

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MORROW COUNTY

IN THE MATTER OF THE APPLICATION )  
OF HAROLD S. HUBER & JAMES E. )  
BLOODSWORTH FOR APPROVAL OF )  
CHANGES IN PLACE OF USE & POINT )  
OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 3945

On April 26, 1978, an application was filed in the office of the Water Resources Director by Harold S. Huber and James E. Bloodsworth for approval of changes in place of use and point of diversion of water from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 135, Volume 1, State Record of Water Right Certificates, in the name of Eph Eskelson, describes a right for the use of not to exceed 0.5 cubic foot per second from Willow Creek for irrigation of a certain 28.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 2.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 36, Township 1 South, Range 25 East, W.M., with a date of priority of 1890.

These lands also have a supplemental right described by the certificate recorded at page 13535, Volume 12 of said record, evidencing the right to use of water from Ditch Creek with a date of priority of July 10, 1939.

The authorized point of diversion from Willow Creek for the lands above described is located 1650 feet South and 2800 feet East from the Northwest Corner of Section 1, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 1, Township 2 South, Range 25 East, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use from said lands in Section 36 and, without loss of priority, to irrigate in lieu thereof a certain 2.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35, 25.8 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 2.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 36, Township 1 South, Range 25 East, W.M. The applicants also propose to establish an additional point of diversion for irrigation of said 2.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 35 and a certain 14.5 acres of said 25.8 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 36 at a point located 640 feet North and 480 feet East from the Northwest Corner of Section 1, being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 36, Township 1 South, Range 25 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Gazette-Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks in the issues of May 24 and 31 and June 7, 1979.

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 points 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:

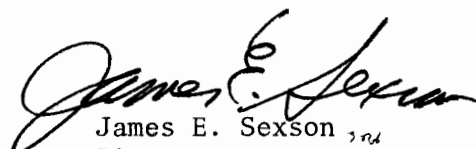
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 135, Volume 1, State Record of Water Right Certificates, is canceled; 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 applicants herein.

Dated at Salem, Oregon this 20th day of December, 1979.

  
James E. Sexson, *sr*  
Director