

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Hood River County

IN THE MATTER OF THE APPLICATION)
OF MIDDLE FORK IRRIGATION DISTRICT)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
WISHART CREEK)

ORDER APPROVING
TRANSFER NO. 3264

On June 11, 1975, Middle Fork Irrigation District filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Wishart Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Middle Fork Irrigation Company and recorded at Page 1393, Volume 2, State Record of Water Right Certificates, confirms a right to the use of not to exceed 1.0 cubic foot per second of water from Wishart Creek for the irrigation of 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 1 North, Range 10 East, W.M., with a date of priority of August 9, 1915. These lands are irrigated by means of the Middle Fork Irrigation District ditch from a point of diversion located 1.77 chains West and 17.29 chains North from the center of Section 29, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 1 North, Range 10 East, W.M.

The applicant herein, operator of the distribution system, proposes to convey water to the lands above described by means of the Alexander pipeline from a point of diversion to be located 110 feet South and 1280 feet West from the Northeast corner of Section 32, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 1 North, Range 10 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 Hood River, Oregon, on February 13, 1976, at 9:30 a.m. The notice was published in the Hood River News, a newspaper printed and having general circulation in Hood River County, Oregon, for a period of three weeks in the issues of December 18, 25, 1975, and January 1, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Thomas Paul, Watermaster of District No. 3, 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 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 change in point of diversion of water from Wishart Creek, to wit:

From a point located 1.77 chains West and 17.29 chains North from the center of Section 29, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 1 North, Range 10 East, W.M.

To a point to be located 110 feet South and 1280 feet West from the Northeast corner of Section 32, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 1 North, Range 10 East, W.M.

for the irrigation of 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 1 North, Range 10 East, W.M., with a date of priority of August 9, 1915, 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, 1976.

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 1.0 cubic foot per second.

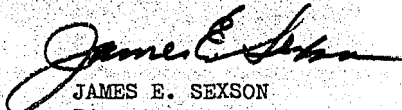
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 the certificate of water right heretofore issued to Middle Fork Irrigation Company and recorded at Page 1393, Volume 2, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Middle Fork Irrigation District confirming the change in point of diversion.

Dated at Salem, Oregon, this 2nd day of March, 1976.


JAMES E. SEXSON
Director