

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF)
DON LEFORE FOR APPROVAL OF A CHANGE)
IN POINT OF DIVERSION OF WATER FROM)
LITTLE WALLA WALLA RIVER)

ORDER APPROVING
TRANSFER NO. 3638

On April 25, 1977, an application was filed in the office of the Water Resources Director by Don LeFore for a change in 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 13108, Volume 11, State Record of Water Right Certificates, in the name of E. W. Orr, describes a right which includes the use of water from West Branch of Crockett Branch (of Little Walla Walla River) for irrigation of 4.85 acres in E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 6 North, Range 35 East, W.M., with dates of priority of 1878, 1895 and 1908.

Water for the said right is diverted from a point located 1300 feet North and 750 feet East from the South quarter corner of Section 26, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 6 North, Range 35 East, W.M.

The certificate recorded at page 13294, Volume 11, State Record of Water Right Certificates, in the name of F. E. Wilcox, describes a right for the use of water from Crockett Branch of Little Walla Walla River for irrigation of 9.8 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 6 North, Range 35 East, W.M., with dates of priority of 1895 for 4.0 acres and 1908 for 5.8 acres.

Water for the said rights is diverted from a point on the East Branch of the West Branch of Crockett Creek located 700 feet North and 1350 feet East from the South quarter corner of Section 26, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26.

The applicant herein, owner of the lands above described, proposes to change the points of diversion, without loss of priority, from the points above described to one point on the West Branch of the West Branch of Crockett Creek,

located 1200 feet North and 770 feet East from the South quarter corner of Section 26, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26.

Notice of the application, pursuant to ORS 540.510, 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 July 7, 14 and 21, 1977.

On August 18, 1977, a letter of objection, in the names of:

Mr. and Mrs. Carl S. Jones
Mr. and Mrs. Raymond Jones
Mr. and Mrs. Phil Davis
Maebelle Duncan
Mr. and Mrs. Marvin K. Davis
Keith Davis
Mr. and Mrs. Charles E. Rhoads
Despina P. Pantages
Ronald S. Bray
Bennie A. Tollefson
Marjorie Baird
Mr. and Mrs. Otto Blumhagen

against approval of the said application, was filed in the office of the Water Resources Director.

Pursuant to the published notice, the matter was brought to hearing on August 31, 1977, at the Umatilla County Courthouse in Pendleton, Oregon. The hearing was held before Mr. James W. Carver, Jr., Water Resources Department, Salem, Oregon.

The applicant, Mr. Don LeFore, was present and represented himself in the hearing.

Objectors, Mr. and Mrs. Marvin K. Davis, Emily R. Jones, Carl S. Jones and Doris Rhoads, were present and represented by their appointed spokesperson, Beulah (Mrs. Marvin K.) Davis.

The testimony of the objectors was in agreement that they would have no objection to approval of the proposed changes in point of diversion as described by transfer application No. 3638 if the applicant were required to install and maintain

proper measuring devices at the new point of diversion and if the watermaster would make proper distribution of the water among the several appropriators in accord with their respective entitlements to water.

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

No other objections having been filed and it appearing that the proposed changes 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 changes in 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 shall not exceed the quantity of water available at the old points of diversion under the subject rights.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point 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;

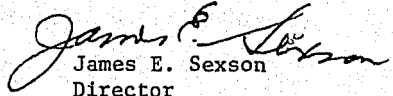
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervisions of said watermaster.

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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to F. E. Wilcox and recorded at page 13294, Volume 11; and the certificate heretofore issued to E. W. Orr and recorded at page 13108, Volume 11, State Record

of Water Right Certificates, are canceled, and in lieu thereof a new certificate be issued covering the balance of the right now described by the said certificate 13108, NOT involved in this proceeding, 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 22nd day of September, 1977.


James E. Sexson
Director

NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order. Judicial review is pursuant to the provisions of ORS Chapter 183.