

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF THEODORE ISZLER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM UMATILLA RIVER)

ORDER APPROVING
TRANSFER NO. 3036

On May 7, 1974, Theodore Iszler filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Umatilla River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 38292, Volume 30, State Record of Water Right Certificates, in the name of Theodore Iszler, describes an existing right of record for the use of not to exceed 0.20 cubic foot per second from Umatilla River for irrigation of 13.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 4 North, Range 28 East, W.M., with a date of priority of May 25, 1967.

Water for the said right is diverted from 2 points located (1) 830 feet South and 510 feet West (2) 870 feet South and 1340 feet West from the North quarter-corner of Section 34, being within the (1) NE $\frac{1}{4}$ NW $\frac{1}{4}$ and (2) NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 4 North, Range 28 East, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, from the said 2 points of diversion to one point of diversion located 750 feet South and 2140 feet West from the North quarter-corner of Section 34, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 4 North, Range 28 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Hermiston Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of November 18, and 25, and December 2, 1976.

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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 from Umatilla 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, and shall not exceed 0.20 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;

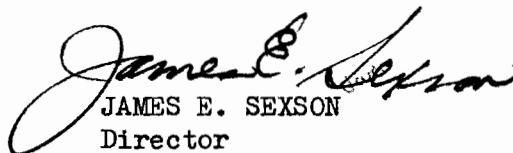
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the 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 Theodore Iszler and recorded at Page 38292, Volume 30, State Record of Water Right Certificates, is canceled, 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 Theodore Iszler.

Dated at Salem, Oregon, this 18th day of May, 1977.


JAMES E. SEXSON
Director