

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF BERT PESCIALLO FOR APPROVAL OF)  
A CHANGE IN POINT OF DIVERSION OF)  
WATER FROM LITTLE WALLA WALLA R. )  
-----

ORDER APPROVING  
TRANSFER NO. 4297

On September 14, 1979, an application was filed in the office of the Water Resources Director by Bert Pesciallo for approval of a change in point of diversion of water from Little Walla Walla River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 46241, Volume 38, State Record of Water Right Certificates, in the name of Pleasant Valley Irrigation Co., describes a right which includes the use of not to exceed 0.60 cubic foot per second from Little Walla Walla River for irrigation of a certain 40.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 33; 4.8 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 3.2 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34, Township 6 North, Range 35 East, W.M., with a date of priority of March 25, 1912.

Water for the said right is diverted, through the Pleasant View Ditch, from a point located 5 feet North and 1100 feet West from the Southeast Corner of Section 35, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 2, Township 5 North, Range 35 East, W.M.

The applicant herein proposes to change the point of diversion therefrom, without loss of priority, to a point located 900 feet South and 1000 feet West from the Northeast Corner of Section 2, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 2, Township 5 North, Range 35 East, W.M. (Hudson Bay Canal).

Mr. Steven P. Applegate, 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.

*Amended* Sp. Or. V. 41, p. 143

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:

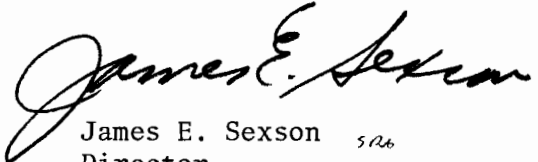
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1981.

It is FURTHER ORDERED that 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 20th day of December, 1979.

  
James E. Sexson 5/26  
Director