

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION
OF LORENCE C. PFAFFLE FOR THE
APPROVAL OF A CHANGE IN POINT OF
DIVERSION OF WATER FROM SOUTH BEND
MUD CREEK

ORDER APPROVING
TRANSFER NO. 3198

On April 10, 1975, Lorence C. Pfaffle 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 0.42 cubic foot per second of water from South Branch Mud Creek with a date of priority of November 16, 1931, at a point of diversion located 190 feet North and 230 feet East from the East quarter-corner of Section 19, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 6 North, Range 35 East, W.M., for the irrigation of 5.8 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 8.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 20.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 6 North, Range 35 East, W.M., being a portion of the right evidenced by the certificate recorded at Page 9602, Volume 9, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 10 feet South and 140 feet East from the Northwest corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, Township 6 North, Range 35 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Milton-Freewater Valley Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of July 1, 8 and 15, 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 0.42 cubic foot 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 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 Herman Markman and recorded at Page 9602, Volume 9, 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 Lorence C. Pfaffle confirming the change in point of diversion.

Dated at Salem, Oregon, this 13th day of September, 1976.


JAMES E. SEXSON
Director