

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF RAY A. AND VERA A. GAWITH FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM FORD)
BRANCH OF LITTLE WALLA WALLA RIVER)

ORDER APPROVING
TRANSFER NO. G-85

On October 30, 1969, Ray A. and Vera A. Gawith filed an application in the office of the State Engineer for approval of change in point of diversion of water from Ford Branch of Little Walla Walla River, pursuant to provisions of ORS 540.510 to 540.530.

By the Decree of the Circuit Court for Umatilla County entered May 16, 1932 in the matter of the determination of the relative rights to the use of the waters of the Walla Walla River and its tributaries, a water right was established in the name of Henry Eiffert for use of the waters of Ford branch of the Walla Walla River for irrigation of 7.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 5.5 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 6 North, Range 35 East, W.M., with dates of priority of 1885 for 4.0 acres and 1908 for 5.0 acres, and 1908 for 4.0 acres restricted to use of water up to June 1 of each year. This right is evidenced by the certificate recorded at page 12658, Volume 11, State Record of Water Right Certificates. In the same proceedings the right was established in the name of M. C. Lamke for the use of the waters of Ford branch of Little Walla Walla River for the irrigation of 13.89 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 6 North, Range 35 East, W.M., with dates of priority of 1890 for 3.39 acres, 1900 for 12.5 acres, 1905 for 2.0 acres, and 1908 for 6.0 acres limited to use between October 15, of each year to June 1 of the following year. These lands are irrigated by means of the Morris Ditch from a point of

diversion located 50 feet North and 1295 feet West from the South ¼ corner of Section 26, being within the SE¼ SW¼ of Section 26, Township 6 North, Range 35 East, W.M.

Ray A. and Vera A. Gawith, Paul and Olive Featherston and Peter B. Stadelman and Mary Stadelman Little doing business as M & P Company, owners of lands above described entered into an agreement whereby they agreed as to the specific lands the water rights above described are appurtenant to by dates of priority. By this agreement Ray A. & Vera A. Gawith, owners of 10.89 acres in the NW¼ SW¼, Section 26, Township 6 North, Range 35 East, have appurtenant to their lands the right to the use of water for irrigation of 3.39 acres with the priority date of 1890, 2.0 acres with a priority date of 1900 as evidenced by the certificate recorded at page 12849 State Record of Water Right Certificates. 5.0 acres with a priority date of 1908 and 0.5 acres with a priority date of 1908 restricted to the use of water to June 1 of each year as evidenced by the certificate recorded at page 12658 State Record of Water Right Certificates.

The applicant herein proposes to irrigate his lands from a point of diversion to be located 1314 feet North and 1591 feet West in the South ¼ corner of Section 26, being within the SW¼ SW¼, Section 26, Township 6 North, Range 35 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Bendleton, Oregon, on February 9, 1972 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 December 16, 23 and 30, 1971. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Jerry Haines, Watermaster of District 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 Ford Branch of Little Walla Walla River, to-wit:

From a point located 50 feet North and 1295 feet West from the South $\frac{1}{4}$ corner of Section 26, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 6 North, Range 35 East, W.M.

To a point to be located 1314 feet North and 1591 feet West from the South $\frac{1}{4}$ corner of Section 26, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 6 North, Range 35 East, W.M.

for the irrigation of 3.39 acres with a date of priority of 1890, 2.0 acres with a date of priority of 1900, 5.0 acres with a date of priority of 1908, and 0.5 acre with a date of priority of 1908 restricted to the use of water to June 1 of each year.

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, 1972.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not

exceed 0.0375 cubic feet per second for each acre irrigated.

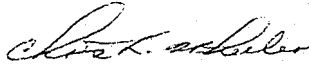
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring 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 the certificates of water right heretofore issued to Henry Eiffert and recorded at page 12658 and M. C. Lampke recorded at page 12849, Volume 11, State Record of Water Right Certificates are canceled and in lieu thereof a new certificate be issued to Paul and Olive Featherston and Peter B. Stadelman and Mary Stadelman Little, doing business as M & P Company, covering the balance of the lands not involved in this proceeding with priority dates in accordance with the agreement referred to above 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 Ray A. and Vera A. Gawith confirming said change in point of diversion.

Dated at Salem, Oregon, this 16th day of February, 1972.


CHRIS L. WHEELER
State Engineer 4