

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF E. DUANE LEINBACH FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION) )  
WATER FROM PINE CREEK )  
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ORDER APPROVING  
TRANSFER NO. 3871

On January 26, 1978, an application was filed in the office of the Water Resources Director by E. Duane Leinbach for approval of a change in point of diversion from Pine Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 5529, Volume 6, State Record of Water Right Certificates, in the name of F. E. March, describes a right which includes the use of water from Pine Creek for irrigation of a certain 15.0 acres in E $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 27, Township 6 North, Range 34 East, W.M., with a date of priority of 1900.

The authorized point of diversion is located 430 feet North and 2640 feet East from the Center Corner of Section 34, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 34, Township 6 North, Range 34 East, W.M. (Dickerson Ditch).

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 20 feet North and 300 feet West from the North Quarter Corner of Section 27, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 22, Township 6 North, Range 34 East, W.M.

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 February 2, 9 and 16, 1978.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion, as 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 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:

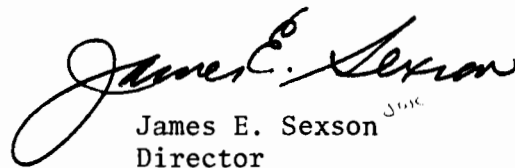
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to F. E. March and recorded at page 5529, 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 5th day of April, 1978.

  
James E. Sexson  
Director