

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF CARL L. AND ANITA HARRIS FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM JOHNSON)
CREEK)

O R D E R
APPROVING APPLICATION

On June 19, 1963, Carl L. and Anita Harris 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 Johnson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, Oregon, entered September 11, 1916, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Johnson Creek and its Tributaries, a water right was established in the name of Mrs. Alice Lawson for the use of the waters of Johnson Creek for the irrigation of, among other lands, 25 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 6 North, Range 35 East, W. M., with a date of priority of 1892. These lands are irrigated by means of a ditch, the point of diversion of said ditch being located 910 feet South and 750 feet East from the N $\frac{1}{4}$ corner of Section 30, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 30, Township 6 North, Range 35 East, W. M.

The applicants herein, owners of 24 acres of the land above described, propose to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 643.5 feet South and 376 feet West from the N $\frac{1}{4}$ corner of Section 30, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 30, 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 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 Johnson Creek, to-wit:

From a point located 910 feet South and 750 feet East from the $N\frac{1}{4}$ corner of Section 30, and being within the $NW\frac{1}{4}$ $NE\frac{1}{4}$, said Section 30, Township 6 North, Range 35 East, W. M.

To a point to be located 643.5 feet South and 376 feet West from the $N\frac{1}{4}$ corner of Section 30, and being within the $NE\frac{1}{4}$ $NW\frac{1}{4}$, said Section 30, Township 6 North, Range 35 East, W. M.

for the irrigation of 24 acres in the $NE\frac{1}{4}$ $NW\frac{1}{4}$, Section 30, Township 6 North, Range 35 East, W. M., with a date of priority of 1892, is 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.

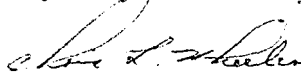
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

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 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 23rd day of December, 1963.

*Noted on Dec 26
Feb. 3, 1964
2003 # 1726*


CHRIS L. WHEELER
State Engineer

File # H-139