

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
OF WARMSPRINGS IRRIGATION DISTRICT) ORDER APPROVING
FOR APPROVAL OF A CHANGE IN) TRANSFER 5554
POINT OF DIVERSION OF WATER)

On October 15, 1984, an application was filed in the office of the Water Resources Director by Warm Springs Irrigation District for approval of a change in point of diversion of water from Malheur River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 48051, Volume 41, State Record of Water Right Certificates, in the name of Warm Springs Irrigation District, describes a right for the use of not to exceed 249 cubic feet per second from Malheur River and Warm Springs Reservoir, for irrigation and supplemental irrigation of 19,883.8 acres within the boundaries of Warm Springs Irrigation District with a date of priority of February 14, 1916.

Water for the said right is diverted through several ditches not a part of this transfer, and through the Gellerman-Froman Ditch, the point of diversion for which is located 390 feet South and 230 feet East from the Center of Section 8, being within the NW 1/4 SE 1/4 of Section 8, Township 19 South, Range 44 East, WM.

The applicant herein, purveyor of water to the lands above described, proposes to change the point of diversion of the Gellerman-Froman Ditch therefrom to a point located 90 feet South and 700 feet West from the Center of Section 8, being within the NE 1/4 SW 1/4 of Section 8, Township 19 South, Range 44 East, WM.

Frank W. Elfering, 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 proposed change in point of diversion is approved, without loss of priority.

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:

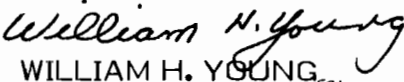
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and water used from the proposed point of diversion on or before October 1, 1986.

It is FURTHER ORDERED that 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, the change in point of diversion shall be considered perfected, and at a later date, a Certificate of Water Right shall be issued to Warm Springs Irrigation District confirming this and other changes within the District, and superseding Certificate 48051.

Dated at Salem, Oregon this 28th day of November, 1984.


WILLIAM H. YOUNG, 172A
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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