

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF HOWARD S. MURRAY FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM TUMALUM)
RIVER.)

O R D E R
APPROVING APPLICATION

On April 25, 1960, Howard S. Murray of Route 3, Box 143, Milton-Freewater, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Tualum River, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Umatilla County, Oregon, 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 Northwest Joint Stock Land Bank for the irrigation of 28 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Township 6 North, Range 35 East, W. M., from Tualum River with a date of priority of 1906. These lands are irrigated by means of small ditches and a pumping plant, the point of diversion of said pumping plant being located 1660 feet south and 1360 feet east from the north quarter corner of Section 24, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 24, Township 6 North, Range 35 East, W. M.

The applicant herein, owner of 28 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 6 North, Range 35 East, W. M., proposes to change the point of diversion for the irrigation of said lands downstream to a point to be located 915 feet south and 1420 feet east from the north quarter corner of Section 24, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 24, 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.

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 Tumalum River, to-wit:

From a point located 1660 feet south and 1360 feet east from the north quarter corner of Section 24, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 24, Township 6 North, Range 35 East, W. M.,

To a point to be located 915 feet south and 1420 feet east from the north quarter corner of Section 24, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 24, Township 6 North, Range 35 East, W. M.,

for the irrigation of 28 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 6 North, Range 35 East, W. M., with a date of priority of 1906, be and the same is approved.

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.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1961, or within such extension of time as may be granted by the State Engineer for good cause shown.

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.

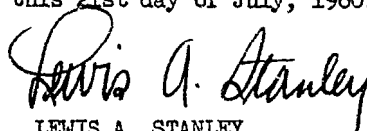
That the pumping plant and related works shall include a weir or other device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Umatilla County, Oregon, and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 21st day of July, 1960.

*Noted on Decree
Vol. 12, page 214
Cert. # 13098*

Trst. # M-124


LEWIS A. STANLEY
State Engineer