

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF KATHLEEN M. CARROLL FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM UMATILLA)
RIVER.)

O R D E R
APPROVING APPLICATION

On February 17, 1954 Kathleen M. Carroll of Pendleton, Oregon filed an application for the approval of a change in point of diversion of water from Umatilla River pursuant to the provisions of ORS 540.510 to 540.530.

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 J. E. Smith Livestock Co. for the irrigation of, among other lands, 11.75 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.75 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 12 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 10 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, Township 2 North, Range 31 East, W. M., with a date of priority of 1902. The Supplemental Findings of Fact and Order of Determination of the State Engineer entered December 15, 1953 in the same proceedings, adjudicated a water right in the name of L. A. McClintock for the irrigation of 1 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 5.3 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16 and 10.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.5 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 2 North, Range 31 East, W. M., with a date of priority of 1902. These lands are irrigated through the Barnhart ditch, the point of diversion of said ditch being located South 0 degrees 53 minutes 30 seconds East 1235.4 feet from the North quarter corner of Section 14, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 14, Township 2 North, Range 31 East, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of two pumping plants, one to be located

South 68 degrees 19 minutes East 2011.8 feet from the West quarter corner of Section 16, Township 2 North, Range 31 East, W. M., and the other to be located South 49 degrees 20 minutes East 1145 feet from said West quarter corner of Section 16, and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 16, respectively.

Notice by publication as provided by ORS 540.520 was given in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks, being the issues of February 26 and March 5 and 12, 1954. The time for hearing as fixed in the notice, namely: April 21, 1954, was not less than thirty days after the last publication of the notice.

Mr. M. J. Belton, Watermaster of District No. 5, has submitted a report to the effect that the proposed change in point of diversion of water from Umatilla 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 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 South 0 degrees 53 minutes 30 seconds East 1235.4 feet from the North quarter corner of Section 14, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 14, Township 2 North, Range 31 East, W. M.,

To a point to be located South 68 degrees 19 minutes East 2011.8 feet from the West quarter corner of Section 16, and being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 16, Township 2 North, Range 31 East, W. M., and

To a point to be located South 49 degrees 20 minutes East 1145 feet from the West quarter corner of Section 16, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 16, Township 2 North, Range 31 East, W. M.,

for the irrigation of 11.75 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.75 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 12 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 15 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 9.8 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$,

and 1 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, and 10.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, and 2.5 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 17, Township 2 North, Range 31 East, W. M., with a date of priority of 1902, be and the same hereby is approved.

It is FURTHER ORDERED that the change in point of diversion of water shall be made 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 thereof 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.

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.

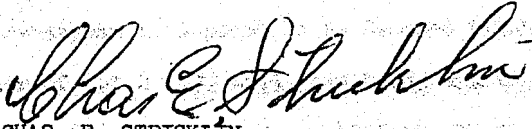
Dated at Salem, Oregon this 26th day of May 1954.

Noted on Decree

Vol. 3, p. 241

Noted on Suppl. Findings

Vol. 15, p. 431


CHAS. E. STRICKLIN
State Engineer