

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF MARGUERITE DECKER FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION))
OF WATER FROM MALHEUR RIVER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3672

On May 13, 1977, an application was filed in the office of the Water Resources Director by Marguerite Decker for approval of a change in point of diversion from Malheur River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 7046, Volume 7, State Record of Water Right Certificates, in the name of Winter and Trousdale, describes a right which includes the use of water from Malheur River for irrigation of 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29; 36.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 22.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 38.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 17 South, Range 47 East, W.M., with a date of priority of 1909.

The certificate recorded at page 6867, Volume 7, State Record of Water Right Certificates, in the name of Thos. J. Brosnan, describes a right which includes the use of water from Malheur River for irrigation of 29.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, Township 17 South, Range 47 East, W.M., with a date of priority of August 25, 1902.

Water for the said rights is diverted, through the Brosnan Ditch, from a point located 170 feet North and 160 feet West from the East Quarter Corner of Section 2, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 18 South, Range 46 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located South 7 degrees 47 minutes East, 1304 feet from the Northwest Corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 17 South, Range 47 East, W.M.

Notice of the application, pursuant to ORS 540.510, 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 October 26; November 2 and 9, 1977.

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

No objections having been filed and it appearing that the proposed change 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 change in 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 shall not exceed the quantity of water available at the old point of diversion under the subject rights.

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;

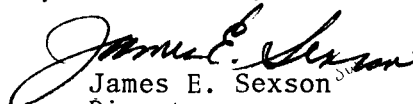
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Thos J. Brosnan and recorded at page 6867, Volume 7, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, 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.

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 Winter and Trousdale and recorded at page 7046, Volume 7, 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 20th day of December, 1977.


James E. Sexson
Director