

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF MALCOLM A. COCHRAN FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM WALLA WALLA)
RIVER.)

O R D E R

APPROVING APPLICATION

On March 3, 1958, Malcolm A. Cochran of Route 2, Box 19, 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 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, 1936, 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 Estate of F. S. McMahon for the irrigation of 5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, Township 5 North, Range 35 East, W. M., from Walla Walla River with a date of priority of 1891. These lands are irrigated through the Powell ditch, the point of diversion of said ditch being located 650 feet south and 450 feet west from the northeast corner of Section 2, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 2, Township 5 North, Range 36 East, W. M.

The applicant herein, owner of the land above described, proposes to irrigate said lands through the Milton ditch, the point of diversion of said ditch being located 420 feet north and 70 feet east from the west quarter corner of Section 18, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 18, 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 May 8, 1958, beginning at 9:30 o'clock a.m. The notice was published in the Eagle Times, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of March 14, 21 and 28, 1958. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. M. J. Belton, Watermaster of District No. 5, has filed a statement 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 650 feet south and 450 feet west from the northeast corner of Section 2, and being within the $NE\frac{1}{4} NE\frac{1}{4}$, said Section 2, Township 5 North, Range 36 East, W. M.,

To a point to be located 420 feet north and 70 feet east from the west quarter corner of Section 18, and being within the $SW\frac{1}{4} NW\frac{1}{4}$, said Section 18, Township 5 North, Range 36 East, W. M.,

for the irrigation of 5 acres in the $NW\frac{1}{4} NE\frac{1}{4}$, Section 3, Township 5 North, Range 35 East, W. M., with a date of priority of 1891, be and the same is approved.

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, 1958 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.

Dated at Salem, Oregon this 9th day of May 1958.

*Noted on Decree
Vol. 17, p. 169
Cert. # 12688*


LEWIS A. STANLEY
State Engineer