

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF OREGON POTATO, INC., FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM COLUMBIA)
RIVER)

ORDER APPROVING
TRANSFER NO. 3164

On February 4, 1975, Oregon Potato, Inc., filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Columbia River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Raymond Dunn and William McClannahan and recorded at page 36680, Volume 28, State Record of Water Right Certificates, confirms a right to the use of not to exceed 8.92 cubic feet per second of water from Columbia River for the irrigation of 0.4 acre in $SE\frac{1}{4} NE\frac{1}{4}$, 4.1 acres in $NE\frac{1}{4} SW\frac{1}{4}$, 17.5 acres in $SW\frac{1}{4} SW\frac{1}{4}$, 36.1 acres in $SE\frac{1}{4} SW\frac{1}{4}$, 36.0 acres in $NE\frac{1}{4} SE\frac{1}{4}$, 22.1 acres in $NW\frac{1}{4} SE\frac{1}{4}$, 40.0 acres in $SW\frac{1}{4} SE\frac{1}{4}$, 39.6 acres in $SE\frac{1}{4} SE\frac{1}{4}$, Sec. 21; 25.0 acres in $SW\frac{1}{4} NE\frac{1}{4}$, 17.0 acres in $SE\frac{1}{4} NE\frac{1}{4}$, 8.0 acres in $SW\frac{1}{4} NW\frac{1}{4}$, 16.3 acres in $SE\frac{1}{4} NW\frac{1}{4}$, and 40.0 acres in $NE\frac{1}{4} SW\frac{1}{4}$, 40.0 acres in $NW\frac{1}{4} SW\frac{1}{4}$, 37.5 acres in $SW\frac{1}{4} SW\frac{1}{4}$, 37.4 acres in $SE\frac{1}{4} SW\frac{1}{4}$, 18.8 acres in $NE\frac{1}{4} SE\frac{1}{4}$, 40.0 acres in $NW\frac{1}{4} SE\frac{1}{4}$, 20.0 acres in $SW\frac{1}{4} SE\frac{1}{4}$ and 0.7 acre in $SE\frac{1}{4} SE\frac{1}{4}$, Sec. 22; 7.8 acres in $NE\frac{1}{4} NE\frac{1}{4}$, 6.1 acres in $NW\frac{1}{4} NE\frac{1}{4}$, 3.3 acres in $NE\frac{1}{4} NW\frac{1}{4}$, 2.3 acres in $NW\frac{1}{4} NW\frac{1}{4}$, Sec. 28, all Township 5 North, Range 27 East, W.M., with a date of priority of September 23, 1966. Water for this use is diverted from a point located 8090 feet North and 5660 feet East from the Southwest corner of Section 21, being within the $SW\frac{1}{4} NW\frac{1}{4}$ of Section 15, Township 5 North, Range 27 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 2380 feet North and 350 feet East from the Southwest corner of Section 13, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, Township 5 North, Range 27 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Pendleton, Oregon, on April 27, 1975 at 9:30 a.m., and at the county courthouse in Heppner, Oregon, on April 30, 1975, at 9:30 a.m. The notice was published in the Pendleton East Oregonian and the Heppner Gazette Times, newspapers printed and having general circulation in Umatilla and Morrow Counties, Oregon, for a period of three weeks in the issues of March 6, 13 and 20, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. William I. Porfily, Watermaster of District No. 5, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from Columbia River, to wit:

From a point located 8090 feet North and 5660 feet East from the Southwest corner of Section 21, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, Township 5 North, Range 27 East, W.M.

To a point to be located 2380 feet North and 350 feet East from the Southwest corner of Section 13, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 5 North, Range 27 East, W.M.

for the irrigation of 0.4 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 4.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 17.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 36.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 36.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 22.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 39.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, 25.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$,

17.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 8.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 16.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 37.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 37.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 18.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 20.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 0.7 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22; 7.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 3.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, all Township 5 North, Range 27 East, W.M., with a date of priority of September 23, 1966, is approved.

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, 1975.

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, and shall not exceed 8.92 cubic feet per second.

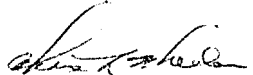
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 certificate of water right heretofore issued to Raymond Dunn and William McClannahan and recorded at page 36680, Volume 28, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Oregon Potato, Inc., confirming the change in point of diversion.

Dated at Salem, Oregon, this 30th day of April, 1975.


CHRIS L. WHEELER
State Engineer