

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

HOOD RIVER COUNTY

IN THE MATTER OF THE APPLICATION OF)
TALLMAN ORCHARDS, INC. FOR APPROVAL)
OF AN ADDITIONAL POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 5886

On December 16, 1986, an application was filed in the office of the Water Resources Director by Tallman Orchards, Inc. for approval of an additional point of diversion of water from Neal Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Hood River County, Oregon, entered January 11, 1915, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Neal Creek and Its Tributaries, a water right was established in the name of J.P. Thomsen, tabulated in Volume 1, page 464, Order Record of the Water Resources Director, for use of not to exceed 0.34 cubic foot per second from Neal Creek for irrigation of, among other lands, a certain 27.0 acres in NE 1/4 SE 1/4, Section 25, Township 2 North, Range 10 East, WM, with a date of priority of 1871, as evidenced by the certificate recorded at page 43959, Volume 36, State Record of Water Right Certificates.

Water for the said right is diverted from a point located 30 feet North and 160 feet West from the Southeast Corner of SW 1/4 NE 1/4 of Section 25, being within the SW 1/4 NE 1/4 of Section 25, Township 2 North, Range 10 East, WM.

The applicant herein, owner of the lands above described, proposes to add a second point of diversion at a point located 40 feet South and 900 feet East from the West Quarter Corner of Section 6, being within the NW 1/4 SW 1/4 of Section 6, Township 1 North, Range 11 East, WM (East Fork Irrigation Company Canal).

Notice of the application, pursuant to ORS 540.520(2), was published in The Hood River News, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of December 31, 1986 and January 7 and 14, 1987.

Larry Toll, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed additional point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed additional point of diversion is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.34 cubic foot per second.

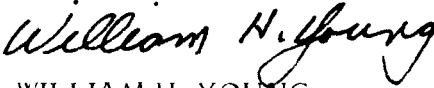
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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 certificate recorded at page 43959, Volume 36, 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 17th day of February, 1987.


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.

0337/G
8669D