

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

IN THE MATTER OF THE APPLICATION OF )  
ROBERT L. SANDERS FOR APPROVAL OF )  
A CHANGE IN PLACE OF USE OF WATER )

ORDER APPROVING  
TRANSFER 5620

On April 12, 1985, an application was filed in the office of the Water Resources Director by Robert L. Sanders for approval of a change in place of use of water from Malheur River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Malheur County, Oregon, entered May 13, 1925, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Malheur River and Its Tributaries, a water right was established in the name of Pacific Livestock Company, tabulated in Volume 8, page 302, Order Record of the Water Resources Director, for use of not to exceed 0.55 cubic foot per second from Malheur River for irrigation of, among other lands, a certain 6.0 acres in NE 1/4 SW 1/4 and 5.0 acres in NW 1/4 SW 1/4, Section 7, Township 20 South, Range 42 East, WM, with a date of priority of May 10, 1884, as evidenced by the certificate recorded at page 51736, Volume 46, State Record of Water Right Certificates.

Water for the said right is diverted through the Harper Southside Ditch.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom to 4.0 acres in SE 1/4 SE 1/4, Section 7; 6.0 acres in NW 1/4 NW 1/4, Section 17 and 1.0 acre in NE 1/4 NE 1/4, Section 18, Township 20 South, Range 42 East, WM.

The lands involved herein are within the boundaries of the Harper Southside District Improvement Company and the board of directors of said District approved the proposed change in place of use of water at a regular meeting.

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

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 proposed change in place of use is approved, without loss of priority.

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:

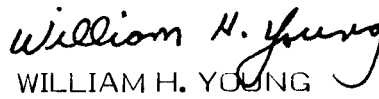
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 said water so transferred shall be applied to beneficial use on or before October 1, 1986.

It is FURTHER ORDERED that the certificate recorded at page 51736, Volume 46, 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.

Dated at Salem, Oregon, this 24th 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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