

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

HOOD RIVER COUNTY

IN THE MATTER OF THE APPLICATION )  
OF MIDDLE FORK IRRIGATION DISTRICT) )  
FOR APPROVAL OF A CHANGE IN POINT )  
OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 3866

On January 18, 1978, an application was filed in the office of the Water Resources Director by Middle Fork Irrigation District for approval of a change in point of diversion of water from Trout Creek, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the Water Resources Director, entered January 14, 1977, approving transfer application No. 2763, the right allowed by Decree of the Circuit Court for Hood River County in the matter of the Determination of the Relative Rights to the Use of the Waters of Hood River and Its Tributaries, tabulated in the name of Middle Fork Irrigation District, now exists for the use of water from Trout Creek, with a date of priority of 1898, for irrigation of a certain 15.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, Township 1 North, Range 10 East, W.M., from a point of diversion located 350 feet South and 50 feet East from the Northwest Corner of Section 32, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 32, Township 1 North, Range 10 East, W.M. (Dykstra Pipeline).

The applicant herein proposes to change the point of diversion therefrom, without loss of priority, to a point located 590 feet South and 1280 feet West from the Northeast Corner of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 6, Township 1 South, Range 10 East, W.M., being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 1, Township 1 South, Range 9 East, W.M. (Sato Pipeline).

Notice of the application, pursuant to ORS 540.510, 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 January 26; February 2 and 9, 1978.

Mr. Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

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 under the subject right.

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:

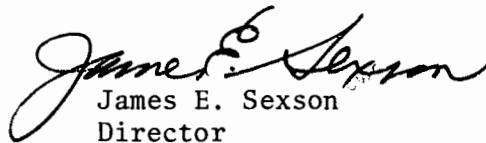
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion of water allowed herein, confirmation of the change shall be included in the certificate, at such time as it is issued, to describe the right allowed by decree of the court.

Dated at Salem, Oregon, this 24th day of March, 1978.

  
James E. Sexson  
Director