

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF )  
DANIEL LEFORE FOR APPROVAL OF A ) ORDER APPROVING  
CHANGE IN POINT OF DIVERSION OF ) TRANSFER 5764  
WATER )

On March 10, 1986, an application was filed in the office of the Water Resources Director by Daniel Le Fore for approval of a change in point of diversion of water from Ford Branch of Little Walla Walla River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, Oregon, entered May 16, 1932, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Walla Walla River and Its Tributaries, a water right was established in the name of F.N. Olsen, tabulated in Volume 12, page 215, Order Record of the Water Resources Director, for use of not to exceed one and one-half miner's inches per acre from Ford Branch of Little Walla Walla River for irrigation of, among other lands, a certain 2.79 acres in E 1/2 NE 1/4 SW 1/4, Section 26, Township 6 North, Range 35 East, WM, with a date of priority of 1905, as evidenced by the certificate recorded at page 13105, Volume 11, State Record of Water Right Certificates.

The certificate recorded at page 852, Volume 2, State Record of Water Right Certificates, in the name of F.N. Olson, describes a right for the use of not to exceed 0.07 cubic foot per second from Ford Branch of Little Walla Walla River, incorrectly noted on the certificate as Little Walla Walla River, for irrigation of 5.0 acres in SW 1/4 SW 1/4, Section 26, Township 6 North, Range 35 East, WM with a date of priority of February 23, 1912.

Water for the said rights is diverted from a point located 1980 feet South and 1100 feet East from the West Quarter Corner of Section 26, being within the SW 1/4 SW 1/4 of Section 26, Township 6 North, Range 35 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 1380 feet South and 1075 feet East from the West Quarter Corner of Section 26, Township 6 North, Range 35 East, WM, for irrigation of said 2.79 acres under Certificate 13105, and 2.21 acres under Certificate 852 and to cancel the balance of the right under Certificate 852, being 2.79 acres.

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

No objections having been filed and it appearing that the proposed change in 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 change in 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 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 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 change in point of diversion of water made on or before October 1, 1987.

It is FURTHER ORDERED that the certificates recorded at page 13105, Volume 11 and page 852, Volume 2, State Record of Water Right Certificates, be 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 8th day of May, 1986.



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.

A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. Such objections and exceptions must be filed within 45 days from the date of service (date of mailing) of the Proposed Order on the party. The Commission will provide opportunity for oral argument in support of written objections and exceptions. If no objections and exceptions are filed within the time allowed, the Proposed Order will automatically become the Final Order of the Commission.

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