmick, describes a right which includes the use of water from Griswell Creek for stock and for irrigation of 9.5 acres in N $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 5, Township 1 South, Range 10 East, W.M., with a date of priority of 1899.

The diversion points of record for water from Griswell Creek for said rights are located: (a) 1030 feet South and 920 feet West from the East Quarter Corner of Section 8, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 8, Township 1 South, Range 10 East, W.M., and/or (b) 350 feet North and 1430 feet West from the Southeast Corner of Section 5, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 5, Township 1 South, Range 10 East, W.M.

The applicant herein proposes to change the point of diversion therefrom and, without loss of priority, to hereafter divert water at a point located 910 feet North and 590 feet East from the Southwest Corner of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 8, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 8, Township 1 South, Range 10 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Hood River News, a newspaper printed and having general circulation in Hood River County, Oregon, for a period of three weeks in the issues of June 29; July 6 and 13, 1978.

Mr. Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed changes in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in point of diversion, as described herein, without loss of priority, are approved.

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

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 NO time need be fixed for completion as the changes in point of diversion are completed.

The balance of the water right described by the certificate issued to Middle Fork Irrigation District and recorded at page 20369, Volume 15, State Record of Water Right Certificates, NOT involved in this proceeding, was canceled by order of the Water Resources Director entered June 8, 1976, and recorded at page 251, Volume

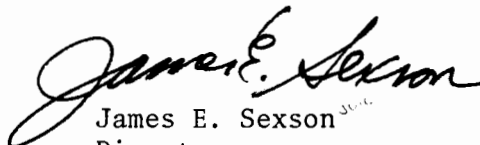
27, Special Order Record, as amended by a subsequent order entered June 19, 1978, and recorded at page 741, Volume 31, Special Order Record; therefore,

It is FURTHER ORDERED that the certificate of water right recorded at page 20369 of said Volume 15, is canceled and upon proof satisfactory to the Water Resources Director of completion of the changes in point of diversion authorized herein, a new confirming certificate of water right shall be issued to Middle Fork Irrigation District.

The balance of the water right described by the certificate of water right issued to Ziba Dimmick and recorded at page 14959, Volume 12, State Record of Water Right Certificates, NOT involved in this proceeding, was canceled by order of the Water Resources Director entered January 9, 1976, and recorded at page 280, Volume 26, Special Order Record. The said order also provided for cancellation of said certificate of water right; therefore,

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of the changes in point of diversion authorized herein, a new confirming certificate of water right shall be issued to John D. Billodeau.

Dated at Salem, Oregon this 5th day of September, 1978.

  
James E. Sexson  
Director