



**Use:** Irrigation of 5.5 acres  
**Priority Date:** 1908  
**Quantity:** One and one-half miner's inches per acre, if available at the original point of diversion in SE¼ SW¼, Section 26, T6N, R35E, W.M.; Morris Ditch – 50 feet North and 1295 feet West from South Quarter corner, Section 26  
**Source:** Ford Branch Little Walla Walla River, tributary to Walla Walla River  
**Authorized Point of Diversion:**

| Township |   | Range |   | Meridian | Sec | ¼  | ¼  | Location  |
|----------|---|-------|---|----------|-----|----|----|---|
| 6        | N | 35    | E | W.M.     | 26  | NW | SW | 1330 feet North and 1060 feet East from the SW corner of Section 26 |

**Authorized Place of Use:**

| Township  |   | Range |   | Meridian | Sec | ¼  | ¼  | Acres |
|---|---|-------|---|----------|-----|----|----|-------|
| 6   | N | 35    | E | W.M.     | 26  | NW | SW | 5.5   |
| Note: 0.5 acre of this right is restricted to use of water up to June 1 <sup>st</sup> of each year. |   |       |   |          |     |    |    |       |

- Upon review of the water right record and other available information, the Department has determined that the source for the right evidenced by Certificate 54120 is actually West Ford Branch Little Walla Walla River, tributary to Little Walla Walla River.
- Transfer Application T-9163 proposes to add an additional point of diversion approximately 1280 feet upstream in the West Ford Branch of Little Walla Walla River to:

| Township |   | Range |   | Meridian | Sec | ¼  | ¼  | Location  |
|----------|---|-------|---|----------|-----|----|----|---|
| 6        | N | 35    | E | W.M.     | 26  | SW | SW | 50 feet North and 1295 feet East from the SW corner of Section 26 |

- The SECOND right to be transferred is as follows:

**Certificate:** 54121 in the name of V.A. Gawith (confirmed by the Walla Walla River Decree)  
**Use:** Irrigation of 5.39 acres  
**Priority Date:** 1890 for 3.39 acres and 1900 for 2.00 acres  
**Quantity:** One and one-half miner's inches per acre, if available at the original point of diversion in SE¼ SW¼, Section 26, T6N, R35E, W.M.; Morris Ditch – 50 feet North and 1295 feet West from South Quarter corner, Section 26  
**Source:** Ford Branch Little Walla Walla River, tributary to Walla Walla River  
**Authorized Point of Diversion:**

| Township |   | Range |   | Meridian | Sec | ¼  | ¼  | Location  |
|----------|---|-------|---|----------|-----|----|----|---|
| 6        | N | 35    | E | W.M.     | 26  | NW | SW | 1330 feet North and 1060 feet East from the SW corner of Section 26 |

**Authorized Place of Use:**

| Township |   | Range |   | Meridian | Sec | ¼  | ¼  | Acres | Priority date |
|----------|---|-------|---|----------|-----|----|----|-------|---------------|
| 6        | N | 35    | E | W.M.     | 26  | NW | SW | 3.39  | 1890          |
| 6        | N | 35    | E | W.M.     | 26  | NW | SW | 2.00  | 1900          |

9. Upon review of the water right record and other available information, the Department has determined that the source for the right evidenced by Certificate 54120 is actually West Ford Branch Little Walla Walla River, tributary to Little Walla Walla River.
10. Transfer Application T-9163 proposes to add an additional point of diversion approximately 1280 feet upstream in the Ford Branch of Little Walla Walla River, located:

| Township |   | Range |   | Meridian | Sec | ¼ ¼   | Survey Coordinates  |
|----------|---|-------|---|----------|-----|-------|---|
| 6        | N | 35    | E | W.M.     | 26  | SW SW | 50 feet North and 1295 feet East from the SW corner of Section 26 |

11. The THIRD right to be transferred is as follows:

**Certificate:** 12524 in the name of Ida M. Avey (confirmed by the Walla Walla River Decree)

**Use:** Irrigation of 10.0 acres

**Priority Date:** 1887

**Quantity:** One and one-half miner's inches per acre measured at the point of diversion.

**Source:** West Branch Crockett, tributary to Walla Walla River

**Authorized Place of Use:**

| Township |   | Range |   | Meridian | Sec | ¼ ¼         | Acres |
|----------|---|-------|---|----------|-----|-------------|-------|
| 6        | N | 35    | E | W.M.     | 26  | E½ of SE NW | 10.0  |

12. Transfer Application T-9163 proposes to change the point of diversion for Certificate 12524 on the West Branch of Crockett Creek to two diversion points on the West Branch of Crockett Creek located at:

| Township |   | Range |   | Meridian | Sec | ¼ ¼   | Location  |
|----------|---|-------|---|----------|-----|-------|---|
| 6        | N | 35    | E | W.M.     | 26  | SW NW | 35 feet North and 2000 feet West from the center corner of Section 26 |
| 6        | N | 35    | E | W.M.     | 26  | SE NW | 35 feet North and 1280 feet West from the center corner of Section 26 |

\*Note: Use of either proposed additional points of diversion must be coordinated with Watermaster prior to delivery of water under the right. See Finding of Fact #15.

