

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BAKER COUNTY

IN THE MATTER OF THE APPLICATION)
OF ELLINGSON LUMBER COMPANY FOR)
APPROVAL OF A CHANGE IN USE OF)
WATER FROM POWDER RIVER)

ORDER APPROVING
TRANSFER NO. 4309

On October 18, 1979, an application was filed in the office of the Water Resources Director by Ellingson Lumber Company for approval of a change in use heretofore made of water from Powder River, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is a portion of the right described by the certificate recorded at page 4485, Volume 5, State Record of Water Right Certificates, in the name of Stoddard Lumber Co., and is for a mill pond located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 9 South, Range 40 East, W.M.

The authorized point of diversion is located 370 feet South and 220 feet East from the West Quarter Corner of Section 21, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 9 South, Range 40 East, W.M. (Settler's Slough).

The applicant proposes to change from the use heretofore made to cooling of electrical power generation water located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 9 South, Range 40 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Democrat-Herald, a newspaper printed and having general circulation in Baker County, Oregon, for a period of three weeks in the issues of November 6, 13 and 20, 1979.

Mr. V. Kent Searles, Watermaster, has filed a statement to the effect that the proposed change in use heretofore made of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in 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 use heretofore made, as described herein, without loss of priority, is approved.

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 NO time need be fixed for completion as the change in use is completed.

The order of the Water Resources Director entered January 10, 1980, provided for cancellation of that portion of the right described by certificate recorded at page 4485, Volume 5, State Record of Water Right Certificates, NOT involved in this transfer proceeding; therefore,

It is FURTHER ORDERED that the certificate recorded at page 4485, Volume 5, State Record of Water Right Certificates, is canceled; 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 28th day of January, 1980.


James E. Sexson
Director