

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF VICENTE MENDIOLA, ET AL)
FOR APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER M-129

On March 10, 1961, an application was filed in the office of the Water Resources Director by Vicente Mendiola, Carmen Mendiola and Julian Mendiola for approval of a change in place of use of water from Owyhee River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Malheur County, Oregon, entered July 7, 1926, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Owyhee River and Its Tributaries, a water right was established in the name of Owyhee Ditch Company, tabulated in Volume 9, page 51, Order Record of the Water Resources Director, for use of the waters of Owyhee River for irrigation of, among other lands, a certain 36.3 acres in NW 1/4 NE 1/4, 29.0 acres in SW 1/4 NE 1/4, 39.1 acres in NE 1/4 NW 1/4 and 40.0 acres in SE 1/4 NW 1/4, Section 7, Township 19 South, Range 47 East, WM, with a date of priority of October 30, 1888, as evidenced by the certificate recorded at page 31121, Volume 23, State Record of Water Right Certificates.

These lands also have supplemental rights evidenced by certificate recorded at page 24704, Volume 17, State Record of Water Right Certificates, to the use of water from Snake River, with a date of priority of October 1, 1951; Certificate 24707, Volume 17, to the use of water from Owyhee Reservoir and River, with dates of priority of 1916 and 1924; Certificate 29394, Volume 21, to the use of water from Cow Hollow Wasteway, with a date of priority of March 14, 1955; and Certificate 44030, Volume 36, to the use of water from Owyhee Reservoir, with a date of priority of November 7, 1968.

Water for the said right is delivered through the Owyhee Ditch Company System.

The applicants herein propose to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 9.7 acres in SW 1/4 NE 1/4, 15.6 acres in SE 1/4 NW 1/4, 29.8 acres in NE 1/4 SW 1/4, 39.7 acres in NW 1/4 SW 1/4, 39.7 acres in SW 1/4 SW 1/4 and 9.9 acres in SE 1/4 SW 1/4, Section 21, Township 18 South, Range 47 East, WM.

The Owyhee Ditch Company has filed a statement that the proposed change in place of use is with the approval of the Ditch Company.

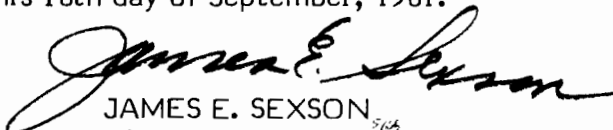
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in place of use 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 the order approving Transfer 4289, the certificates of water right heretofore recorded at page 31121, Volume 23, page 24707, Volume 17, page 44030, Volume 36, page 24704, Volume 17 and page 29394, Volume 21, State Record of Water Right Certificates, be canceled; and in lieu thereof new certificates of water right be issued.

Dated at Salem, Oregon this 10th day of September, 1981.


JAMES E. SEXSON
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.