

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF THAYER CATTLE COMPANY FOR AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3876

On February 7, 1978, an application was filed in the office of the Water Resources Director by Thayer Cattle Company for approval of an additional point of diversion of water from Malheur River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 6867, Volume 7, State Record of Water Right Certificates, in the name of Thos. J. Brosnan, describes a right which includes the use of water from Malheur River for irrigation of a certain 38.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 23.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 14.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 38.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 30.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28; 25.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 37.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 33.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, Township 17 South, Range 47 East, W.M., with a date of priority of August 25, 1902.

Water for the said right is diverted, through the Brosnan Ditch, from a point located 250 feet North and 225 feet West from the East Quarter Corner of Section 2, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 18 South, Range 46 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 150 feet North and 17 feet East from the Southwest Corner of Section 28, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 17 South, Range 47 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Daily Argus Observer, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of October 27, November 3 and 10, 1978.

Mr. Frank Elfering, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed additional point of diversion may be made without injury to existing rights, the application should be approved.

1978-11-10

NOW, THEREFORE, it hereby is ORDERED that the requested additional 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, together with that diverted at the old 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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered December 20, 1977, approving transfer application No. 3672; 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 22nd day of December, 1978.

James E. Sexson
Director

By *Chick Keeler*
Deputy