

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Union County

IN THE MATTER OF THE APPLICATION)
OF GEORGE D. McDANIEL FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM WALLOWA RIVER)

ORDER APPROVING
TRANSFER NO. 3416

On May 21, 1976, George D. McDaniel filed an application in the office of the Water Resources Director for the approval of a change in point of diversion from Wallowa River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 2952, Volume 4, State Record of Water Right Certificates, in the name of M. K. Boatman, describes an existing right of record which includes the use of waters of Wallowa River for irrigation of 6.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 15.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 36.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 1 South, Range 43 East, W.M., with a date of priority of 1890.

Water for the said right is diverted through the Slough ditch from a point located 1155 feet North and 1980 feet East from the Southwest corner of Section 13, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 1 South, Range 43 East, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion and to obtain water for the said lands through the Cross Country Ditch from a point located North 66 degrees 11 minutes East, 3378.9 feet from the Southwest corner of Section 11, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 1 South, Range 43 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Wallowa County Chieftain, a newspaper printed and having general circulation in Wallowa County, Oregon, for a period of three weeks in the issues of January 6, 13 and 20, 1977.

Mr. Robert W. DeBow, Watermaster of District No. 7, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection 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 from Wallowa River described herein, without loss of priority, is 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 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 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;

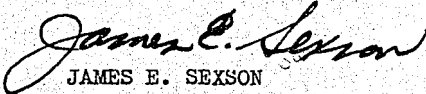
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to M. K. Boatman and recorded at Page 2952, Volume 4, State Record of

Water Right Certificate, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right 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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 16th day of March, 1977.


JAMES E. SEXSON
Director