

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF DONALD & RUTH RENCKEN FOR AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 4213

On May 3, 1979, an application was filed in the office of the Water Resources Director by Donald and Ruth Rencken for approval of a change in point of diversion of water from East Branch Mud Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The affected water right is described by the certificate recorded at page 31, Volume 1, State Record of Water Right Certificates, in the name of Frank Sporeleder, and is for the use of not to exceed 0.13 cubic foot per second from East Branch Mud Creek, under a priority date of 1892, for stock and for irrigation of a certain 10.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, Township 6 North, Range 35 East, W.M.

The authorized point of diversion is located 880 feet North and 800 feet West from the Southeast Corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, Township 6 North, Range 35 East, W.M. (Sporeleder Ditch).

The applicant proposes to change the point of diversion therefrom and divert stock water from a point located 270 feet North and 1230 feet West from the Southeast Corner of Section 16, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 16, and divert irrigation water from a point located 30 feet North and 350 feet West from the Southeast Corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, Township 6 North, Range 35 East, W.M.

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 December 27, 1979 and January 3 and 10, 1980.

Mr. William I. Porfily, 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 requested change in 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 points 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 carried out prior to the diverting of water at the new points of diversion as herein confirmed:

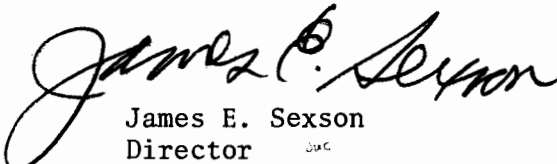
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the changes in point of diversion authorized herein, are completed.

It is FURTHER ORDERED that the certificate recorded at page 31, Volume 1, State Record of Water Right Certificates, is 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 applicants herein.

Dated at Salem, Oregon this 25th day of February, 1980.

  
James E. Sexson  
Director