

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF HAROLD G. BISHOP FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM GOODMAN)
SPRING BRANCH)

ORDER APPROVING
TRANSFER NO. B-170

On February 17, 1967, Harold G. Bishop filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Goodman Spring Branch, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court of Umatilla County, Oregon, entered June 29, 1911, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Goodman Spring Branch and its Tributaries, a water right was established in the name of W. S. Edwards for the irrigation of, among other lands, 18.1 acres in the $W\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 6 North, Range 35 East, W.M. This right was confirmed by certificate recorded at page 3827, Volume 5, State Record of Water Right Certificates. These lands are irrigated from a point of diversion located 400 feet north and 100 feet west from the E $\frac{1}{4}$ corner of Section 29, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the land above described, proposes to irrigate said lands by means of a pumping plant, the point of diversion to be located 580 feet north and 670 feet west from the E $\frac{1}{4}$ corner of Section 29, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, 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 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 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 Goodman Spring Branch, to-wit:

From a point located 400 feet north and 100 feet west from the E $\frac{1}{4}$ corner of Section 29, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 6 North, Range 35 East, W.M.

To a point to be located 580 feet north and 670 feet west from the E $\frac{1}{4}$ corner of Section 29, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 6 North, Range 35 East, W.M.

for the irrigation of 18.1 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, Township 6 North, Range 35 East, W.M., 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, 1967.

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, and shall not exceed 0.16 cubic foot per second of water.

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 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 W. S. Edwards and recorded at page 3827, Volume 5, 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 authorized change in point of diversion of water, a certificate of water right shall be issued to Harold G. Bishop confirming the change in point of diversion.

Dated at Salem, Oregon, this 8th day of March, 1967.



CHRIS L. WHEELER
State Engineer