

Morrow County

IN THE MATTER OF THE APPLICATION
 OF JIM AND DON KEY FOR THE APPROVAL
 OF CHANGES IN POINTS OF DIVERSION AND
 PLACE OF USE OF WATER FROM GROUND
 WATER

ORDER APPROVING
TRANSFER NO. 3393

On April 14, 1976, Jim and Don Key filed an application for transfer of water right in the office of the Water Resources Director proposing a change in points of diversion and place of use under an existing right of record from ground water.

Certificate of water right issued to Don C. and Jim M. Key and recorded at Page 42526, Volume 34, State Record of Water Right Certificates, confirms a right to the use of 2.23 cubic feet per second of water from five wells for the irrigation of 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 38.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 34.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 3 North, Range 27 East, W.M., with a date of priority of April 27, 1965. The five wells are located (1) 1990 feet South and 30 feet West, (2) 1920 feet South and 820 feet West, (3) 1910 feet South and 2680 feet West, (4) 1970 feet South and 3950 feet West, and (5) 2000 feet South and 7890 feet West, all from the Northeast corner of Section 4, being within the (1 and 2) SE $\frac{1}{4}$ NE $\frac{1}{4}$ and (3 and 4) SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, and (5) SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 3 North, Range 27 East, W.M.

The applicants herein, owners of the lands above described, propose to change, without loss of priority, place of use of irrigation from a certain 40.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 38.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 9.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 9.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4; 24.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 23.9 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$,

3.1 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 9.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 3 North, Range 27 East, W.M., to a certain 31.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 31.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4; 16.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 16.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 31.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 31.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5 of said Township and Range.

The applicants herein also propose to change, without loss of priority, the points of diversion of ground water for irrigation of all of the lands above described and to divert the ground water from three wells located:

- (1) 100 feet North and 40 feet West from the Northwest corner of Section 32, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 4 North, Range 27 East, W.M.;
- (2) 400 feet North and 40 feet West from the Northwest corner of Section 32, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 4 North, Range 27 East, W.M.;
- and, (3) 1920 feet South and 820 feet West from the Northeast corner of Section 4, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 5 North, Range 27 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Heppner Gazette Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of May 20, 27 and June 3, 1976.

Mr. William I. Porfily, Watermaster of District No. 5, has filed a statement to the effect that the proposed changes in points of diversion and place of use may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed changes in points of diversion and 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 changes in points of diversion and place of use of ground water, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old points of diversion, and shall not exceed 2.23 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

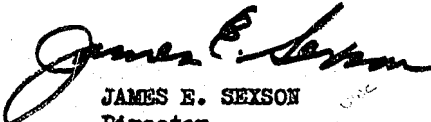
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the change in point of diversion of water made and water applied to beneficial use on or before October 1, 1977.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Don C. and Jim M. Key and recorded at Page 42526, Volume 34, State Record of Water Right Certificates, is canceled, and upon proof satisfactory to the Water Resources Director of completion of work 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 Jim and Don Key.

Dated at Salem, Oregon, this 15th day of October, 1976.


JAMES E. SEXSON
Director