

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION )  
OF LEON HUBER FOR THE APPROVAL OF)  
A CHANGE IN POINT OF DIVERSION OF)  
WATER FROM SOUTH FORK WALLA WALLA)  
RIVER )  
-----

O R D E R

APPROVING APPLICATION

On August 14, 1962, Leon Huber of Milton-Freewater, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from South Fork Walla Walla River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court of Umatilla County, Oregon, 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 established in the name of H. Poulsen for the use of the waters of South Fork Walla Walla River for the irrigation of 3.8 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 5 North, Range 36 East, W. M., of which 1.8 acres have a date of priority of 1894 and 2.0 acres have a date of priority of 1907. These lands are irrigated through an unnamed ditch, the point of diversion of said ditch being located North 84 degrees 15' 20" East 2172.9 feet from the center of Section 26, and being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 26, Township 5 North, Range 36 East, W. M.

The applicant herein, owner of the land above described, proposes to irrigate these lands by means of a pumping plant the point of diversion of said pumping plant to be located North 67 degrees 9' 10" East 1014.7 feet from the center of Section 26, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 26, Township 5 North, Range 36 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 notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Jerry F. Haines, Watermaster of District No. 5, has filed a report to the effect that 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 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 South Fork Walla Walla River, to-wit:

From a point located North 84 degrees 15' 20" East  
2172.9 feet from the center of Section 26, and being  
within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 5 North,  
Range 36 East, W.M.

To a point to be located North 67 degrees 9' 10" East  
1014.7 feet from the center of Section 26, and being  
within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 26, Township 5 North,  
Range 36 East, W.M.

For the irrigation of 8.8 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 5 North, Range 36 East, W. M., of which 6.8 acres have a date of priority of 1894 and 2.0 acres have a date of priority of 1907, be and the same is hereby approved.

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, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

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.

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 and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Umatilla County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 8th day of October, 1962.

*Noted on Decree*  
*Vol. 12 p. 220*  
*Conf. # 13127*

  
CHRIS L. WHEELER  
State Engineer