

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION OF )  
CONRAD ALLEN AND FOUR STAR FARMS ) ORDER APPROVING  
FOR APPROVAL OF A CHANGE IN PLACE ) TRANSFER 5718  
OF USE OF WATER )

On October 16, 1985, an application was filed in the office of the Water Resources Director by Conrad Allen and Four Star Farms for approval of a change in place of use of water from Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Baker County, Oregon, entered March 18, 1918, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Powder River and Its Tributaries, a water right was established in the name of Pacific Loan and Investment Co., Ltd., tabulated in Volume 14, page 390, Order Record of the Water Resources Director, for use of water from Powder River for irrigation of, among other lands, a certain 6.1 acres in SE 1/4 SE 1/4, Section 2; 9.1 acres in NE 1/4 NE 1/4 and 9.1 acres in NW 1/4 NE 1/4, Section 11, Township 9 South, Range 40 East, WM, with a date of priority of March, 1905, as evidenced by the certificate recorded at page 51425, Volume 46, State Record of Water Right Certificates.

The certificate recorded at page 52008, Volume 47, State Record of Water Right Certificates, in the name of United State of America, Pacific Northwest Region, Bureau of Reclamation, describes a right which includes the use of water from Powder River and Phillips Reservoir, for primary irrigation of 1.0 acre in SE 1/4 SE 1/4, Section 2; and supplemental irrigation of 6.1 acres in SE 1/4 SE 1/4, Section 2, 9.1 acres in NE 1/4 NE 1/4 and 9.1 acres in NW 1/4 NE 1/4, Section 11, all in Township 9 South, Range 40 East, WM, with a date of priority of June 19, 1958.

Water for the said right is diverted, through the Smith Ditch, from a point located 945 feet South and 1865 feet West from the Northeast Corner of Section 19, being within the NW 1/4 NE 1/4 of Section 19, Township 10 South, Range 40 East, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom to 5.7 acres in SW 1/4 SE 1/4 (Ruth Ann Heaton) and 18.6 acres (Certificate 51425) and 1.0 acre (Certificate 52008) in SE 1/4 SE 1/4 (Harold Britton), Section 11, Township 9 South, Range 40 East, WM.

V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use is approved, without loss of priority.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment 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 subject water right is hereby severed from the place of use described in Certificates 51425 and 52008, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of completion of water to beneficial use on the lands to which the water is transferred hereby, the change of water right shall be considered perfected, and at a later date, certificates of water right shall be issued to Baker Valley Irrigation District confirming this and other changes within the District, and superseding Certificates 51425 and 52008.

Dated at Salem, Oregon, this 25th day of November, 1986.

  
WILLIAM H. YOUNG, <sup>SM</sup>  
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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