

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

HOOD RIVER COUNTY

IN THE MATTER OF THE APPLICATION OF)
DIAMOND FRUIT GROWERS, INCORPORATED,)
FOR APPROVAL OF A CHANGE IN USE)
HERETOFORE MADE OF WATER)

ORDER APPROVING
TRANSFER 5204

On February 17, 1983, an application was filed in the office of the Water Resources Director by Diamond Fruit Growers, Incorporated, for approval of a change in use heretofore made of water from two springs in NE 1/4 SW 1/4, Section 26 and one spring in NW 1/4 NW 1/4, Section 35, Township 2 North, Range 10 East, WM, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 14958, Volume 12, State Record of Water Right Certificates, in the name of O.M. Dewit, describes a right which includes the use of not to exceed one-eightieth cubic foot per second per acre from two springs in NE 1/4 SW 1/4, Section 26 and one spring in NW 1/4 NW 1/4, Section 35, Township 2 North, Range 10 East, WM, with a date of priority of 1882.

The applicant herein, owner of the following described lands, proposes to change the use heretofore made therefrom, for the equivalent of 19.67 acres, being 3.49 acres in SW 1/4 NW 1/4, 6.99 acres in SE 1/4 NW 1/4, 5.75 acres in NE 1/4 SW 1/4 and 3.44 acres in NW 1/4 SW 1/4, Section 26, Township 2 North, Range 10 East, WM, to commercial fruit processing within S 1/2 NW 1/4 and N 1/2 SW 1/4 of said Section 26.

Notice of the application pursuant to ORS 540.520(2), was published in the Hood River News, a newspaper printed and having general circulation in Hood River County, Oregon, for a period of three weeks in the issued of March 2, 9 and 16, 1983.

Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed change in use heretofore may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed 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 0.245 cubic foot per second, 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:

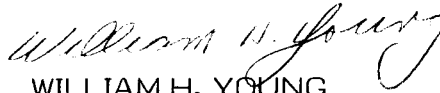
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 14958, Volume 12, 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 not canceled by a separate order of the Water Resources Director dated November 18, 1983; 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 18th day of November, 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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