

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION
OF ROY E. WILKINSON FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM EAST BRANCH
MUD CREEK

ORDER APPROVING
TRANSFER NO. 3399

On April 21, 1976, Roy E. Wilkinson filed an application for transfer of water right in the office of the Water Resources Director proposing a change in point of diversion under an existing right of record to appropriate not to exceed 0.25 cubic foot per second from East Branch Mud Creek for the irrigation of 12.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, and 4.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 6 North, Range 35 East, W.M., with a date of priority of 1870, and 0.06 cubic foot per second from East Branch Mud Creek for the irrigation of 2.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 6 North, Range 35 East, with a date of priority of 1892, being a portion of the right evidenced by the certificate recorded at Page 20, Volume 1, State Record of Water Right Certificates.

These lands are irrigated by means of the Conrad ditch from a point of diversion located 1400 feet North and 1000 feet West from the East quarter-corner of Section 21, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to irrigate the said lands from a point of diversion to be located 680 feet North and 430 feet East from the South quarter-corner of Section 16, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Township 6 North, Range 35 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of June 14, 21 and 28, 1976.

Mr. William I. Porfily, Watermaster of District No. 5, 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 of water 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, 1977.

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 0.25 cubic foot per second, with a priority date of 1870, and 0.06 cubic foot per second with a priority date of 1892.


It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates 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 certificate of water right heretofore issued to A. C. Conrad and recorded at Page 20, Volume 1, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Roy E. Wilkinson confirming the change in point of diversion.

Dated at Salem, Oregon, this 7th day of September, 1976.


JAMES E. SEXSON
Director