

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROBERT W. RUSSELL FOR APPROVAL)
OF AN ADDITIONAL POINT OF DIVER-)
SION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3446

On August 24, 1976, an application was filed in the office of the Water Resources Director by Robert W. Russell for approval of an additional point of diversion from the south unnamed stream, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 41250, Volume 33, State Record of Water Right Certificates, in the name of Darell Campbell, describes a right which includes the use of not to exceed 2.52 cubic feet per second from the south unnamed stream for irrigation of 19.4 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), 35.6 acres in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), 37.9 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 38.6 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 27.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 39.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 10.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 17 South, Range 47 East, W.M., with a date of priority of June 7, 1967.

Water for the said right is diverted from a point located 2060 feet South and 1300 feet West from the Northeast Corner of Section 6, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, Township 17 South, Range 47 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 805 feet North and 260 feet West from the Southeast Corner of Section 6, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 17 South, Range 47 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Malheur Enterprise, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of July 5, 12 and 19, 1978.

Mr. Frank Elfering, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be made without injury to existing rights.

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

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 2.52 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:

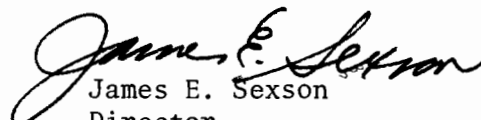
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the additional point of diversion is completed.

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 recorded at page 41250, Volume 33, State Record of Water Right Certificates, be canceled; and in lieu thereof a new confirming certificate of water right be issued to the applicant herein.

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


James E. Sexson
Director