

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF)
OREGON-WASHINGTON RAILROAD & NAVI-)
GATION COMPANY AND UNION PACIFIC)
RAILROAD COMPANY FOR APPROVAL OF A)
CHANGE IN POINT OF APPROPRIATION OF)
GROUND WATER)

ORDER APPROVING
TRANSFER NO. 3919

On March 31, 1978, an application was filed in the office of the Water Resources Director by Oregon-Washington Railroad & Navigation Company and Union Pacific Railroad Company for approval of an additional point of appropriation from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 20048, Volume 14, State Record of Water Right Certificates, in the name of Oregon-Washington Railroad & Navigation Company and Union Pacific Railroad Company, describes a right for the use of not to exceed 1.12 cubic feet per second from a certain ground water aquifer for general railroad use at Hinkle Terminal in NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 25; S $\frac{1}{2}$ of Section 26; S $\frac{1}{2}$ of Section 27; and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28, Township 4 North, Range 28 East, W.M., with a date of priority of February 3, 1950.

Water for the said right is diverted from a well located 1060 feet South and 1475 feet East from the Center Corner of Section 27, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 4 North, Range 28 East, W.M.

The applicants herein, owner and lessee of the terminal above described, propose to establish an additional point of appropriation, without loss of priority, at a well located 440 feet South and 1810 feet East from the Center Corner of Section 27, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 4 North, Range 28 East, W.M.

Mr. Robert B. Almy, Hydrogeologist, Water Resources Department, has filed a statement to the effect that the proposed additional point of appropriation may be established without injury to existing rights.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed additional point of appropriation may be established without injury to existing rights.

No objections having been filed and it appearing that the proposed additional point of appropriation may be made without injury to existing rights, the

application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested additional point of appropriation, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new well, together with that diverted at the old well, shall not exceed the quantity of water available at the old well under the subject right, and shall not exceed 1.12 cubic feet per second.

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:

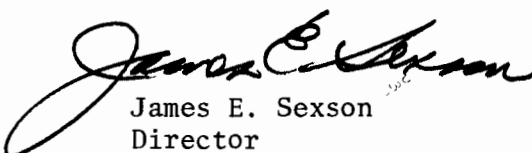
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and the additional point of appropriation of water established on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right recorded at page 20048, Volume 14, 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 confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 19th day of April, 1978.


James E. Sexson
Director