

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF JOHN A. AND GEORGINA ROSS FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM DRY)
CREEK)

ORDER APPROVING
TRANSFER NO. R-77

On May 1, 1964, John A. and Georgina Ross filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Dry Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, entered February 28, 1930, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Pine Creek and its Tributaries, a water right was established in the name of Samuel R. Barnes for the use of the waters of Dry Creek for the irrigation of, among other lands, 24.5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 6 North, Range 34 East, W.M., with a date of priority of 1895. This right is confirmed by certificate recorded at page 5509, Volume 6, State Record of Water Right Certificates. These lands are irrigated by means of a ditch, the point of diversion of said ditch being located 400 feet south and 2000 feet west from the northeast corner of Section 36, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 36, Township 6 North, Range 34 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located north 88 degrees 31 minutes west, 2538.28 feet more or less from the southeast corner of Section 25, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 25, 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. 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 Dry Creek, to-wit:

From a point located 400 feet south and 2000 feet west from the northeast corner of Section 36, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 36, Township 6 North, Range 34 East, W.M.

To a point to be located north 88 degrees 31 minutes west, 2538.28 feet more or less from the southeast corner of Section 25, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 25, Township 6 North, Range 35 East, W.M.

for the irrigation of 24.5 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 6 North, Range 34 East, W.M., with a date of priority of 1895, 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, 1965, 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.

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

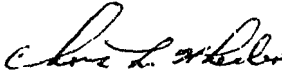
That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 certificate of water right heretofore issued to Samuel R. Barnes and recorded at page 5509, Volume 6, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the point of diversion, a certificate of water right shall be issued to John A. and Georgina Ross confirming said change in point of diversion.

Dated at Salem, Oregon, this 31st day of July, 1964.

*Noted on Decree
Vol. 7 p. 158
Cert. # 5509*


CHRIS L. WHEELER
State Engineer