

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF LOUIS JAMES HOPKINS FOR AP-)
PROVAL OF AN ADDITIONAL POINT OF)
DIVERSION OF WATER)
- - - - -

ORDER APPROVING
TRANSFER NO. 3937

On April 19, 1978, an application was filed in the office of the Water Resources Director by Louis James Hopkins for approval of an additional point of diversion from West Branch Mud Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2184, Volume 3, State Record of Water Right Certificates, in the name of Mary L. Vonderahe, describes a right which includes the use of not to exceed 0.33 cubic foot per second from West Branch Mud Creek for irrigation of 26.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 6 North, Range 35 East, W.M., with a date of priority of March 25, 1915.

The authorized point of diversion of record for said right is located 48 feet South and 539 feet East from the Center Corner of Section 28, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 6 North, Range 35 East, W.M.

The applicant herein proposes to establish an additional point of diversion, without loss of priority, at a point located 895 feet North and 213 feet West from the Center Corner of Section 28, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 6 North, Range 35 East, W.M.

Mr. William I. Porfily, 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 right, and shall not exceed 0.33 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the water master 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;

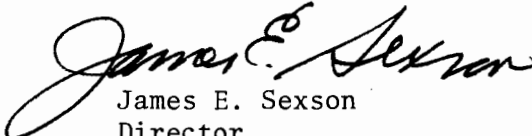
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

The order of the Water Resources Director entered August 10, 1978, provided for cancellation of the balance of the right NOT involved in this transfer proceeding, being the right for domestic use; therefore,

It is FURTHER ORDERED that the certificate of water right recorded at page 2184, Volume 3, 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 10th day of August, 1978.


James E. Sexson
Director