

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION)
OF IRL DAVIS, JR. FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER _ _ _ _ _)

ORDER APPROVING
TRANSFER NO. 4324

On November 5, 1979, an application was filed in the office of the Water Resources Director by Irl Davis, Jr. for approval of a change in place of use from South Fork Badger Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 46530, Volume 39, State Record of Water Right Certificates, in the name of Highland Ditch Company, describes a right which includes the use of not to exceed 0.065 cubic foot per second from South Fork Badger Creek for irrigation of a certain 2.6 acres in the SW¹/₄ NW¹/₄ of Section 3, Township 4 South, Range 12 East, W. M., with a date of priority of August 8, 1914.

Water for the said right is diverted, through the Highland Ditch, from a point located North 65 degrees 21 minutes West 1938.2 feet from the East Quarter Corner of Section 32, being within the SW¹/₄ NE¹/₄ of Section 32, Township 3 South, Range 11 East, W. M.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 2.6 acres in the SW¹/₄ SW¹/₄ of Section 7, Township 4 South, Range 13 East, W. M.

Mr. Thomas J. Paul, 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 requested change in place of use, as described herein, without loss of priority, is approved.

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:

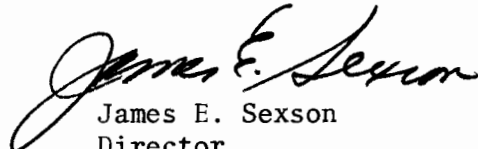
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate of water right recorded at page 46530, Volume 39, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; 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 27th day of November, 1979.


James E. Sexson
Director

5/24