

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF FRANKLIN HOEFT FOR APPROVAL OF)
AN ADDITIONAL POINT OF DIVERSION)
OF WATER FROM BIRCH CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 3948

On April 27, 1978, an application was filed in the office of the Water Resources Director by Franklin Hoeft for approval of an additional point of diversion from Birch Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2579, Volume 3, State Record of Water Right Certificates, in the name of Louis Male, describes a right which includes the use of not to exceed 0.38 cubic foot per second from Birch Creek for irrigation of 20.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 5.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W.M., with a date of priority of 1908.

Water for the said right is diverted from a point located 50 feet North and 475 feet East from the South Quarter Corner of Section 27, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located 1630 feet South and 260 feet West from the North Quarter Corner of said Section 27, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 1 North, Range 32 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of May 31; June 7 and 14, 1978.

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

No objections having been filed and it appearing that the proposed additional 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 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.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster 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 NO time need be fixed for completion as the additional point of diversion is completed.

The order of the Water Resources Director entered October 5, 1978, approving transfer application No. 3870, provided for cancellation of the certificate of water right recorded at page 2579, Volume 3, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in that transfer proceeding or in this proceeding; therefore,

It is FURTHER ORDERED that 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 5th day of October, 1978.


James E. Sexson
Director