

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION OF )  
RICHARD D. HEVNER FOR APPROVAL OF )  
A CHANGE IN POINT OF DIVERSION OF )  
WATER )

ORDER APPROVING  
TRANSFER 5338

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On August 5, 1983, an application was filed in the office of the Water Resources Director by Richard D. Hevner for approval of a change in point of diversion of water from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Pursuant to the provisions of ORS 537.260(2), proof has been made to the satisfaction of the Water Resources Director that a right has been perfected under the terms of Permit 42210 in the name of Richard D. Hevner, for the use of not to exceed 1.00 cubic foot per second from Willow Creek for supplemental irrigation of:

18.0 acres Lot 2 (SW 1/4 NW 1/4)  
6.7 acres NE 1/4 SW 1/4  
2.1 acres Lot 3 (NW 1/4 SW 1/4)  
9.0 acres SE 1/4 SW 1/4  
4.1 acres SW 1/4 SE 1/4  
Section 30  
Township 15 South, Range 43 East, WM

with a date of priority of April 8, 1977.

Water for the said right is diverted, through the Hevner Ditch, from a point located 140 feet South and 890 feet West from the Northeast Corner of Section 25, being within the NE 1/4 NE 1/4 of Section 25, Township 15 South, Range 42 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom 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. 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 Malheur Enterprise, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of March 21, 28 and April 4, 1984.

Frank W. Elfering, 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 1.00 cubic foot per second.

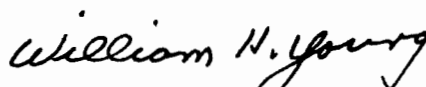
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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 a 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 16 day of August, 1984.

  
WILLIAM H. YOUNG  
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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