

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF MARK E. & JUNE S. HARTLEY FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4289

On September 4, 1979, an application was filed in the office of the Water Resources Director by Mark E. and June S. Hartley for approval of a change in place of use of water from Owyhee River, Owyhee Reservoir, Snake River and waste water from Cow Hollow Wasteway, 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 allowed in the name of Owyhee Ditch Company, for irrigation of, among other lands, a certain 11.95 acres in NW¼ NE¼ of Section 8, Township 18 South, Range 47 East, W.M., with a date of priority of October 30, 1888, as now described by certificate issued in the name of Owyhee Ditch Company and recorded at page 31121, Volume 23, State Record of Water Right Certificates.

These lands also have supplemental rights evidenced by certificate recorded at page 24707, Volume 17, State Record of Water Right Certificates, to the use of water from Owyhee River and Owyhee Reservoir, with dates of priority of 1916 and 1924; certificate 44030, Volume 36 to the use of water from Owyhee Reservoir, with a date of priority of November 7, 1968; certificate 24704, Volume 17, to the use of waters of Snake River, with a date of priority of October 1, 1951; and certificate 29394, Volume 21 for the use of waste waters of Cow Hollow Wasteway, with a priority date of March 14, 1955.

The applicants herein propose to transfer the water rights therefrom, without loss of priority, to a certain 11.95 acres in SW¼ NE¼ of Section 22, Township 20 South, Range 46 East, W.M.

The order of the Board of Directors of Advancement Irrigation District dated June 5, 1979, allowed for the exclusion of said 11.95 acres in the NW¼ NE¼ of Section 8, Township 18 South, Range 47 East, W.M. and the water right appurtenant thereto; and the order of the Board of Directors of Owyhee Irrigation District dated June 5, 1979, allowed for the inclusion of the 11.95 acres in SW¼ NE¼ of Section 22, Township

20 South, Range 46 East, W.M., in said Owyhee Irrigation District.

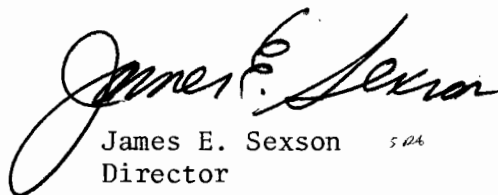
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that 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, the certificates of water right heretofore recorded at page 31121, Volume 23, page 24707, Volume 17, page 44030, Volume 36, page 24704, Volume 17 and page 29394, Volume 21, State Record of Water Right Certificates, be canceled; and in lieu thereof new certificates of water right be issued.

Dated at Salem, Oregon this 27th day of September, 1979.


James E. Sexson 526
Director