

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF )  
MILLS MINT FARM FOR APPROVAL OF A ) ORDER APPROVING  
CHANGE IN POINT OF DIVERSION OF ) TRANSFER 5699  
WATER )

On August 30, 1985, an application was filed in the office of the Water Resources Director by Mills Mint Farm for approval of a change in point of diversion of water from Umatilla River, pursuant to the provisions of ORS 540.510 to 540.530.

Pursuant to the provisions of ORS 540.530(2), proof has been made to the satisfaction of the Water Resources Director that a water right transfer has completed under the terms of Transfer 0-17 in the name of J.J. Oberson for the use of not to exceed 0.54 cubic foot per second from Umatilla River for irrigation of 13.0 acres in NE 1/4 NW 1/4, 5.0 acres in NW 1/4 NW 1/4, 2.0 acres in SW 1/4 NW 1/4, 8.0 acres in SE 1/4 NW 1/4, Section 5, Township 3 North, Range 29 East, WM, and 15.0 acres in SW 1/4 SW 1/4, Section 32, Township 4 North, Range 29 East, WM, with a date of priority of September 11, 1894.

Water for the said right is diverted from a point located 594 feet West from the Center of Section 5, being within the SE 1/4 NW 1/4 of Section 5, Township 3 North, Range 29 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion for irrigation of 13.0 acres in NE 1/4 NW 1/4, 5.0 acres in NW 1/4 NW 1/4, 2.0 acres in SW 1/4 NW 1/4, 8.0 acres SE 1/4 NW 1/4, Section 5, Township 3 North, Range 29 East, WM, and 5.0 acres in SW 1/4 SW 1/4, Section 32, Township 4 North, Range 29 East, WM, therefrom to a point located 200 feet South and 930 feet East from the Northwest Corner of Section 5, being within the NW 1/4 NW 1/4 of Section 5, Township 3 North, Range 29 East, WM. The change in point of diversion is reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in the Hermiston Herald, 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 September 24, October 1 and 8, 1985.

Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in 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 change in point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.41 cubic foot per second.

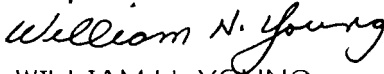
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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 certificate recorded at page 2583, Volume 3, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued to Maxwell Irrigation Company covering the balance of the original right NOT involved in Transfer 0-17 and this proceeding; a confirming certificate be issued to J.J. Oberson confirming the balance of Transfer 0-17 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 be issued to the applicant herein.

Dated at Salem, Oregon, this 24th day of February, 1986.

  
WILLIAM H. YOUNG,  
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.

A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. Such objections and exceptions must be filed within 45 days from the date of service (date of mailing) of the Proposed Order on the party. The Commission will provide opportunity for oral argument in support of written objections and exceptions. If no objections and exceptions are filed within the time allowed, the Proposed Order will automatically become the Final Order of the Commission.

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