

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF)
RONALD M. KILGORE FOR APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)
ORDER APPROVING
TRANSFER 5936

On May 4, 1987, an application was filed in the office of the Water Resources Director by Ronald M. Kilgore for approval of a change in place of use of water from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 53552, Volume 48, State Record of Water Right Certificates, in the name of Ronald M. Kilgore, describes a right which includes the use of not to exceed 2.45 cubic foot per second from ground water for the irrigation of, among other land,

30.4 acres NE 1/4 NW 1/4
7.0 acres NW 1/4 NW 1/4
2.1 acres SW 1/4 NW 1/4
30.5 acres SE 1/4 NW 1/4
32.3 acres NE 1/4 SW 1/4
33.2 acres NW 1/4 SW 1/4
32.0 acres SW 1/4 SW 1/4
30.4 acres SE 1/4 SW 1/4

Section 26, Township 4 North, Range 30 East, WM

with a date of priority of May 23, 1977.

The authorized point of appropriation is located 2640 feet North and 30 feet East from the SW Corner of Section 26, being within the NW 1/4 SW 1/4 of Section 26, Township 4 North, Range 30 East, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom to irrigation of:

19.7 acres NW 1/4 NE 1/4
7.3 acres SW 1/4 NE 1/4
30.0 acres NE 1/4 NW 1/4
13.0 acres SE 1/4 NW 1/4
38.4 acres NE 1/4 SW 1/4
21.2 acres NW 1/4 SW 1/4
21.2 acres SW 1/4 SW 1/4
37.9 acres SE 1/4 SW 1/4
4.7 acres NW 1/4 SE 1/4
4.5 acres SW 1/4 SE 1/4

Section 26, Township 4 North, Range 30 East, WM

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

Michael J. Zwart, Hydrogeologist, 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.

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.

It is FURTHER ORDERED that the following provisions shall be carried out prior to using water from the new well as herein confirmed:

That the pump system shall include an access port for measuring the water level;

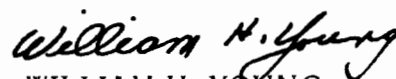
That the pump system shall include an in-line flow meter or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the 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 Certificate 53552, and shall be beneficially used as authorized by this order on or before October 1, 1989.

It is FURTHER ORDERED that the certificate recorded at page 53552, Volume 48, State Record of Water Right Certificates, is canceled; 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 new certificate of water right shall be issued to the applicant herein confirming the change authorized herein and covering the balance of the right.

Dated at Salem, Oregon, this 28th day of September, 1987.


WILLIAM H. YOUNG
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

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