

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION OF )  
IRL DAVIS, JR. FOR APPROVAL OF A ) ORDER APPROVING  
CHANGE IN PLACE OF USE OF WATER ) TRANSFER 5553

On October 12, 1984, an application was filed in the office of the Water Resources Director by Irl Davis, Jr. for approval of a change in place of use of water from Threemile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wasco County, Oregon, entered November 30, 1923, In the Matter of the Determination of the Relative Rights to the Use of the Waters of White River and Its Tributaries, a water right was established in the name of Mrs. J. Spath, tabulated in Volume 7, page 222, Order Record of the Water Resources Director, for use of not to exceed three acre-feet per acre irrigated during any irrigation season from Threemile Creek for irrigation of, among other lands, a certain 20.5 acres in NW 1/4 SE 1/4, Section 9, Township 4 South, Range 12 East, WM, with a date of priority of January 7, 1874, as evidenced by the certificate recorded at page 5764, Volume 6, State Record of Water Right Certificates.

Water for the said right is diverted, through the Round Prairie Ditch, from a point located 1530 feet South and 4580 feet West from the Northeast Corner of Section 11, being within the SW 1/4 NW 1/4 of Section 11, Township 4 South, Range 11 East, WM.

4.81 acres of said lands also have supplemental rights evidenced by Certificate 46368, to the use of water from Badger Creek and Reservoir, with a date of priority of March 22, 1961; Certificate 51486, to the use of water from Badger Creek and Pine Hollow Reservoir, with a date of priority of July 23, 1968; and Certificate 51487, to the use of waters of Pine Hollow Reservoir, with a date of priority of May 1, 1975.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom to irrigation of 20.5 acres in SE 1/4 SW 1/4, Section 7, Township 4 South, Range 13 East, WM, and to supplemental irrigation of 4.81 acres of said lands.

Thomas J. Paul, 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:

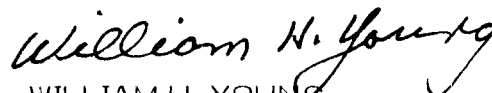
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, the change of water right shall be considered perfected, and at a later date, a certificate of water right shall be issued to Round Prairie Ditch Company confirming this and other changes within the District, and superseding Certificate 5764.

Dated at Salem, Oregon, this 14th day of June, 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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