

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF C.M. SNOW)
 FOR THE APPROVAL OF A CHANGE IN)
 POINT OF DIVERSION OF WATER FROM)
 EAST BRANCH OF WEST CROCKETT BRANCH)
 OF LITTLE WALLA WALLA RIVER.)

O R D E R

APPROVING APPLICATION

On March 15, 1954, C. M. Snow of Milton-Freewater, Oregon, filed an application for the approval of a change in point of diversion of water from East Branch of West Crockett Branch of Little Walla Walla River pursuant to the provisions of ORS 540.510 to 540.530.

In the decree of the circuit court for Umatilla County entered May 16, 1932 in the Matter of the Determination of the Relative Rights to the Use of the Waters of Walla Walla River and Its Tributaries, a water right was adjudicated in the name of W. A. Propeck for the irrigation of 3 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 6 North, Range 35 East, W. M., through the Propeck-Wilcox Ditch from East Branch of West Crockett Branch of Little Walla Walla River with a date of priority of 1891. The point of diversion of the Propeck-Wilcox Ditch is located 700 feet north and 18 feet east from the southeast corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, and being within the SE $\frac{1}{2}$ SE $\frac{1}{4}$ said Section 26, Township 6 North, Range 35 East, W. M.

C. M. Snow, owner of the lands above described, proposes to change his point of diversion upstream to the Propeck-Shackelford Ditch, the point of diversion of said ditch being located 280 feet south and 100 feet east from the northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35 and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 35, Township 6 North, Range 35 East, W. M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides that notice is not required in applications for a change in point of diversion when the change in point of diversion is less than one-quarter mile and there are no intervening diversions.

Art Hughes, S. P. McReynolds and Wayne Brinker, Joint owners of the Propeck-Shackelford Ditch, have given their written consent to the use of the Propeck-Shackelford Ditch.

From a report submitted by Mr. M. J. Belton, Watermaster of District No. 5, Umatilla County, it appears that the proposed change in point of diversion of water from East Branch of West Crockett Branch of Little Walla Walla River may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water from East Branch of West Crockett Branch of Little Walla Walla River may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water, to-wit:

From a point located 700 feet north and 18 feet east from the southeast corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26 and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 26, Township 6 North, Range 35 East, W. M.,

To a point to be located 280 feet south and 100 feet east from the northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35 and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 35, Township 6 North, Range 35 East, W. M..

for the irrigation of 3 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 6 North, Range 35 East, W. M., with a date of priority of 1891, be and the same hereby is approved.

It is FURTHER ORDERED that the change in point of diversion shall be completed on or before October 1, 1954 or within such extension of time as may be granted by the State Engineer for good cause shown, and that upon the completion there of satisfactory proof shall be filed with the State Engineer.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

Dated at Salem, Oregon this 18th day of March, 1954

Noted on Decree
Vol. 12, p. 222
Cert. 13137

Charles E. Stricklin
CHAS. E. STRICKLIN
State Engineer