

BEFORE THE STATE ENGINEER OF OREGON

Malheur County

IN THE MATTER OF THE APPLICATION)
OF JOHN LUNDQUIST FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM OWYHEE RIVER)

ORDER APPROVING
TRANSFER NO. L-95

On June 11, 1968, John Lundquist filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Owyhee River pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Malheur County, Oregon, entered July 7, 1926, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Owyhee River and Its Tributaries, a water right was established in the name of W. S. Skinner for the use of the waters of Owyhee River for the irrigation of, among other lands, 6.4 acres in SW¼ NE¼, 33.8 acres in NE¼ NW¼, 5.3 acres in NW¼ NW¼ and 22.3 acres in SE¼ NW¼, Section 24, Township 31 South, Range 41 East, W.M., with a date of priority of November 25, 1908. This land is irrigated by means of the Happy Valley Ditch, the point of diversion being located 1450 feet north and 1120 feet east from the S¼ corner of Section 6, being within the NE¼ SE¼ of Section 6, Township 32 South, Range 42 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 580 feet south and 2700 feet east from the W¼ corner of Section 24 being within the NW¼ SE¼ of Section 24, Township 31 South, Range 41 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections

to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Vale, Oregon, on October 9, 1968, at 9:30 a.m. The notice was published in the Ontario Argus Observer, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of August 12, 19 and 26, 1968. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Frank W. Elfering, Watermaster of District No. 9, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed point of diversion of water may be established without injury to existing rights the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Owyhee River, to-wit:

From a point located 1450 feet north and 1120 feet east from the S $\frac{1}{4}$ corner of Section 6 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 32 South, Range 42 East, W.M.

To a point to be located 580 feet south and 2700 feet east from the W $\frac{1}{4}$ corner of Section 24 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 31 South, Range 41 East, W.M.

for the irrigation of 6.4 acres in Sw $\frac{1}{4}$ NE $\frac{1}{4}$, 33.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 5.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 22.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 31 South, Range 41 East, W.M., with a date of priority of November 25, 1908, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1969.

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, and shall not exceed one acre-foot per acre during any calendar month prior to June 1 and three-fourths acre-foot per acre during any calendar month after June 1, of each year; and a total not to exceed three acre-feet per acre during the irrigation season from April 1 to October 15.


It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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 certificate of water right heretofore issued to W. S. Skinner and recorded at page 14570, Volume 12, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to John Lundquist confirming said change in point of diversion.

Dated at Salem, Oregon, this 30th day of October, 1968.



CHRIS L. WHEELER
State Engineer