

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPROVAL OF)
THE APPLICATION OF OSCAR VIXIE)
FOR A CHANGE IN POINT OF DIVERSION)
OF WATER FROM SPRING BRANCH, TRIBU-)
TARY OF WALLA WALLA RIVER.)

O R D E R
APPROVING APPLICATION

On May 13, 1954 Oscar Vixie of Milton-Freewater, Oregon filed an application for the approval of a change in point of diversion of water from Spring Branch, tributary of Walla Walla River, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Umatilla County, 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 adjudicated in the name of Leon L. Hammitt for the irrigation of 7.6 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 6 North, Range 35 East, W. M., with a date of priority of 1875. These lands are irrigated through the Ingle ditch, the point of diversion of said ditch being located 810 feet south and 750 feet east from the north quarter corner of Section 23, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 23, Township 6 North, Range 35 East, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion for the irrigation of such lands to that of a pumping plant to be located 392 feet north and 606 feet east from the south quarter corner of Section 14, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 14, 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 in applications for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. W. C. Mason, Deputy Watermaster, District No. 5, has filed a report to the effect that the proposed change in point of diversion of water from Spring Branch 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 from Spring Branch 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 Spring Branch, to-wit:

From a point located 810 feet south and 750 feet east from the north quarter corner of Section 23, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 23, Township 6 North, Range 35 East, W. M.,

To a point to be located 392 feet north and 606 feet east from the south quarter corner of Section 14, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 6 North, Range 35 East, W. M.,

for the irrigation of 7.6 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 6 North, Range 35 East, W. M., with a date of priority of 1875, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion made on or before October 1, 1955 or within such extension of time as may be granted by the State Engineer for good cause shown and that upon the completion of such construction work, 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 and weir or measuring device be constructed under the general supervision of said watermaster.

Dated at Salem, Oregon this 10th day of August, 1954.


CHAS. E. STRICKLIN
State Engineer

*Noted on Decree
Vol. 12, p. 140
Cert. 12734*