

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF)
APPLICATION G-17)
IN THE NAME OF)
O. A. WHITE)

Statement
Findings of Fact
Conclusions of Law
and Order

STATEMENT

An application was filed in the office of the State Engineer (predecessor to the Water Resources Director) in the name of O. A. White for a permit to appropriate water from four wells for irrigation of 561.0 acres; being 178.0 acres from well No. 1, 178.0 acres from well No. 2, 107 acres from well No. 3 and 98.0 acres from well No. 4; wells Nos. 1, 2 and 3 are located in Section 20 and well No. 4 is in Section 18, all being within Township 6 North, Range 34 East, W.M. The wells had been constructed and placed in operation prior to filing the application.

The application has been designated in the records of the Water Resources Director as No. G-17.

On June 23, 1953, Raymond Bevans filed a letter of protest against approval of the application alleging that the project would interfere with his existing right to appropriate 2.68 cubic feet per second of water from two wells for supplemental irrigation of 275.8 acres as set forth in the certificate recorded at page 27726, State Record of Water Right Certificates.

The matter was brought to hearing before Chris L. Wheeler, Assistant State Engineer designated to hold the hearing, in the City Hall, Milton-Freewater, Oregon, commencing at 10:00 a.m. on July 29, 1953, in accordance with due notice given on July 10, 1953.

The applicant, O. A. White, appeared and was represented by counsel, Harold A. Fabre of the Firm of Kilkenny and Fabre, Attorneys at Law, Pendleton, Oregon. The protestant, Raymond Bevans, appeared and was represented by counsel, Henry M. Kaye, Attorney at Law, Milton-Freewater, Oregon.

Official notice of the records of the Water Resources Department pertaining to the pertinent water rights, well logs and water levels in wells is taken. A transcript of the hearing is on file. Based on the record, the Deputy Water Resources Director makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

Testimony and evidence was submitted by both parties; however the evidence submitted was inconclusive. It was therefore agreed by all parties that pump tests should be made and the matter held in abeyance until there had been an opportunity to observe the effects of pumping from the systems.

No detailed tests were run, but representatives of the State Engineer made periodic observations of water levels in the involved wells plus other wells in the area drawing from the same tentatively defined alluvial ground water reservoir. During the years of observation, there has been no evidence of direct or substantial interference among these wells.

CONCLUSIONS OF LAW

It does not appear that there has been substantial harm or interference to Mr. Bevan's prior rights as defined in the certificate recorded at page 27726, State Record of Water Right Certificates, by operation of the four wells during the intervening period. It therefore appears that the matter should be resolved by issuance of a permit approving application G-17 since the matter has been held in abeyance for several years.

Under the provisions of ORS 537.777 the Water Resources Director has the authority to protect prior rights of other water users by regulation of controlling works and distribution of ground water in such a manner as to secure compliance or equal and fair distribution.

ORDER

NOW, THEREFORE, it is ORDERED that application G-17 in the name of O. A. White be approved by issuance of a permit subject to regulation in accordance with relative dates of priority of other water rights to the use of water from the same ground water reservoir if interference occurs in the future.

Dated at Salem, Oregon this 12th day of October 1983.



CHRIS L. WHEELER
Deputy Director

NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order. Judicial review is pursuant to the provisions of ORS Chapter 183.