

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WALLOWA COUNTY

IN THE MATTER OF THE APPLICATION OF)
HENRY BIRD FOR APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 5653

On June 3, 1985, an application was filed in the office of the Water Resources Director by Henry Bird for approval of a change in place of use of water from Big Sheep Creek, Little Sheep Creek and streams and springs crossed by line of Sheep Creek Ditch, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wallowa County, Oregon, entered November 3, 1930, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Imnaha River and Its Tributaries, a water right was established in the name of Wallowa Valley Improvement District No. 1, tabulated in Volume 10, page 330, Order Record of the Water Resources Director, for use of not to exceed one-fortieth cubic foot per second per acre of land irrigated prior to July 31 of each year and not to exceed one-eightieth cubic foot per second per acre irrigated for the remainder of the irrigation season, from Big Sheep Creek, Little Sheep Creek and streams and springs crossed by line of Sheep Creek Ditch for irrigation of, among other lands, a certain 19.2 acres in NE 1/4 NE 1/4 and 9.8 acres in SE 1/4 NE 1/4, Section 25, Township 2 South, Range 45 East, WM. This portion of said decree confirmed the right to the use of water as applied for under Application 6653, Permit 5335. Said right has a date of priority of 1919, as evidenced by the certificate recorded at page 9397, Volume 9, State Record of Water Right Certificates.

Water for the said right is diverted from Big Sheep Creek from a point located South 72 degrees West, 681 feet from the East Quarter Corner of Section 32, being within the NE 1/4 SE 1/4 of Section 32, Township 4 South, Range 46 East, WM; and from Little Sheep Creek from a point located South 81 degrees 7 minutes East, 138 feet from the Northwest Corner of Section 9, being within the NW 1/4 NW 1/4 of Section 9, Township 4 South, Range 46 East, WM.

The applicant herein, with the consent of the owner of the lands above described, proposes to change the place of use therefrom to irrigation of 16.3 acres in NE 1/4 NW 1/4 and 12.7 acres in SE 1/4 NW 1/4 of Section 5, Township 3 South, Range 46 East, WM.

Robert W. DeBow, 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:

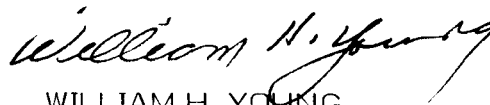
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 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 Wallowa Valley Improvement District No. 1 and recorded at page 9397, Volume 9, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right be issued to said District.

Dated at Salem, Oregon, this 5th day of August, 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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