

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION OF)
THOMAS MOSHER FOR APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 4817

On July 9, 1981, an application was filed in the office of the Water Resources Director by Thomas Mosher 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.

The certificate recorded at page 15719, Volume 13, State Record of Water Right Certificates, in the name of United States of America, Bureau of Reclamation, describes a right which includes the use of water from Malheur River and Warm Springs Reservoir, for irrigation of 11.1 acres in SW 1/4 SW 1/4, Section 29, 3.1 acres in SE 1/4 SE 1/4, Section 30 and 11.4 acres in NW 1/4 NW 1/4, Section 32, Township 19 South, Range 43 East, WM, with dates of priority of May 10, 1926 and January 11, 1927.

These lands have a supplemental right under Certificate 15808.

Water for the said right is diverted, through the 111 Ditch, from a point located within Lots 2 and 3 of Section 6, Township 21 South, Range 41 East, WM.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof 11.5 acres in SE 1/4 NE 1/4, 3.9 acres in NE 1/4 SE 1/4, Section 31, and 10.2 acres in SW 1/4 NW 1/4, Section 32, Township 19 South, Range 43 East, WM.

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.

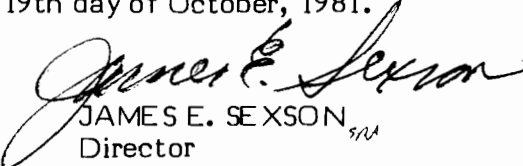
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

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

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1983.

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 United States of America, Bureau of Reclamation and recorded at page 15719, Volume 17, State Record of Water Right Certificates, be canceled; and in lieu thereof a new certificate of water right be issued to United States of America, Bureau of Reclamation confirming the change authorized herein and covering the balance of the right NOT involved in this proceeding.

Dated at Salem, Oregon this 19th day of October, 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.

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