

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION)
OF GENE UNDERHILL FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3678

On May 19, 1977, an application was filed in the office of the Water Resources Director by Gene Underhill for approval of changes in place of use and point of diversion from Fifteenmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the decree of the Circuit Court for Wasco County, Oregon entered July 3, 1978, the right previously described by certificate recorded at page 5665, Volume 6, State Record of Water Right Certificates, now exists for use of water from Fifteenmile Creek for irrigation of, among other lands, a certain 0.1 acre in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 5.6 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.9 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; 1.0 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 3.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 4.6 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, with a date of priority of 1885; and for irrigation of 18.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 19.2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 6.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 2.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 15.7 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 17.8 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33; 0.2 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 33.4 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 12.7 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.5 acre in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.3 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, with a date of priority of 1856, all within Township 1 South, Range 13 East, W.M.

Water for said right is diverted through the Strachan Ditch from a point located 1720 feet North and 1830 feet West from the Southwest Corner of Section 33, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 1 South, Range 13 East, W.M.; and through the Sigman Ditch from a point located 2480 feet North and 2250 feet East from the Southwest Corner of Section 33, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 1 South, Range 13 East, W.M.

The applicant herein proposes to change the place of use of water for said right with the priority date of 1885 and, without loss of priority, to irrigate in lieu thereof a certain 9.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33; 3.8 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 11.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 1 South, Range 13 East, W.M.

The applicant herein also proposes to change from the point of diversion for

W21 9746

Strachan Ditch, without loss of priority, to a pump site located 1550 feet South and 430 feet East from the Northwest Corner of Section 34, being within the SW¹/₄ NW¹/₄ of Section 34, Township 1 South, Range 13 East, W.M., to be used together with the point of diversion for Sigman Ditch for irrigation of the lands under the entire right as described above.

Notice of the application, pursuant to ORS 540.520(2), was published in The Dalles Chronicle, a newspaper printed and having general circulation in Wasco County, Oregon for a period of three weeks in the issues of January 9, 16 and 23, 1979.

Mr. Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed change 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 point of diversion, together with that diverted through the Sigman Ditch, shall not exceed the quantity of water available at the original points 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;

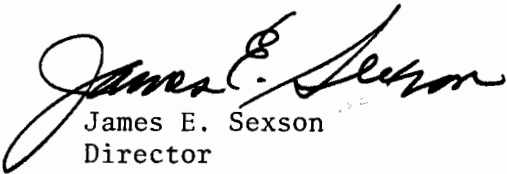
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the changes in place of use and point of diversion are completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 5665, Volume 6, 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 30th day of March, 1979.



James E. Sexson
Director