

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION )  
OF KATY NEACE AND EDWIN F. )  
LAWRENCE FOR THE APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF )  
WATER FROM WALLA WALLA RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. L-83

On July 8, 1966, Katy Neace and Edwin F. Lawrence filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Walla Walla River, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court of 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 established in the names of Sarah West, Katy Neace and Edwin F. Lawrence for the irrigation of 2.2 acres in the NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, and 0.2 acre in the NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, Section 20, Township 5 North, Range 36 East, W.M., with a date of priority of 1880. This right was confirmed by certificate recorded at page 13288, Volume 11, State Record of Water Right Certificates.

These lands are irrigated by means of the Harris Ditch, the point of diversion being located 220 feet north and 550 feet east from the SE corner of the NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, Section 20, being within the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Section 21, Township 5 North, Range 36 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate said lands by means of a pumping plant, the point of diversion to be located 440 feet north and 970 feet west from the SE corner of the NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, Section 20, being within the NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 20, Township 5 North, Range 36 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 December 21, 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 October 27, November 3 and 10, 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 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 Walla Walla River, to-wit:

From a point located 220 feet north and 550 feet east from the SE corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 20, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 5 North, Range 36 East, W.M.

To a point to be located 440 feet north and 970 feet west from the SE corner of the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 20, and being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 20, Township 5 North, Range 36 East, W.M.

for the irrigation of 2.2 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 0.2 acre in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 20, Township 5 North, Range 36 East, W.M., with a date of priority of 1880, 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, and shall not exceed 0.06 cubic foot per second of water.

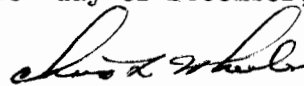
It is FURTHER ORDERED that the following provision shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include 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 Sarah West, Katy Neace and Edwin F. Lawrence and recorded at page 13288, 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 Katy Neace and Edwin F. Lawrence confirming the change in point of diversion of water.

Dated at Salem, Oregon, this 28<sup>th</sup> day of December, 1966.



CHRIS L. WHEELER  
State Engineer