

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF J. J. OBERSON FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM UMATILLA RIVER.)

O R D E R
APPROVING APPLICATION

On January 12, 1951, J. J. Oberson of Stanfield, Oregon, filed an application for the approval of a change in point of diversion of water from Umatilla River, pursuant to the provisions of Section 116-606, O. C. L. A.

By Decree of the Circuit Court for Umatilla County, entered September 9, 1916, in the matter of the determination of the relative rights to the use of the waters of Umatilla River and its tributaries, a water right was adjudicated in the name of the Maxwell Irrigation Company for the irrigation of, among other lands, 13 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 8 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 3 North, Range 29 East, W. M., and 15 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, Township 4 North, Range 29 East, W. M., with a date of priority of September 11, 1894. The above described land is irrigated through the Dillon ditch, the point of diversion of said Dillon ditch being located 130 feet south and 260 feet west from the northeast corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 8, Township 3 North, Range 29 East, W. M.

J. J. Oberson, owner of the above described land to which said water right is appurtenant, proposes to irrigate said land by means of a pumping plant, the point of diversion of said pumping plant to be located 594 feet west from the center of Section 5, Township 3 North, Range 29 East, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was given 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 in the issues of January 24 and 31 and February 7, 1951. The time fixed for hearing in the notice was not less than 30 days after the last publication of said notice.

From a report submitted by Mr. Marvin B. Bennett, Watermaster of District No. 5, it appears the proposed change in point of diversion of water 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 Umatilla 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 from Umatilla River, to-wit:

From a point located 130 feet south and 260 feet west from the northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 8, Township 3 North, Range 29 East, W. M.,

To a point to be located 594 feet west from the center of Section 5, Township 3 North, Range 29 East, W. M.,

for the irrigation of 13 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 8 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 3 North, Range 29 East, W. M., and 15 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 4 North, Range 29 East, W. M., with a date of priority of September 11, 1894, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work required to be done in connection with the proposed change in point of diversion of water shall be completed on or before October 1, 1952 or such extension of time as

may be granted by the State Engineer for good cause shown and upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

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 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;

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

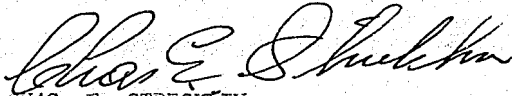
Dated at Salem, Oregon, this 11th day of April, 1951.

Noted on Decree

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CHAS. E. STRICKLIN
State Engineer