

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF RAYMOND S. BACON FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM SOUTH)
BRANCH MUD CREEK)

ORDER APPROVING
TRANSFER NO. B-173

On March 6, 1967, Raymond S. Bacon filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from South Branch Mud Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court of Umatilla County, Oregon, entered April 13, 1910, In the Matter of the Determination of the Relative Rights to the Use of the Waters of South Branch Mud Creek and its Tributaries, a water right was established in the name of Phil Murphy for the use of the waters of South Branch Mud Creek for the irrigation of, among other lands, 13.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, Township 6 North, Range 35 East, W.M., with a date of priority of 1883. This right was confirmed by certificate recorded at page 38, Volume 1, State Record of Water Right Certificates. These lands are irrigated from a point of diversion located 340 feet north and 50 feet west from the SE corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$, being within the S $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, 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 320 feet north and 660 feet west from the SE corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 6 North, Range 35 East, W.M.

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 23, 1967, at 9:30 a.m. The notice was published in the Pendleton East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of June 26, July 3 and 10, 1967. 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 South Branch Mud Creek, to-wit:

From a point located 340 feet north and 50 feet west from the SE corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20, Township 6 North, Range 35 East, W.M.

To a point to be located 320 feet north and 660 feet west from the SE corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 6 North, Range 35 East, W.M.

for the irrigation of 13.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 6 North, Range 35 East, W.M., with a date of priority of 1883, 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, 1968.

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, and shall not exceed 0.21 cubic foot per second of water.

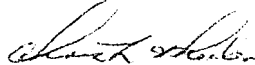
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Phil Murphy and recorded at page 38, Volume 1, 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 upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion of water, a certificate of water right shall be issued to Raymond S. Bacon confirming the change in point of diversion of water.

Dated at Salem, Oregon, this 15th day of September, 1967.



CHRIS L. WHEELER
State Engineer