

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION )  
OF ALBERT BECHTHOLD FOR THE APPRO- )  
VAL OF A CHANGE IN POINT OF DIVER- )  
SION OF WATER FROM EAST BRANCH OF )  
MUD CREEK. )  
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O R D E R  
APPROVING APPLICATION

On June 25, 1958, Albert Bechthold of Route 1, Box 30, Lowden, Washington, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from East Branch of Mud Creek pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the circuit court for Umatilla County, Oregon, entered November 28, 1910, in the matter of the determination of the relative rights to the waters of East Branch of Mud Creek, a water right was established in the name of W. J. and H.P. Curts for the irrigation of, among other lands, 20 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 10 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, Township 6 North, Range 35 East, W. M., with dates of priority of 1875, 1890 and 1904. These lands are irrigated from East Branch of Mud Creek through the Curts ditch, the point of diversion of said ditch being located 267 feet north and 402 feet east from the southeast corner of the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 17, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 17, Township 6 North, Range 35 East, W. M.

The applicant herein, owner of the land above described, proposes to irrigate said land through the north ditch of Lockwood ditches, the point of diversion of the said north ditch being located 231 feet south and 726 feet east from the southeast corner of the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 17, and being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 17, Township 6 North, Range 35 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. 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. Mr. Belton also advises that he has personally examined two easements for transportation of water, necessitated by this new diversion and they appear complete.

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 East Branch of Mud Creek, to-wit:

From a point located 267 feet north and 402 feet east from the southeast corner of the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 17, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 17, Township 6 North, Range 35 East, W. M.,

To a point to be located 231 feet south and 726 feet east from the southeast corner of the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 17, and being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 17, Township 6 North, Range 35 East, W. M.,

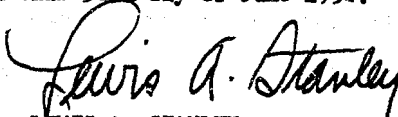
for the irrigation of 20 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 10 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, Township 6 North, Range 35 East, W. M., with dates of priority of 1875, 1890 and 1904, be and the same is approved.

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, 1959 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 30th day of June 1958.

Noted on Deed  
Vol. 1, p. 115  
Cont. #19

  
LEWIS A. STANLEY  
State Engineer