

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION)
OF TRI-SET, INC. FOR APPROVAL OF) ORDER APPROVING
CHANGES IN PLACE OF USE AND) TRANSFER 5543
POINT OF APPROPRIATION OF WATER)

On October 1, 1984, an application was filed in the office of the Water Resources Director by Tri-Set, Inc. for approval of a change in place of use and an additional point of appropriation of water from ground water, pursuant to the provisions of ORS 537.705.

Water Right Transfer 4089, in the name of I2 H, Inc., describes a right which includes the use of not to exceed 0.45 cubic foot per second from four wells, for irrigation of a certain 15.6 acres in NE 1/4 NE 1/4 and 20.2 acres in NW 1/4 NE 1/4, Section 28, Township 4 North, Range 27 East, WM, with a date of priority of May 16, 1966.

The authorized points of appropriation are located (1) 3180 feet North and 1470 feet West from Southeast Corner, Section 28, being within the SW 1/4 NE 1/4 of Section 28; (2) 20 feet North and 1350 feet West from Southeast Corner, Section 28, being within the SW 1/4 SE 1/4 of Section 28; (3) 1270 feet South and 1350 feet West from Northeast Corner, Section 33, being within the SW 1/4 NE 1/4 of Section 33, (4) 1990 feet South and 1350 feet West from Northeast Corner, Section 33, being within the SW 1/4 NE 1/4 of Section 33, all being within Township 4 North, Range 27 East, WM.

The applicant herein, owner of the lands above described, proposes to construct an additional well to be located 1200 feet North and 50 feet West from the Southeast Corner of Section 4, being within the SE 1/4 SE 1/4 of Section 4, Township 3 North, Range 27 East, WM, and to change the place of use to irrigation of a certain 17.2 acres in NE 1/4 SE 1/4 and 18.6 acres in NW 1/4 SE 1/4, Section 4, Township 3 North, Range 27 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Hermiston Herald, a newspaper having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of October 9, 16, and 23, 1984.

Larry H. Nunn, 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.

Frederick G. Lissner, Hydrogeologist, 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, and has recommended the well depth must be limited so as to not penetrate the basalt underlying the gravel aquifer.

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 hereby is 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 the quantity of water available at the old well under the subject right, and shall not exceed 0.45 cubic foot per second.

It is FURTHER ORDERED that the proposed additional well shall not penetrate the underlying basalts, and if pumping from the proposed additional well causes a decline in water level at adjacent wells, pumping from said additional well shall be restricted to a rate at which interference no longer occurs.

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 in line flow meter or other suitable device for measuring the water to which the applicant is entitled;

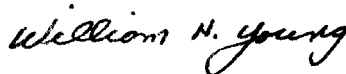
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of appropriation of water made on or before October 1, 1986.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use 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, a confirming certificate of water right shall be issued to the applicant herein confirming these changes and the changes authorized by Transfer 4089.

Dated at Salem, Oregon this 17th day of January, 1985.


WILLIAM H. YOUNG
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.

5142A
6442C