

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION OF )  
TOM ABLE FOR THE APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF )  
WATER FROM A WELL )

ORDER APPROVING  
TRANSFER NO. 3327

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On September 30, 1975, Tom Able filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from ground water, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Thomas N. Able, Jr. and recorded at Page 35785, Volume 27, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.88 cubic foot per second of water from ground water for the irrigation of, among other lands, 11.4 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 5.6 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13, Township 4 North, Range 28 East, W.M., with a date of priority of July 12, 1965. These lands are irrigated from a well located 650 feet North and 1330 feet East from the Southwest corner of Section 13, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13, Township 4 North, Range 28 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a well to be located 1110 feet North and 700 feet East from the Southwest corner of Section 13, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13, Township 4 North, Range 28 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice

is not required on an application for a change in point of diversion of water of less than one-fourth mile where there is no intervening diversion.

Mr. William Bartholomew, Administrator of the Ground Water Division and Mr. William I. Porfily, Watermaster of District Number 5, have filed reports to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections 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 change in point of diversion of water from ground water, to wit:

From a well located 650 feet North and 1330 feet East from the Southwest corner of Section 13, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13, Township 4 North, Range 28 East, W.M.

To a well to be located 1110 feet North and 700 feet East from the Southwest corner of Section 13, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13, Township 4 North, Range 28 East, W.M.,

for the irrigation of 11.4 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 5.6 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 13, Township 4 North, Range 28 East, W.M., with a date of priority of July 12, 1965, 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, 1976.

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 0.21 cubic foot per second.

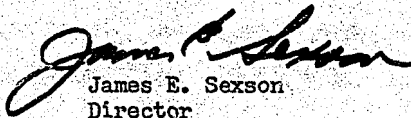
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Thomas N. Able, Jr. and recorded at Page 35785, Volume 27, 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 confirming the change in point of diversion.

Dated at Salem, Oregon, this 27th day of February, 1976.

  
James E. Sexson  
Director