

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION OF)
ELMER L. AND SARAH A. FOX FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM FORD BRANCH,)
LITTLE WALLA RIVER)

ORDER APPROVING
TRANSFER NO. F-59

On April 19, 1966, Elmer L. and Sarah A. Fox filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Ford Branch, 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, in the Matter of the Determination of the Relative Rights to the Use of the Waters of the Walla Walla River, a water right was established in the name of Mrs. Kate Christensen for the irrigation of, among other lands, 0.45 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 6 North, Range 35 East, W.M., with a date of priority of 1891, and confirmed by certificate of water right recorded at page 12577, Volume 11, State Record of Water Right Certificates; and a water right was established in the name of H. R. Graham for the irrigation of, among other lands, 0.50 acre in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 35, Township 6 North, Range 35 East, W.M., with a date of priority of 1871, and confirmed by certificate of water right recorded at page 12708, Volume 11, State Record of Water Right Certificates.

The water is conveyed to these lands by means of the Graham Ditch, the point of diversion being located 380 feet south and 740 feet west from the NE corner of Section 2, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 5 North, Range 35 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from two points of diversion to be located: 1) 125 feet north and 1125 feet west from the SE corner of Section 35, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 6 North, Range 35 East, W.M.; and, 2) 230 feet

north and 1170 feet west from the SE corner of Section 35, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, 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. Wesley B. Turner, Assistant Watermaster of District No. 5, has filed a report 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 Ford Branch, Little Walla Walla River, to-wit:

From a point located 380 feet south and 740 feet west from the NE corner of Section 2, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 5 North, Range 35 East, W.M.

To a point to be located 125 feet north and 1125 feet west from the SE corner of Section 35, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 6 North, Range 35 East, W.M.

To a point to be located 230 feet north and 1170 feet west from the SE corner of Section 35, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 6 North, Range 35 East, W.M.

for the irrigation of 0.85 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 6 North, Range 35 East, W.M., with dates of priority of 1891 and 1871, is approved.

It is FURTHER ORDERED that no time need be fixed for completion as the change in point of diversion is constructed and in operation.

It is FURTHER ORDERED that the following provision shall be effective when in the judgment of the watermaster it becomes necessary to install head-gates and measuring devices.

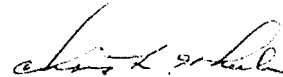
That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

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 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 certificate of water right heretofore issued to Mrs. Kate Christensen and recorded at page 12577, Volume 11, State Record of Water Right Certificates, and certificate of water right heretofore issued to H. R. Graham and recorded at page 12708, Volume 11, State Record of Water Right Certificates, are canceled, and in lieu thereof new certificates 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 authorized change in point of diversion, certificates of water right shall be issued to Elmer L. and Sarah A. Fox confirming the change in point of diversion.

Dated at Salem, Oregon this 26th day of April, 1966.



CHRIS L. WHEELER
State Engineer