

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION OF)
THOMAS O. WILLIAMS & ASSOCIATES, INC.)
FOR APPROVAL OF CHANGES IN PLACE OF)
USE AND POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3610

On April 4, 1977, an application was filed in the office of the Water Resources Director by Thomas O. Williams & Associates, Inc. for approval of changes in place of use and point of diversion from Schwartz Spring Branch, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 5519, Volume 6, State Record of Water Right Certificates, in the name of Jos. E. Hoon, describes a right which includes the use of not to exceed 1/80th cubic foot per second per acre from Schwartz Spring Branch for irrigation of 40.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 6 North, Range 34 East, W.M., with a date of priority of 1880.

Water for the said right is diverted, through the Hoon Ditch, from a point located 960 feet South and 1055 feet East from the North Quarter Corner of Section 22, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 22.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 6 North, Range 34 East, W.M., from a point of diversion located 1400 feet South and 1320 feet East from the Center Corner of Section 16, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16.

Notice of the application, pursuant to ORS 540.510, 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 October 6, 13 and 20, 1977.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 place of use and 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 point of diversion under the subject right.

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

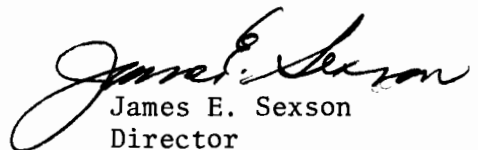
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Jos. E. Hoon and recorded at page 5519, Volume 6, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right 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, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 17th day of March, 1978.


James E. Sexson
Director