

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF WALTER W. ALLISON FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION AND PLACE OF USE OF)
WATER FROM OWING CREEK.)

O R D E R
APPROVING APPLICATION

On March 22, 1950, Walter W. Allison of Ukiah, Oregon, filed an application for the approval of a change in point of diversion and place of use of water from Owing Creek, pursuant to the provisions of Section 116-606, O. C. L. A.

Certificate of water right, recorded at Page 7936, Volume 8, State Record of Water Right Certificates, was issued to Walter W. Allison confirming a right under Permit No. 8226 for the irrigation of 27.6 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10 and 15.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 8.2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 5 South, Range 31 East, W. M., with a date of priority of October 26, 1927. These lands are irrigated through the Huston-Hale ditch, the point of diversion of such ditch being located 924 feet north and 500 feet west from the southeast corner of Section 3 and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 3, Township 5 South, Range 31 East, W. M.

The applicant herein, owner of the lands above described, proposes to transfer the water rights appurtenant to 22.3 acres thereof, to-wit: 11.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10 and 11.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 5 South, Range 31 East, W. M., without loss of priority to 22.3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 5 South, Range 31 East, W. M., and to

irrigate said lands, together with the remaining 28.7 acres involved herein, by means of a pumping plant, the point of diversion of said pumping plant being located 525 feet south and 475 feet west from the northeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15 and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 15, Township 5 South, Range 31 East, W. M.

Notice of filing the application was prepared by the State Engineer setting forth a time and place certain for hearing objections to the proposed change in point of diversion and place of use of water, if any there were, namely: at the County Court House at Pendleton, Oregon, on May 25, 1950, at 8:00 o'clock a.m. The notice was published in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, for a period of at least three weeks and not less than one publication each week, being the issues of March 28, April 4 and 11, 1950. The date fixed for the hearing in the notice was not less than 30 days after the last publication of said notice.

No objections having been filed and it appearing that the proposed change in point of diversion and place of use of water from Owing Creek may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 11.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10 and 11.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 5 South, Range 31 East, W. M., be severed therefrom and simultaneously and without

loss of priority transferred to 22.3 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 5 South, Range 31 East, W. M.

It is FURTHER ORDERED that the proposed change in point of diversion of water, to-wit:

From a point located 924 feet north and 500 feet west from the southeast corner of Section 3 and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 3, Township 5 South, Range 31 East, W. M.,

To a point to be located 525 feet south and 475 feet west from the northeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 15, Township 5 South, Range 31 East, W. M.,

for the irrigation of 16.5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10 and 4 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 30.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 5 South, Range 31 East, W. M., with a date of priority of October 26, 1927, be and the same hereby is approved.

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

That the pumping plant be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump, and to install a weir or measuring device for measuring the water to which the applicant is entitled to use;

That the location of the pumping plant and channel to convey the water to the pump and the plans of the head-gate and weir or measuring device be approved, before the beginning of construction work, by the watermaster of Umatilla County, Oregon, and that the head-gate, weir or measuring device be constructed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work required to be done in connection with the proposed change in point of diversion of water


and the application of the water to beneficial use on the lands to which the water is transferred hereby shall be completed on or before October 1, 1951 or such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use upon the land to which the water is transferred hereby, a Certificate of Water Right shall be issued to Walter W. Allison or his successor in interest to the extent to which the water has been applied beneficially and Certificate of Water Right recorded at page 7936, Volume 8, State Record of Water Right Certificates, shall be cancelled.

Dated at Salem, Oregon, this 19th day of July, 1950.

Cert. 7936

Trsf. A-17


CHAS. E. STRICKLIN
State Engineer