

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION OF)
FRANCIS G. AND MARLENE J. TOLMAN) ORDER APPROVING
(VALE OREGON IRRIGATION DISTRICT)) TRANSFER 5560
FOR APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER)

On May 26, 1984, an application was filed in the office of the Water Resources Director by Francis G. and Marlene J. Tolman for approval of a change in place of use of water from Malheur River and Warm Springs Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 15719, Volume 13, State Record of Water Right Certificates, in the name of United States of America, describes a right which includes the use of water from Malheur River and Warm Springs Reservoir for irrigation of 9.0 acres in NE 1/4 NE 1/4, Section 22, Township 18 South, Range 44 East, WM, with dates of priority of May 10, 1926 and January 11, 1927.

These lands have a supplemental right from North Fork Malheur River and Agency Valley Reservoir under Certificate 15808.

Water for said right is diverted, through Vale Oregon Canal, from a point located at Namorf, being within the SE 1/4 SE 1/4 of Section 31, Township 16 South, Range 43 East, WM.

The applicants herein, owners of the lands above described, propose to transfer the water right therefrom to a certain 4.3 acres in NE 1/4 SW 1/4, 0.4 acre in SE 1/4 SW 1/4, 2.5 acres in NW 1/4 SE 1/4 and 1.8 acres in SW 1/4 SE 1/4, Section 15, Township 18 South, Range 44 East, WM. The change in place of use is reported to be completed.

Frank W. Elfering, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

The lands involved herein are within the boundaries of the Vale Oregon Irrigation District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting.

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 proposed change in place of use is approved, without loss of priority.

It is FURTHER ORDERED that upon proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, the change in place of use shall be considered perfected, and at a later date certificates of water right shall be issued to United States of America, Bureau of Reclamation confirming this and other changes within Vale Oregon Irrigation District, and superseding Certificates 15719 and 15808.

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

William H. Young

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.

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