

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION OF)
LARRUSEA CATTLE COMPANY, INC.)
FOR APPROVAL OF CHANGES IN PLACE)
OF USE AND POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 5701

On September 6, 1985, an application was filed in the office of the Water Resources Director by Larrusea Cattle Company, Inc. for approval of changes in place of use and point of diversion of water from Jordan Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 3848, Volume 5, State Record of Water Right Certificates, in the name of Frank Larrusea, describes a right for the use of not to exceed 0.96 cubic foot per second from Jordan Creek, for irrigation of 14.7 acres in NE 1/4 SW 1/4, 25.0 acres in NW 1/4 SW 1/4, 13.3 acres in SE 1/4 SW 1/4 and 23.4 acres in SW 1/4 SE 1/4, Section 36, Township 30 South, Range 42 East, WM with a date of priority of February 8, 1916.

Water for the said right is diverted, through the Larrusea Ditch, from a point located 680 feet South and 1800 feet East from the Northwest Corner of Section 6, being within the NE 1/4 NW 1/4 of Section 6, Township 31 South, Range 43 East, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use from irrigation of 10.0 acres in SW 1/4 SE 1/4 to irrigation of 5.5 acres in NW 1/4 SE 1/4 and 4.5 acres in SW 1/4 SE 1/4 of said Section 36, and to change the point of diversion therefrom to the Sheep Ranch Ditch, located 1140 feet South and 800 feet East from the Northwest Corner of Section 6, being within the NW 1/4 NW 1/4 of Section 6, Township 31 South, Range 43 East, WM.

The applicant further proposes to cancel the balance of said right, being the use of not to exceed 0.83 cubic foot per second from Jordan Creek for irrigation of 14.7 acres in NE 1/4 SW 1/4, 25.0 acres in NW 1/4 SW 1/4, 13.3 acres in SE 1/4 SW 1/4 and 13.4 acres in SW 1/4 SE 1/4, Section 36, Township 30 South, Range 42 East, WM.

Frank W. Elfering, 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, and the balance of said right, as described above, is canceled.

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 0.13 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:

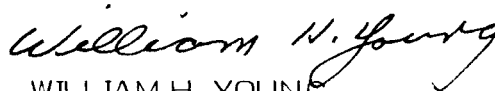
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and water used from the proposed point of diversion on or before October 1, 1987.

It is FURTHER ORDERED that the certificate recorded at page 3848, Volume 5, State Record of Water Right Certificates, is canceled; 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 23rd day of October, 1985


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.

0337/e
0736D