

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF)
LEWIS LIVESTOCK COMPANY FOR APPROVAL) ORDER APPROVING
OF CHANGES IN PLACE OF USE AND) TRANSFER 5773
POINT OF DIVERSION OF WATER)

On March 31, 1986, an application was filed in the office of the Water Resources Director by Lewis Livestock Company for approval of changes in place of use and point of diversion of water from Umatilla River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 35280, Volume 27, State Record of Water Right Certificates, in the names of Horseshoe Irrigation Company, C.A. Hubbard and Lewis Livestock Co., describes a right which includes the use of not to exceed 0.45 cubic foot per second from Umatilla River, for irrigation of a certain 12.1 acres in SW 1/4 SW 1/4 and 23.9 acres in SE 1/4 SW 1/4, Section 2, Township 2 North, Range 30 East, WM, with a date of priority of December 26, 1904.

Water for the said right is diverted from a point located 1300 feet North and 1050 feet West from the South Quarter Corner of Section 2, being within the SE 1/4 SW 1/4 of Section 2, Township 2 North, Range 30 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to points 2 and 3 located: 2 - 680 feet South and 2180 feet West from the East Quarter Corner of Section 16, being within the NE 1/4 SE 1/4 of Section 16, and 3 - 1010'S and 720'E from the West Quarter Corner of Section 15, being within the NW 1/4 SW 1/4 of Section 15, Township 2 North, Range 31 East, WM, and to change the place of use to irrigation of 8.6 acres in NW 1/4 SW 1/4, Section 15; 21.3 acres in NE 1/4 SE 1/4 and 6.1 acres in NW 1/4 SE 1/4, Section 16, Township 2 North, Range 31 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the East Oregonian, 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 July 7, 14 and 21, 1986.

Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion 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 point of diversion 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 and point of diversion are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.45 cubic foot per second.

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 place of use described in Certificate 35280, 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 35280 is hereby canceled.

It is FURTHER ORDERED that the certificate recorded at page 35280, Volume 27, 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 19th day of September, 1986.


WILLIAM H. YOUNG^{5,26}
Director

NOTE: 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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