

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MALHEUR COUNTY

IN THE MATTER OF THE APPLICATION )  
OF ELMER D. HILL FOR APPROVAL OF )  
AN ADDITIONAL POINT OF DIVERSION )  
OF WATER FROM WILLOW CREEK )  
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ORDER APPROVING  
TRANSFER NO. 3663

On May 9, 1977, an application was filed in the office of the Water Resources Director by Elmer D. Hill for approval of an additional point of diversion from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the State Engineer, entered on February 19, 1957, approving transfer application No. B-89, the right described by the certificate issued to Rosina Bronson and recorded at page 22410, Volume 16, State Record of Water Right Certificates, exists for the appropriation of water from Willow Creek, under a priority date of 1868, for beneficial use including the irrigation of a certain 27.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 11.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 22.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.5 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 7.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 1, Township 14 South, Range 40 East, W.M.

Water for the said right is diverted from two points located (1) South 34 degrees 25 minutes West, 6289 feet; and (2) South 33 degrees 50 minutes West, 5369 feet, from the East Quarter Corner of Section 36, Township 13 South, Range 40 East, W.M., being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 1.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion, without loss of priority, at a point located South 29 degrees 16 minutes West, 3875 feet from the East Quarter Corner of Section 36, Township 13 South, Range 40 East, W.M., being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 1, for irrigation of the above described lands.

Notice of the application, pursuant to ORS 540.510, was published in The Malheur Enterprise, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of April 12, 19 and 26, 1978.

Mr. Frank Elfering, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed additional

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 additional 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, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the old points of diversion under the subject right.

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:

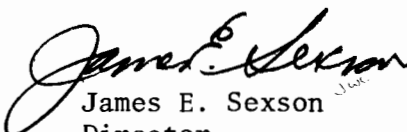
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 additional 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 Rosina Bronson and recorded at page 22410, Volume 16, 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 19th day of June, 1978.

  
James E. Sexson  
Director