

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION OF)
K.S. AND D. LANDS FOR APPROVAL OF)
AN ADDITIONAL POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 5413

On November 21, 1983, an application was filed in the office of the Water Resources Director by K.S. and D. Lands for approval of an additional point of diversion of water from Snake River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 14170, Volume 12, State Record of Water Right Certificates, in the names of Wilhemine Kiesel Shearman and Wilhemine Kiesel Shearman, Trustee, describes a right which includes the use of not to exceed 1.54 cubic foot per second from Snake River, for irrigation of 1.3 acres in Lot 1 (NW 1/4 NW 1/4) and 7.4 acres in Lot 2 (SW 1/4 NW 1/4), Section 3; 38.8 acres in Lot 1 (NE 1/4 NE 1/4), 2.0 acres in NW 1/4 NE 1/4, 6.0 acres in SW 1/4 NE 1/4 and 37.0 acres in SE 1/4 NE 1/4, Section 4, Township 19 South, Range 47 East, WM, with a date of priority of January 3, 1938.

Water for the said right is diverted from a point located 2600 feet South and 2410 feet East from the North Quarter Corner of Section 4, being within the SE 1/4 NE 1/4 of Section 4, Township 19 South, Range 47 East, WM.

The applicant herein, owner of the lands above described, proposes to construct an additional point of diversion at a point located 2245 feet South and 2837 feet East from the North Quarter Corner of Section 4, being within the SW 1/4 NW 1/4 of Section 3, Township 19 South, Range 47 East, WM. The change in point of diversion is reported to be completed.

Frank W. Elfering, 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 1.54 cubic feet per second.

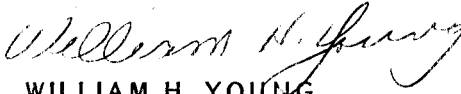
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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 14170, Volume 12, 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 13th day of January, 1984.


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.

0047C