

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WALLOWA COUNTY

IN THE MATTER OF THE APPLICATION OF)
WALLOWA LAKE FOREST INDUSTRIES)
FOR APPROVAL OF A CHANGE IN)
USE HERETOFORE MADE OF WATER)

ORDER APPROVING
TRANSFER 5380

On October 3, 1983, an application was filed in the office of the Water Resources Director by Wallowa Lake Forest Industries for approval of a change in use heretofore made of water from Wallowa River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2992, Volume 4, State Record of Water Right Certificates, in the name of Cove Ditch Company, describes a right which includes the use of not to exceed 0.49 cubic foot per second prior to July 31, and 0.33 cubic foot per second during the remainder of the irrigation season, from Wallowa River, for irrigation of 19.65 acres in NW 1/4 NW 1/4, Section 31, Township 2 South, Range 45 East, WM, with a date of priority of June, 1890.

Water for the said right is diverted, through the Cove Ditch, from a point located 130 feet South and 250 feet East from the Northwest Corner of Section 5, being within the NW 1/4 NW 1/4 of Section 5, Township 3 South, Range 45 East, WM.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made therefrom, to industrial use within the NW 1/4 NW 1/4 of Section 31, Township 2 South, Range 45 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Wallowa County Chieftan, a newspaper printed and having general circulation in Wallowa County, Oregon, for a period of three weeks in the issues of October 27, November 3 and 10, 1983.

Robert W. DeBow, Watermaster, has filed a statement to the effect that the proposed change in use heretofore made may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in use heretofore made may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in use heretofore made is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water used for the proposed purpose shall not exceed 0.49 cubic foot per second prior to July 31, not to exceed 0.33 cubic foot per second for the remainder of the irrigation season, and shall be used only during the irrigation season of each year.

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:

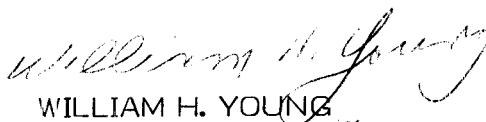
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 for the proposed purpose on or before October 1, 1985.

It is FURTHER ORDERED that the certificate recorded at page 2992, Volume 4, 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 21st day of December, 1983.


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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