

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF J. R. SIMPLOT COMPANY FOR ) ORDER APPROVING  
APPROVAL OF A CHANGE IN POINT OF ) TRANSFER 5779  
APPROPRIATION OF WATER )

On April 16, 1986, an application was filed in the office of the Water Resources Director by J. R. Simplot Company for approval of a change in point of appropriation of water from a well, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 51607, Volume 46, State Record of Water Right Certificates in the name of J. R. Simplot Company, describes a right which includes the use of not to exceed 0.80 cubic foot per second (cfs) from Well 1 for food processing and irrigation provided that the primary source of water for irrigation shall be from waste water from food processing and limited to 0.51 cfs from well 1, and direct appropriation from the well for irrigation shall be limited to the periods and in quantities required to make up any deficiency in the available supply from waste water provided the total quantity appropriated for all uses shall not exceed 0.80 cfs. Location of the place of use is more particularly described as:

Food processing SW1/4 SW1/4  
Section 27

Primary irrigation

0.4 acre SW1/4 SW1/4  
Section 26

5.8 acres SW1/4 SW1/4  
15.3 acres SE1/4 SW1/4  
8.3 acres SW1/4 SE1/4  
4.4 acres SE1/4 SE1/4  
Section 27

0.3 acre NE1/4 NE1/4  
2.5 acres NW1/4 NE1/4  
Section 34

0.9 acre NW1/4 NW1/4  
Section 35

Township 4 North, Range 28 East, WM

Supplemental irrigation

7.3 acres SW1/4 SW1/4  
Section 26

2.8 acres SE1/4 SW1/4  
13.3 acres SW1/4 SE1/4  
11.2 acres SE1/4 SE1/4  
Section 27

2.7 acres NE1/4 NE1/4  
8.0 acres NW1/4 NE1/4  
15.2 acres NE1/4 NW1/4  
18.0 acres NW1/4 NW1/4  
Section 34

10.0 acres NW1/4 NW1/4  
Section 35

Township 4 North, Range 28 East, WM,

with a date of priority of December 2, 1975.

Water for said right is appropriated from Well 1, located 1230 feet North and 130 feet East from the Southwest corner of Section 27, being within the SW1/4 SW1/4 of Section 27, Township 4 North, Range 28 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation therefrom to a point located 410 feet North and 220 feet West from the Southeast corner Section 28, being within the SE1/4 SE1/4 Section 28, Township 4 North, Range 28 East, WM.

Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

Michael J. Zwart, Hydrogeologist, has filed a statement that the proposed change in point of appropriation may be made without injury to existing rights.

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

NOW, THEREFORE, it is hereby ORDERED that the proposed change in point of appropriation is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water appropriated at the new well, shall not exceed 0.80 cubic foot per second for food processing and irrigation provided that the primary source of water for irrigation shall be from waste water from food processing and limited to 0.51 cubic foot per second from Well 1 and direct appropriation from Well 1 for irrigation shall be limited to the periods and in quantities required to make up any deficiency in the available supply from waste water, provided further that quantity of water appropriated at the new well shall not exceed the quantity of water available at the original well under the subject right.

It is FURTHER ORDERED that the new well shall be constructed so as to produce water only from the alluvium aquifer and shall not penetrate the underlying basalt estimated to be 200 feet below land surface.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install measuring devices:

That the pump system shall include an access port for measuring the water level;

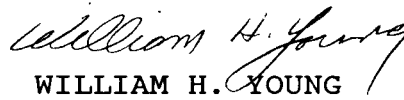
That the pump system shall include an in-line flow meter or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the right to appropriate water from Well 1 as described in Certificate 51607 is hereby canceled, and water shall be appropriated from the new well on or before October 1, 1990.

It is FURTHER ORDERED that the certificate recorded at page 51607, Volume 46, 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 27th day of February, 1989.

  
WILLIAM H. YOUNG  
Director

NOTE: Approval of the 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.