13. The FOURTH right to be transferred is as follows:

**Certificate:** 12525 in the name of Ida M. Avey

**Use:** Irrigation of 10.0 acres

**Priority Date:** October 1, 1908

**Quantity:** One and one-half miner's inches per acre measured at the point of diversion.

**Source:** West Branch of West Crockett, tributary to Walla Walla River

**Authorized Place of Use:**

| Township |   | Range |   | Meridian | Sec | ¼ ¼         | Acres |
|----------|---|-------|---|----------|-----|-------------|-------|
| 6        | N | 35    | E | W.M.     | 26  | E½ of SE NW | 10.0  |

14. Transfer Application T-9163 proposes to change the point of diversion for Certificate 12525 on West Branch of Crockett Creek to two diversion points on the West Branch West Crockett Creek located at:

| Township |   | Range |   | Meridian | Sec | ¼ ¼   | Location  |
|----------|---|-------|---|----------|-----|-------|---|
| 6        | N | 35    | E | W.M.     | 26  | SW NW | 35 feet North and 2000 feet West from the center corner of Sec.26 |
| 6        | N | 35    | E | W.M.     | 26  | SE NW | 35 feet North and 1280 feet West from the center corner of Sec.26 |

\*Note: Use of either proposed additional points of diversion must be coordinated with Watermaster prior to delivery of water under the right. See Finding of Fact #15.

15. This transfer application proposes the addition of two new points of diversion on the West Branch of the West Crockett Creek for Certificates 12524 and 12525. In order to manage the water in that system and to ensure that approval of the transfer does not result in injury to downstream users, the Watermaster must be informed as to which water rights and the amounts being served by each point of diversion. The applicant agreed to this condition. Prior to using water each year, the applicant shall provide the necessary information to the Watermaster. The designated points of diversion shall be used continuously until a request is made of the Watermaster to change. The request to the Watermaster shall be reasonable and be received at least three days in advance of the requested change date.
16. Notice of the application for transfer was published on July 2, 2002, pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice, however Oregon Department of Fish and Wildlife indicated that a fish screen or by-pass device should NOT be required at the new points of diversion as a condition of approval of the transfer.
17. On April 19, 2006, the Department issued a preliminary determination proposing to approve Transfer Application T-9163, with conditions, and mailed a copy to the applicants. Additionally, notice of the preliminary determination was published on the Department's weekly notice on April 25, 2006 and in the Walla Walla Daily Bulletin on December 4, 11 and 18, 2006, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notices.
18. Water has been used within the last five years according to the terms and conditions of the rights and no evidence is available that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
19. A diversion structure and ditch sufficient to use the full amount of water allowed under the existing rights are present.
20. The proposed changes would not result in enlargement of the rights.
21. The proposed changes, as conditioned, would not result in injury to other water rights.

## **Determination and Proposed Action**

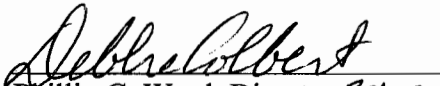
The changes in point of diversion and additional points of diversion proposed in Transfer Application T-9163, as conditioned, are consistent with the requirements of ORS 540.505 to 540.580 and OAR 690-380-5000.

### **Now, therefore, it is ORDERED:**

1. The changes in point of diversion and additional points of diversion proposed in Transfer Application T-9163 are approved.
2. Water right certificates 12524, 12525, 54120 and 54121 are cancelled.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 12524, 12525, 54120, and 54121 and any related decree.
4. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2008**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
5. The quantity of water diverted at the additional points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original points of diversion.
6. Any water stored in ponds (bulges in the system) may only be stored for the purpose of irrigation and only during the irrigation season.
7. The water user must contact the Watermaster and provide information as to which water rights and the amounts that are to be served by each point of diversion when water delivery starts under Certificates 12524 and 12525. Prior to using water each year, the applicant shall provide the necessary information to the Watermaster. The designated points of diversion shall be used continuously until a request is made of the Watermaster to change. The request to the Watermaster shall be reasonable and be received at least three days in advance of the requested change date.
8. The Walla Walla Irrigation District and landowners shall be responsible for all costs associated with the re-cutting of weirs on the system necessary to effect the changes authorized in this transfer.
9. Prior to diverting water, the water user shall install and maintain a headgate or other suitable device for controlling the water at the point where the water is diverted. It shall be of such construction that it can be locked and kept closed by the Watermaster. The type and plans of the headgate or other suitable device for controlling the water must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department

10. Prior to diverting water, the water user shall install and maintain an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
11. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 23<sup>rd</sup> day of January, 2007.

  
Phillip C. Ward, Director *PCW*

Mailing Date: ~~JAN 25 2007~~