

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF FRED G. HEID AND SON FOR)
APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER)

ORDER APPROVING
TRANSFER 5061

On May 24, 1982, an application was filed in the office of the Water Resources Director by Fred G. Heid and Son for approval of a change in place of use of water from Willow Creek, Black Creek and Pole Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Malheur County, Oregon, entered January 28, 1926, In the Matter of the Determination of the Relative Rights to the Use of Waters of Willow Creek and Its Tributaries, a water right was established in the name of Orchards Water Company, tabulated in Volume 9, page 223, Order Record of the Water Resources Director, for use of not to exceed 2.0 acre-feet per acre during any irrigation season of "New Form Contract" water from Willow Creek, stored in Reservoir 3, and Black Creek and Pole Creek, stored in Reservoir 1, of Orchards Water Company; also the direct flow thereof, for irrigation of, among other lands, a certain 38.5 acres in NW 1/4 NW 1/4, Section 24, Township 16 South, Range 43 East, WM, tabulated in the name of A.A. Derrick, with dates of priority of April 7, 1908, from Willow Creek and May 19, 1907, from Black and Pole Creek, as evidenced by the certificate recorded at page 45354, Volume 37, State Record of Water Right Certificates.

Transfer K-6 allowed a change in place of use of 10.0 acres of "New Form Contract" water right to SW 1/4 SW 1/4, Section 33, Township 15 South, Range 43 East, WM, as evidenced by said Certificate 45354.

These lands are irrigated by means of East Side Canal.

The applicants herein propose to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 26.2 acres in NW 1/4 NE 1/4, 5.9 acres in SW 1/4 NE 1/4, 3.4 acres in NE 1/4 NW 1/4 and 13.0 acres in SE 1/4 NW 1/4, Section 4, Township 16 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 have 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, as described herein, without loss of priority, is approved.


It is FURTHER ORDERED that the quantity of water shall not exceed 2.0 acre-feet per acre.

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

The order of the Water Resources Director entered November 20, 1980, approving Transfer Application 4583, provided for cancellation of the certificate of water right recorded at page 45354, Volume 37, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; therefore,

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of beneficial use of water to the extent intended under the provisions of this and prior orders, a confirming certificate of water right shall be issued to Orchards Water Company.

Dated at Salem, Oregon this 2nd day of July, 1982.



JAMES E. SEXSON^{SR}
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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