

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF OZRO GRAHAM FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM SOUTH FORK WALLA)
WALLA RIVER)
- - - - -

O R D E R
APPROVING APPLICATION

On March 11, 1963, Ozro Graham of Milton-Freewater, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from the South Fork 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 R. M. Dorothy for the use of the waters of South Fork Walla Walla River for the irrigation of 17.7 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 8.1 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, and 0.9 acre in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.5 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 5 North, Range 36 East, W. M., with a date of priority of 1878. These lands are irrigated through the Dorothy Ditch, the point of diversion of said ditch being located 520 feet South and 1220 feet East from the W $\frac{1}{4}$ corner of Section 22, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 22, Township 5 North, Range 36 East, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 460 feet East from the W $\frac{1}{4}$ corner of Section 22, and being on the East-West center line between the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 22, Township 5 North, Range 36 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. Wesley B. Turner, Assistant 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 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 South Fork Walla Walla River, to-wit:

From a point located 520 feet South and 1220 feet East from the $W\frac{1}{2}$ corner of Section 22, and being within the $NW\frac{1}{2} SW\frac{1}{2}$, said Section 22, Township 5 North, Range 36 East, W. M.

To a point to be located 460 feet East from the $W\frac{1}{2}$ corner of Section 22 and being on the East-West center line between the $SW\frac{1}{2} NW\frac{1}{2}$ and $NW\frac{1}{2} SW\frac{1}{2}$, said Section 22, Township 5 North, Range 36 East, W. M.,

for the irrigation of 17.7 acres in the $SE\frac{1}{2} NE\frac{1}{2}$ and 8.1 acres in the $NE\frac{1}{2} SE\frac{1}{2}$, Section 21, and 0.9 acre in the $SW\frac{1}{2} NW\frac{1}{2}$ and 0.5 acre in the $NW\frac{1}{2} SW\frac{1}{2}$, Section 22, Township 5 North, Range 36 East, W. M., with a date of priority of 1878, be and the same is hereby 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, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

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 and related 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 of Umatilla County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 26th day of March, 1963.

Watermaster
Umatilla County
Watermaster


CHRIS L. WHEELER
State Engineer