

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION)
OF WALTER WHITE FOR APPROVAL OF)
CHANGES IN POINT OF DIVERSION OF)
WATER FROM DUGGER CREEK)

ORDER APPROVING
TRANSFER NO. 3891

On March 2, 1978, an application was filed in the office of the Water Resources Director by Walter White for approval of changes in point of diversion from Dugger Creek, pursuant to the provisions of ORS 540.510 to 540.530, for certain rights as follows:

Irrigation of a certain 3.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M., by diversion of water from Dugger Creek, through the Gallaher Ditch, with a date of priority of 1890, as described by the certificate issued to Mrs. M. A. Overman and recorded at page 1702, Volume 3, State Record of Water Right Certificates;

Irrigation of a certain 20.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M., by diversion from Dugger Creek, through the Milton-Freewater & Hudson Bay's Ditch, with dates of priority of 1895 for 4.0 acres and 1910 for 16.0 acres, as described by the certificate issued to W. E. Gordon and recorded at page 1691, Volume 2 of said records;

Irrigation of a certain 5.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 34.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M., by diversion of water from Dugger Creek, through Kirk Ditch No. 4, with a date of priority of December 28, 1926, as described by the certificate issued to Mrs. K. F. Hughes and recorded at page 7635, Volume 7 of said records.

The point of diversion for Gallaher Ditch is located 220 feet South and 770 feet West from the Center Corner of Section 30, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

The point of diversion for the Milton-Freewater & Hudson Bay's Ditch is located 970 feet South and 590 feet East from the Center Corner of Section 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

The point of diversion for Kirk Ditch No. 4 is located 300 feet North and 700 feet East from the Southeast Corner of Section 30, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to change from the above described points of diversion, without loss of priority, to divert water for said rights from a point of diversion located 1280 feet South and 1240 feet East from the Center Corner of Section 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 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 April 6, 13 and 20, 1978.

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

No objections having been filed and it appearing that the proposed changes 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 changes in 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 point of diversion shall not exceed the quantity of water available at the old points of diversion under the subject rights.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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;

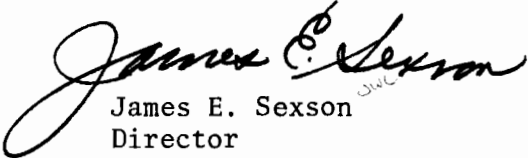
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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 certificates of water right recorded at page 1691, Volume 2; page 1702, Volume 3; and page 7635, Volume 7; State Record of Water Right Certificates, are 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 31st day of May, 1978.


James E. Sexson
Director