

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF RALPH W. SMUCKAL FOR APPROVAL)
OF CHANGES IN POINTS OF DIVER-)
SION OF WATER FROM DUGGER CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 3958

On May 17, 1978, an application was filed in the office of the Water Resources Director by Ralph W. Smuckal for approval of changes in points of diversion from Dugger Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 1701, Volume 3, State Record of Water Right Certificates, in the name of J. M. Marlatt, describes a right which includes the use of not to exceed 0.07 cubic foot per second from Dugger Creek for irrigation of 5.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 6 North, Range 34 East, W.M., with a date of priority of 1899. The authorized point of diversion for this right is located 820 feet North and 70 feet West from the West Quarter Corner of Section 30, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 6 North, Range 34 East, W.M. (Gallaher Ditch).

The certificate recorded at page 1712 of said Volume 3, in the name of T. L. Sherod, describes a right which includes the use of not to exceed 0.37 cubic foot per second from Dugger Creek for irrigation of 29.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M., with a date of priority of June 19, 1911. The authorized point of diversion for this right is located 1280 feet South and 1240 feet East from the Center Corner of Section 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M. (Hodgen Ditch).

The applicant herein, owner of the lands above described, is seeking approval of changes from said points of diversion, without loss of priority, to the existing point of diversion located 950 feet South and 550 feet East from the Center Corner of Section 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M. (Smuckal Ditch).

Notice of the application, pursuant to ORS 540.520(2), was published in the Valley Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of June 15, 22 and 29, 1978.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed changes in points of diversion may be made without injury to existing

rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in points of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old points of diversion under the subject rights, and shall not exceed 0.44 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

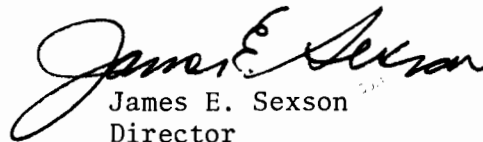
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 changes in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificates of water right recorded at pages 1701 and 1712, Volume 3, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 10th day of August, 1978.


James E. Sexson
Director