

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY.

IN THE MATTER OF THE APPLICATION )  
OF KIRBY E. WALLACE FOR APPROVAL )  
OF A CHANGE IN POINT OF APPRO- )  
PRIATION FROM GROUND WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 4070

On October 11, 1978, an application was filed in the office of the Water Resources Director by Kirby E. Wallace for approval of a change in point of appropriation from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 45443, Volume 37, State Record of Water Right Certificates, in the name of Louis Swearingen, describes a right for the use of not to exceed 0.1 cubic foot per second of water from a certain ground water aquifer for irrigation of a certain 19.8 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, Township 6 North, Range 35 East, W.M., with a date of priority of June 8, 1964.

Water for the said right is diverted from a well located 542 feet North and 58 feet West from the Southeast Corner of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation therefrom and, without loss of priority, hereafter appropriate water from a well located 660 feet North and 770 feet East from the Southwest Corner of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, Township 6 North, Range 35 East, W.M.

Mr. William S. Bartholomew, Hydrogeologist, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of appropriation 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 appropriation, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new well shall not exceed the quantity of water available at the old well under the subject right, and shall not exceed 0.1 cubic foot per second.

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

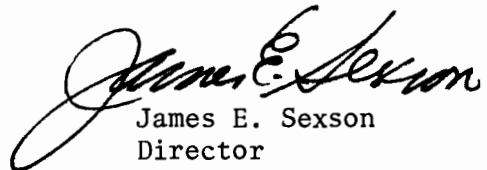
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of appropriation is completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 45443, Volume 37, 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 applicant herein.

Dated at Salem, Oregon this 12th day of February, 1979.

  
James E. Sexson  
Director