

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION OF)
JEDEDIAH AYLETT FOR APPROVAL OF) ORDER APPROVING
CHANGES IN PLACE OF USE AND POINT) TRANSFER 6098
OF APPROPRIATION OF WATER)

On April 22, 1988, an application was filed in the office of the Water Resources Director by Jedediah Aylett for approval of changes in place of use and point of appropriation of water from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 49077, Volume 42, State Record of Water Right Certificates, in the name of J. W. Aylett, describes a right which includes the use of not to exceed 0.183 cubic foot per second from ground water for irrigation of a certain 8.8 acres NW1/4 SW1/4 and 5.8 acres NE1/4 SW1/4 of Section 33, Township 4 North, Range 27 East, WM, with a date of priority of March 26, 1956.

The authorized point of appropriation is located 90 feet North and 40 feet West from the South quarter corner of Section 28, being within the SE1/4 SW1/4 of Section 28, Township 4 North, Range 27 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation therefrom to a point located 1077 feet North and 910 feet East from the Southwest corner of Section 19, being within the SW1/4 SW1/4 Section 19, Township 4 North, Range 27 East, WM and to change the place of use therefrom to a certain 10.1 acres NE1/4 SW1/4 and 4.5 acres NW1/4 SW1/4 Section 19, Township 4 North, Range 27 East, WM.

Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of appropriation may be made without injury to existing rights.

Donn Miller, Hydrogeologist, has filed a statement that the proposed changes in point of appropriation and place of use may be made without injury to existing rights providing the well at the proposed point of appropriation is completed so as not to penetrate the underlying basalts.

Notice of the application, pursuant to ORS 540.520(2), was published in the Hermiston Herald, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of November 15, 22 and 29, 1988, and mailed to the County Line Water Improvement District on September 16, 1988.

No objections having been filed and it appearing that the proposed changes in place of use and point of appropriation may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it is hereby ORDERED that the proposed changes in place of use and point of appropriation are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water appropriated at the new well, shall not exceed 0.183 cubic foot per second and that the quantity of water appropriated at the new well together with that appropriated from the old well shall not exceed the quantity of water available at the original well under the subject right.

It is FURTHER ORDERED that the new well shall be constructed so as not to penetrate the underlying basalts.

It is FURTHER ORDERED that the following provisions shall be carried out prior to using water from the new well as herein confirmed:

That the pump system shall include an access port for measuring the water level;

That the pump system shall include an in-line flow meter 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 measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificate 49077, and shall be beneficially used as authorized by this order on or before October 1, 1990.

It is FURTHER ORDERED that the right to appropriate water from the Well described in Certificate 49077 is hereby canceled, and water shall be appropriated from the new well on or before October 1, 1990.

It is FURTHER ORDERED that the certificate recorded at page 49077, Volume 42, 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 January, 1989.

William H. Young
WILLIAM H. YOUNG
Director

NOTE: Approval of the 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.