

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF ROBERT W. LEIBBRAND FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM WEST BRANCH)
OF CROCKETT CREEK)

ORDER APPROVING
TRANSFER NO. 2765

On February 20, 1973, Robert W. Leibbrand filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from West Branch Crockett Creek, 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 Elizabeth A. Herr for the use of the waters of West Branch of West Crockett Creek for the irrigation of, 6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 6 North, Range 35 East, W.M., with a date of priority of 1879, as evidenced by certificate of water right recorded at page 12773, Volume 11, State Record of Water Right Certificates, and in the name of C. J. Karker for the use of the waters of West Branch of West Crockett Creek for the irrigation of, among other lands, 1.16 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 6 North, Range 35 East, W.M., with a date of priority of 1885, as evidenced by certificate of water right recorded at page 12826, Volume 11, State Record of Water Right Certificates. These lands are irrigated by means of Gent Ditch from a point of diversion located 2320 feet North and 30 feet West from the center of Section 35, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1960 feet North and 210 feet East from the center of Section 35, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, 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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from West Branch West Crockett Creek, to-wit:

From a point located 2320 feet North and 30 feet West from the center of Section 35, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 6 North, Range 35 East, W.M.

To a point to be located 1960 feet North and 210 feet East from the center of Section 35, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 6 North, Range 35 East, W.M.

for the irrigation of 6.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 6 North, Range 35 East, W.M., having a date of priority of 1879; and 1.16 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 6 North, Range 35 East, W.M., having a date of priority of 1885, 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, 1973.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion.

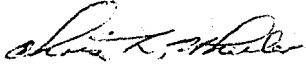
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring 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 C. J. Karker and recorded at page 12826, Volume 11, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and certificate of water right heretofore issued to Elizabeth A. Herr and recorded at page 12773, Volume 11, is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, two certificates of water right shall be issued to Robert W. Leibbrand confirming the change in point of diversion.

Dated at Salem, Oregon, this 26th day of April, 1973.


CHRIS L. WHEELER
State Engineer