

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF ED B. BOTTORFF FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM LITTLE WALLA)
WALLA RIVER)
-----)

O R D E R
APPROVING APPLICATION

On January 29, 1963, Ed B. Bottorff 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 Little 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 10, 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 C. O. Bottorff for the use of the waters of Little Walla Walla River for the irrigation of 1.0 acre in the southeast corner of Block E, Railroad Addition to the City of Freewater, Oregon, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 5 North, Range 35 East, W. M., with a date of priority of 1887. In the same proceedings, a water right was established in the name of E. F. Bottorff for the irrigation of 4 acres in Block E and Lots 4 and 6, Block F, Railroad Addition to the City of Freewater, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 2, with a date of priority of 1887. These lands are irrigated through the Bottorff Ditch, the point of diversion of said ditch being located 402.8 feet South and 27.3 feet West from the southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 5 North, Range 35 East, W. M.

The applicant, owner of the lands above described, proposes to irrigate these lands by means of the East Crockett Branch, the point of diversion of said branch being located 654.8 feet North and 8.0 feet West from the southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 5 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 April 3, 1963, at 9:30 o'clock 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 February 7, 14 and 21, 1963. 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 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 Little Walla Walla River, to-wit:

From a point located 402.8 feet South and 27.3 feet West from the southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 5 North, Range 35 East, W. M.

To a point to be located 664.8 feet North and 8.0 feet West from the southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 5 North, Range 35 East, W. M.

for the irrigation of 1.0 acre in the southeast corner of Block E, and 4 acres in Block E and Lots 4 and 5, Block F, Railroad Addition to the City of Freewater, Oregon, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 5 North, Range 35 East, W. M., with a date of priority of 1887, be and the same 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, 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.

Dated at Salem, Oregon, this 18th day of April, 1963.

*Noted on Decree
Vol. 12 p 108
Ord. 12648 & 12649*

Chris L. Wheeler
CHRIS L. WHEELER
State Engineer