

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION OF )  
CLAUDE AND ANNA GRAHAM FOR APPROVAL )  
OF CHANGES IN PLACE OF USE AND POINT )  
OF DIVERSION OF WATER FROM WILLOW )  
CREEK )  
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ORDER APPROVING  
TRANSFER NO. 3207

On April 23, 1975, an application was filed in the office of the Water Resources Director by Claude and Anna Graham for changes in place of use and point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 127, Volume 1, State Record of Water Right Certificates, in the name of Hiram E. Clark, describes a right for the use of not to exceed 0.37 cubic foot per second from Willow Creek for irrigation of 4.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 18.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 21, Township 2 South, Range 26 East, W.M., with dates of priority of 1889 for 0.08 cubic foot per second for irrigation of 5.0 acres and 1891 for 0.29 cubic foot per second for irrigation of 17.0 acres.

Water for the said right is diverted, through the Dutton and Clark Ditch, from a point located 1000 feet South and 1600 feet East from the Northwest corner of Section 27, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 27, Township 2 South, Range 26 East, W.M.

The applicant herein, with power of attorney from the owner of the lands above described, proposes to change the place of use therefrom, and without loss of priority to irrigate a certain 14.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 3.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 17, with a date of priority of 1891; 3.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 2.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 20 with a date of priority of 1889.

The certificate recorded at page 204, Volume 1, State Record of Water Right Certificates, in the name of Wightman Bros., describes a right for the use of not to exceed 1.06 cubic feet per second from Willow Creek for irrigation of 32.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 4.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 24.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 3.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 2 South, Range 26 East, W.M., with a date of priority of 1884.

Water for the said right is diverted, through the said Dutton and Clark Ditch, and from two other points located (1) 247 feet South and 1310 feet West and (2) 1237 feet North and 1650 feet West from the center of Section 21, being within the (1) NE $\frac{1}{4}$  SW $\frac{1}{4}$  and (2) SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 2 South, Range 26 East, W.M.

The applicant herein, with power of attorney from the owner of the lands above described, proposes to change the place of use from a certain 20.0 acres in the said NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21 and, without loss of priority, to irrigate a certain 15.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 5.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 17, Township 2 South, Range 26 East, W.M.

The applicant herein also proposes changes in point of diversion for all of the lands under both of said water rights to divert water from Willow Creek at three points located:

- (1) 247 feet South and 1310 feet West from the center of Section 21, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, Township 2 South, Range 26 East, W.M.;
- (2) 1237 feet North and 1650 feet West from the center of Section 21, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 2 South, Range 26 East, W.M.; and
- (3) 577 feet North and 660 feet West from the Southeast corner of Section 17, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 17, Township 2 South, Range 26 East, W.M.

for irrigation of 14.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 3.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 17, with a date of priority of 1891; 3.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 2.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 20, with a date of priority of 1899; and 15.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 5.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 17, with a date of priority of 1884, all within Township 2 South, Range 26 East, W.M.

All of the above described lands also enjoy a right to use of the waters of Ditch Creek as a source of water to augment the flows of Willow Creek as described by the certificate recorded at page 13535, Volume 12, State Record of Water Right Certificates.

Notice of the application, pursuant to ORS 540.510, was published in the Gazette-Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of May 26, June 2 and 9, 1977.

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

No objections having been filed and it appearing that the proposed changes in place of use and point 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 place of use and point 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, 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 rights.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices:

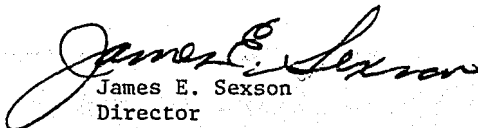
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificates of water right heretofore issued to Hiram E. Clark and to Wightman Bros. and recorded at pages 127 and 204, Volume 1, State Record of Water Right Certificates, are 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 12th day of September, 1977.

  
James E. Sexson  
Director