

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
 OF NEAL BLESSINGER FOR APPROVAL OF)
 A CHANGE IN POINT OF DIVERSION OF)
 WATER FROM PINE CREEK)

ORDER APPROVING
TRANSFER NO. 3496

On December 6, 1976, an application was filed in the office of the Water Resources Director by Neal Blessinger for additional points of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 39091, Volume 31, State Record of Water Right Certificates, in the name of Neal Blessinger, describes an existing right of record for the use of not to exceed 2.09 cubic feet per second from Pine Creek for irrigation of 14.6 acres and supplemental irrigation of the following lands:

<u>Primary</u>	<u>Supplemental</u>	
4.6 acres	14.7 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$
7.4 acres	30.0 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$
	11.4 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 21	
1.0 acre	10.0 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$
1.6 acres	40.0 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
	37.8 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$
	15.8 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$
	40.0 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$
	25.0 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$
	33.0 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$
	30.0 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 22	

Township 6 North, Range 34 East, W.M.

all with a date of priority of June 10, 1964.

Water for the said right is diverted from a point located 250 feet North and 300 feet West from the Southeast corner of Section 22, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 6 North, Range 34 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish, without loss of priority, two additional points of diversion located (1) 350 feet North and 1320 feet East and (2) 2640 feet North and 800 feet West from the Southeast corner of Section 21, being within (1) SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, and (2) SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 6 North, Range 34 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of March 29, April 5 and 12, 1977.

Mr. William I. Porfily, 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 objection 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 additional points of diversion from Pine Creek as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 2.09 cubic feet per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices:

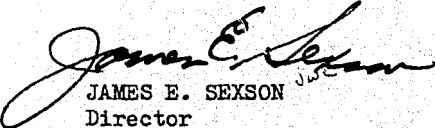
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1978.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to Neal Blessinger and recorded at Page 39091, Volume 31, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 31st day of May, 1977.


JAMES E. SEXSON
Director