

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF)
BURLINGAME LAND & LIVESTOCK, INC.)
FOR APPROVAL OF A CHANGE IN PLACE)
OF USE OF WATER FROM DUGGER CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 3838

On November 17, 1977, an application was filed in the office of the Water Resources Director by Burlingame Land & Livestock, Inc. for approval of a change in place of use from Dugger Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2764, Volume 4, State Record of Water Right Certificates, in the name of D. J. Kirk, describes a right which includes the use of not to exceed 0.08 cubic foot per second from Dugger Creek for irrigation of a certain 6.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 6 North, Range 35 East, W.M., with a date of priority of April 28, 1916.

Water for the said right is diverted, through the Kirk Ditch, from a point located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate, in lieu thereof, a certain 2.1 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 3.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

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

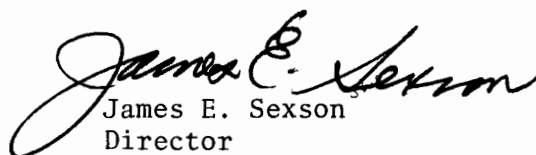
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to D. J. Kirk and recorded at page 2764, Volume 4, 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 3rd day of January, 1978.


James E. Sexson
Director