

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF RICHARD D. HEVNER (ORCHARDS)
WATER COMPANY) FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5203

On February 16, 1983, an application was filed in the office of the Water Resources Director by Richard D. Hevner, for approval of changes in place of use and point of diversion of water from Willow Creek, Black Creek and Pole Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree on the Mandate 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 the Waters of Willow Creek and Its Tributaries, water rights were established in the name of Orchards Water Company and tabulated in the names of Frank Foiles, T.M. Jamieson, H.G. Barrell and Roy S. Wilson in Volume 9, pages 223 and 224, Order Record of the Water Resources Director, for the use of not to exceed 2.0 acre-feet per share 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 7.5 acres (5 shares) NE 1/4 SE 1/4 and 1.7 acres (1.2 shares) SE 1/4 SE 1/4, Section 10, Township 15 South, Range 42 East, WM; 18.0 acres (18 shares) N 1/2 SE 1/4, Section 16, and 20.0 acres (20 shares) NW 1/4 NW 1/4, Section 26, Township 16 South, Range 43 East, WM, with dates of priority of April 7, 1908, from Willow Creek and May 29, 1907, from Black and Pole Creeks, as evidenced by the certificates recorded at pages 45353 and 45354, Volume 37, State Record of Water Right Certificates.

These lands were originally irrigated by means of the Highline Canal.

The applicant proposes to change the point of diversion therefrom, without loss of priority, to the East Side Ditch, located 950 feet South and 1350 feet West from the Northeast Corner of Section 24, being within the NW 1/4 NE 1/4 of Section 24, Township 15 South, Range 42 East, WM, for irrigation of 20.0 acres in SW 1/4 SE 1/4, Section 19, Township 15 South, Range 43 East, WM; to a point located 50 feet South and 400 feet East from the Northwest Corner of NE 1/4 NE 1/4 of Section 25, being within the NE 1/4 NE 1/4 of Section 25, Township 15 South, Range 42 East, WM, for irrigation of 11.0 acres in NE 1/4 NE 1/4, Section 25, Township 15 South, Range 42 East, WM; and to a point located 1410 feet South and 100 feet East from the Northwest Corner of Section 30, being within the SW 1/4 NW 1/4 of Section 30, Township 15 South, Range 43 East, WM, for irrigation of 13.2 acres in E 1/2 SW 1/4 NW 1/4, Section 30, Township 15 South, Range 43 East, WM.

The lands involved herein are within the boundaries of Orchards Water Company and the Board of Directors of said Company has approved the proposed changes in place of use and point of diversion at a regular meeting.

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.

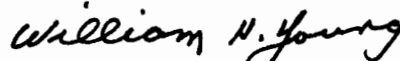
NOW, THEREFORE, it hereby is ORDERED that the proposed changes in place of use and point of diversion are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water shall not exceed 88.4 acre-feet per irrigation season, being 2.0 acre-feet per acre.

It is FURTHER ORDERED that said water right so transferred shall be applied to beneficial use on or before October 1, 1985.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which water is transferred hereby, the change of water right shall be considered perfected, and at a later date a certificate of water right shall be issued to Orchards Water Company confirming this and other changes within the District, and superseding Certificates 45353 and 45354.

Dated at Salem, Oregon this 16 day of August, 1984.


WILLIAM H. YOUNG, ⁵¹⁰
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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