

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION)
 OF BECKER RANCH, INC., FOR AP-)
 PROVAL OF A CHANGE IN POINT OF)
 DIVERSION OF WATER)
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ORDER APPROVING
 TRANSFER NO. 4061

On October 3, 1978, an application was filed in the office of the Water Resources Director by Becker Ranch, Inc., for approval of an additional point of diversion of water from South Fork Indian Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 6989, Volume 7, State Record of Water Right Certificates, in the name of Pacific Livestock Company, describes a right which includes the use of water from Indian Creek (South Fork) for irrigation of a certain 12.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 27.2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8; 17.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 39.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17; 33.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 10.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 0.4 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 18 South, Range 40 East, W.M., with a date of priority of 1884.

The certificate recorded at page 33456, Volume 25 of said record, in the name of Griffith Ford, Inc., describes a right which includes the use of not to exceed 0.66 cubic foot per second from South Fork Indian Creek for irrigation of 0.4 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7; 1.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9; 1.3 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.7 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 7.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 0.1 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17; 0.4 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 3.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.2 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 18 South, Range 40 East, W.M., with a date of priority of September 24, 1957.

Water for said rights is diverted, through the Indian Creek Ranch Ditches, from a point located 1440 feet South and 1550 feet East from the Northwest Corner of Section 18, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 18 South, Range 40 East, W.M.

The applicant herein proposes to establish, without loss of priority, an additional point of diversion of water on South Fork Indian Creek for the lands above described at a point located 2480 feet North and 334 feet East from the Southwest Corner of Section 13, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township

18 South, Range 39 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Malheur Enterprise, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of February 28, March 7 and 14, 1979.

Mr. Frank Elfering, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be established without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested additional point of diversion, as described herein, without loss of priority, is approved.

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 rights.

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 the additional point of diversion of water established on or before October 1, 1980.

The order of the Water Resources Director entered May 9, 1979, provided for cancellation of that portion of the right to use of water from Indian Creek (South Fork) described by certificate recorded at page 6989, Volume 7, State Record of Water Right Certificates, NOT involved in this transfer proceeding.

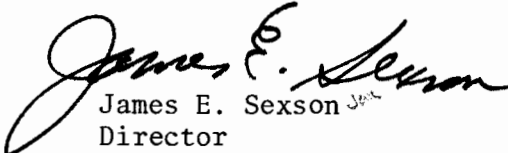
The order of the Water Resources Director entered March 9, 1967, approving transfer No. D-118, provided for cancellation of the certificate recorded at page 6989, Volume 7, State Record of Water Right Certificates, and issuance of a new

certificate covering the balance of the right NOT involved in that transfer proceeding and confirming prior changes; therefore,

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered March 9, 1967, approving transfer No. D-118; 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.

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 Griffith Ford, Inc., and recorded at page 33456, Volume 25, State Record of Water Right Certificates, be canceled; and in lieu thereof a new certificate of water right be issued to the applicant herein confirming the change authorized herein and covering the balance of the right NOT involved in this proceeding.

Dated at Salem, Oregon this 9th day of May, 1979.


James E. Sexson
Director