

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF ERNEST T. FRENCH FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM UMATILLA RIVER.)

ORDER
APPROVING APPLICATION

On March 5, 1952, Ernest T. French, of Holman Route, Pendleton, Oregon, filed an application for the approval of a change in point of diversion of water from Umatilla River, pursuant to the provisions of Section 116-606, O. C. L. A.

By Decree of the Circuit Court of Umatilla County, Oregon, entered September 9, 1916, in the Matter of the Determination of the Relative Rights to the Use of the Waters of Umatilla River and Its Tributaries, a water right was adjudicated in the name of Beitle Ditch Company for the irrigation of, among other lands, 5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 25 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 26 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 4 North, Range 28 East, W. M., through the Beitle ditch with a date of priority of December 1, 1898. The point of diversion of the Beitle ditch is located North 17° 15' West 1280 feet from the southeast corner of Section 8, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 8, Township 4 North, Range 28 East, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion downstream to a point to be located North 70° 15' West 425 feet from the south quarter corner, Section 4, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 4, Township 4 North, Range 28 East, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was given in the East Oregonian, a newspaper printed and having general circulation in Umatilla County for a period of three weeks, being the issues

of March 20 and 27 and April 3, 1952. The date fixed for hearing in said notice, namely: May 14, 1952, was not less than thirty days after the last publication of said notice.

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 Umatilla River, to-wit:

From a point located North 17° 15' West 1280 feet from the southeast corner of Section 8, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 8, Township 4 North, Range 28 East, W. M.,

To a point to be located North 70° 15' West 425 feet from the south quarter corner, Section 4, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 4, Township 4 North, Range 28 East, W. M.,

for the irrigation of 5 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 25 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 26 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 4 North, Range 28 East, W. M., with a date of priority of December 1, 1898, be and the same hereby is approved, subject to the following conditions:

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 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, by the watermaster of Umatilla County, Oregon, and that the headgate, weir or measuring device be constructed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1952

or such extension of time as may be granted by the State Engineer for good cause shown, and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

Dated at Salem, Oregon this 22nd day of May 1952.

Noted on Decree
Vol. 3, p 196
Cert. 2487


CHAS. E. STRICKLIN
State Engineer