

Umatilla County

IN THE MATTER OF THE APPLICATION)
 OF CARL R. AND SUE E. STEWART)
 FOR THE APPROVAL OF A CHANGE IN)
 POINT OF DIVERSION OF WATER FROM)
 LITTLE WALLA WALLA RIVER)

ORDER APPROVING
TRANSFER NO. S-181

On April 27, 1966, Carl R. and Sue E. Stewart filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Little Walla Walla River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for 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 Emma Hoover for the use of the waters of Little Walla Walla River for the irrigation of 3.5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 5 North, Range 35 East, W.M., with a priority date of 1872. This right was confirmed by certificate recorded at page 12783, Volume 11, State Record of Water Right Certificates.

The water is conveyed to these lands by means of Little Walla Walla ditch, the point of diversion being located 110 feet north and 2350 feet east from the SW $\frac{1}{4}$ corner of Section 1, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 5 North, Range 35 East, W.M.

The applicants herein, contract purchasers of the land herein described, propose to irrigate said lands from a point of diversion to be located 2050 feet south and 140 feet east from the NW $\frac{1}{4}$ corner of Section 1, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 5 North, Range 35 East, W.M.

Fred Botts, owner of record of the lands for which it is proposed to transfer the point of diversion, has submitted written approval to the

change in point of diversion of water.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Pendleton, Oregon, on August 17, 1966 at 9:30 a.m. The notice was published in the Valley Herald, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of June 23, 30 and July 7, 1966. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 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 Little Walla Walla River, to-wit:

From a point located 110 feet north and 2350 feet east from the SW $\frac{1}{4}$ corner of Section 1, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 5 North, Range 35 East, W.M.

To a point to be located 2050 feet south and 140 feet east from the NW $\frac{1}{4}$ corner of Section 1, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 5 North, Range 35 East, W.M.

for the irrigation of 3.5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{2}$, Section 1, Township 5 North, Range 35 East, W.M., with a date of priority of 1872, 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, 1967.

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 provision shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion 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.

It is FURTHER ORDERED that certificate of water right heretofore issued to Emma Hoover and recorded at page 12783, Volume 11, State Record of Water Right Certificates is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Carl R. and Sue E. Stewart confirming said change in point of diversion.

Dated at Salem, Oregon this 31st day of August, 1966.



CHRIS L. WHEELER
STATE ENGINEER