

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF HOWARD PALMER FOR APPROVAL OF)
CHANGES IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER 4673

On January 14, 1981, an application was filed in the office of the Water Resources Director by Howard Palmer for approval of changes in point of diversion of water from Dugger Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, Oregon, entered March 5, 1917, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Dugger Creek and Its Tributaries, a water right was established in the name of Mrs. R. B. Fream, tabulated in Volume 3, page 122, Order Record of the Water Resources Director, for use of the waters of Dugger Creek for irrigation of, among other lands, a certain 7.5 acres in SW 1/4 NW 1/4 and 7.5 acres in SE 1/4 NW 1/4, Section 30, Township 6 North, Range 35 East, WM, with a date of priority of 1891, as evidenced by the certificate recorded at page 1687, Volume 2, State Record of Water Right Certificates.

By said Decree, a water right was established in the name of R. C. Tull, tabulated in Volume 3, page 125, Order Record of the Water Resources Director, for use of the waters of Dugger Creek for irrigation of, among other lands, a certain 2.5 acres in SE 1/4 NW 1/4, Section 30, Township 6 North, Range 35 East, WM, with a date of priority of 1872, as evidenced by the certificate recorded at page 1708, Volume 3, State Record of Water Right Certificates.

A portion of the aforesaid lands has a supplemental right under Certificate 46357.

Water for the said right is diverted, through the Kralman and Private Ditches, from points located 1) 80 feet South and 350 feet West and 2) 160 feet South and 640 feet West from the Center of Section 30, being within the NE 1/4 SW 1/4 of Section 30, Township 6 North, Range 35 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a single point located 90 feet North and 1,600 feet West from the Center of Section 30, being within the SW 1/4 NW 1/4 of Section 30, Township 6 North, Range 35 East, WM

Notice of the application, pursuant to ORS 540.520(2), was published in the Valley Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of July 30, August 6 and 13, 1981.

Steven P. Applegate, Watermaster, has filed a statement to the effect that the proposed changes in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes 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 changes in point of diversion, as described herein, without loss of priority, are 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 points 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:

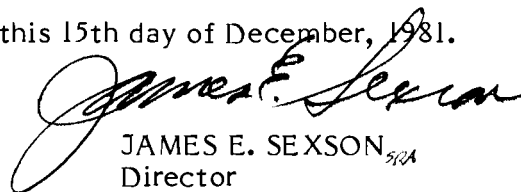
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1983.

It is FURTHER ORDERED that the certificates recorded at page 1687, Volume 2 and page 1708, Volume 3, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 15th day of December, 1981.


JAMES E. SEXSON^{3/2A}
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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