

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

HOOD RIVER COUNTY

IN THE MATTER OF THE APPLICATION OF)
GEORGE AND BOBBIE LOU VIEIRA FOR)
APPROVAL OF CHANGES IN PLACE OF USE)
AND USE HERETOFORE MADE OF WATER)

ORDER APPROVING
TRANSFER 5154

On November 8, 1982, an application was filed in the office of the Water Resources Director by George and Bobbie Lou Vieira for approval of changes in place of use and use heretofore made of water from an unnamed stream, tributary to Yellow Jacket Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 37985, Volume 30, State Record of Water Right Certificates, in the name of Clifford Orth Properties, Inc., describes a right which includes the use of not to exceed 0.006 cubic foot per second from an unnamed stream, tributary to Yellow Jacket Creek, for irrigation of 1.0 acre in NE 1/4 SW 1/4, Section 4, Township 1 South, Range 10 East, WM, with a date of priority of July 26, 1957.

Water for the said right is diverted from a point located 600 feet North and 480 feet West from the East Quarter Corner of Section 4, being within the SE 1/4 NE 1/4 of Section 4, Township 1 South, Range 10 East, WM.

The applicants herein, owners of the lands above described, propose to sever the right therefrom and, without loss of priority, to use 0.003 cfs for domestic use in NW 1/4 SW 1/4 and to use 0.003 cfs for domestic use in NW 1/4 SE 1/4 of Section 4, Township 1 South, Range 10 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Hood River News, a newspaper printed and having general circulation in Hood Rive County, Oregon, for a period of three weeks in the issues of Novembe 18, 25 and December 2, 1982.

Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed changes in place of use and use heretofore made may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and use heretofore made, as described herein, without loss of priority, are approved, WITH THE FOLLOWING CONDITIONS.

The quantity of water used for the proposed purposes shall not exceed 0.006 cubic foot per second, and shall be used only during the irrigation season of each year.

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.

The construction work shall be completed and water used for the proposed purposes on or before October 1, 1984.

It is FURTHER ORDERED that the certificate recorded at page 37985, Volume 30, 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 applicants herein.

Dated at Salem, Oregon this 13th day of January, 1983.


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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