

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION OF)
G. EDWARD AND EVELYN R. BROOKE)
(VALE-OREGON IRRIGATION DISTRICT))
FOR APPROVAL OF A CHANGE IN)
PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 5159

On November 18, 1982, an application was filed in the office of the Water Resources Director by G. Edward and Evelyn R. Brooke for approval of a change in place of use of water from Malheur River, 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, Bureau of Reclamation, describes a right which includes the use of water from Malheur River and Warm Springs Reservoir, for irrigation of 18.0 acres in SE 1/4 NW 1/4, Section 31, Township 18 South, Range 44 East, WM, with dates of priority of May 10, 1926 and January 11, 1927. Water for the said right is diverted, through the Vale-Oregon Canal at Namorf Diversion.

These lands have a supplemental right under Certificate 15808.

The applicants herein, owners of the lands above described, propose to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof 7.0 acres in SW 1/4 NE 1/4, Section 25; 9.0 acres in NW 1/4 NE 1/4, Section 36, Township 19 South, Range 41 East, WM; and 2.0 acres in SW 1/4 NE 1/4, Section 31, Township 19 South, Range 42 East, WM.

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.

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 requested change in place of use, as described herein, without loss of priority, is approved.

The following provisions shall be carried out prior to the diverting of water:

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 said water so transferred shall be applied to beneficial use on or before October 1, 1984.

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, the certificate of water right heretofore issued to United States of America, Bureau of Reclamation and recorded at page 15719, Volume 17, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate of water right be issued to United States of America, Bureau of Reclamation confirming the change authorized herein and covering the balance of the right NOT involved in this proceeding.

Dated at Salem, Oregon this 27th day of December, 1982.



JAMES E. SEXSON⁵¹⁴
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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