

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

GRANT COUNTY

IN THE MATTER OF THE APPLICATION OF)
PRAIRIE WOOD PRODUCTS FOR APPROVAL) ORDER APPROVING
OF CHANGES IN PLACE OF USE, POINT) TRANSFER 5865
OF DIVERSION AND USE HERETOFORE)
MADE OF WATER)

On October 22, 1986, an application was filed in the office of the Water Resources Director by Prairie Wood Products for approval of changes in place of use, point of diversion and use heretofore made of water from John Day River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 44687, Volume 36, State Record of Water Right Certificates, in the names of John E. and Donna K. Holmstrom, describes a right which includes the use of not to exceed 0.375 cubic foot per second from John Day River, for irrigation of a certain 5.0 acres in SW 1/4 SE 1/4, Section 23, 0.6 acre in NE 1/4 NE 1/4 and 9.4 acres in NW 1/4 NE 1/4, Section 26, Township 13 South, Range 31 East, WM, with a date of priority of 1863.

Water for the said right is diverted from a point located 340 feet South and 1620 feet East from the North Quarter Corner of Section 26, being within the NE 1/4 NE 1/4 of Section 26, Township 13 South, Range 31 East, WM.

The applicant herein, with the written consent of the owner of the lands above described, proposes to change the use heretofore made therefrom, to industrial use within the SE 1/4 SW 1/4, NW 1/4 SE 1/4 and SW 1/4 SE 1/4, all lying north of the John Day River, Section 22, Township 13 South, Range 31 East, WM, and to change the point of diversion therefrom to a point located 1050 feet North and 2662 feet West from the Southeast Corner of Section 22, being within the SW 1/4 SE 1/4 of Section 22, Township 13 South, Range 31 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Blue Mountain Eagle, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of November 20, 27, and December 4, 1986.

Jerry S. Rodgers, Watermaster, has filed a statement to the effect that the proposed changes in place of use, point of diversion 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, point of diversion 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 proposed changes in place of use, point of diversion and use heretofore made are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water used for the proposed purpose shall not exceed 0.375 cubic foot per second, and shall be used only during the irrigation season of each year.

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;

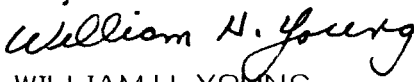
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the subject water right is hereby severed from the use and place of use described in Certificate 44687, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the right to divert water from the point described in Certificate 44687 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 44687, Volume 36, 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 applicant herein.

Dated at Salem, Oregon, this 27th day of January, 1987


WILLIAM H. YOUNG⁷²⁵
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.

0337/f
8279D