

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF )  
DANIEL R. AND CAROLE N. WICKLANDER )  
FOR APPROVAL OF A CHANGE IN POINT )  
OF DIVERSION OF WATER )

ORDER APPROVING  
TRANSFER 5778

On April 14, 1986, an application was filed in the office of the Water Resources Director by Daniel R. and Carole N. Wicklander for approval of a change in point of diversion of water from McKay Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By a Supplemental Decree of the Circuit Court for Umatilla County, entered September 1, 1961, in the Matter of the Determination of the Relative Rights to the use of the Waters of Umatilla River and Its Tributaries, a water right was tabulated at page 454, Volume 15, the names of William Morton Elder and Jeanette Elder, for irrigation of, among other lands, a certain 2.11 acres in NW 1/4 NW 1/4, Section 34, Township 2 North, Range 32 East, WM, with a date of priority of January, 1904, as evidenced by the certificate recorded at page 21696, Volume 16, State Record of Water Right Certificates.

Water for the said right is diverted, through the Elder Ditch, from a point located 2700 feet South and 1900 feet East from the Northwest corner of Section 34, being within the SE 1/4 SW 1/4 of Section 34, Township 2 North, Range 32 East, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom to a point located 650 feet South and 20 feet East from the Northwest Corner of Section 34, being within the NW 1/4 NW 1/4 of Section 34, Township 2 North, Range 32 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the East Oregonian, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of May 22, 29 and June 5, 1986.

Michael F. Ladd, 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 proposed change in point of diversion is approved, without loss of priority.

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 under the subject right, and shall not exceed 0.03 cubic foot per second.

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:

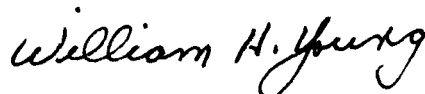
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the right to divert water from the point described in Certificate 21696 is hereby canceled, and water shall be used from the new point of diversion on or before October 1, 1988.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered July 29, 1986, approving Transfer Application 5777; and upon receipt of 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 19th day of September, 1986.



WILLIAM H. YOUNG  
Director

NOTE: Approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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