

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF EVA M. GREABLE FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM DUGGER CREEK)

ORDER APPROVING
TRANSFER NO. 2734

On November 10, 1972, Eva M. Greable filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Dugger Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Umatilla County, Oregon, entered September 9, 1916, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Dugger Creek and its Tributaries, a water right was established in the name of S. R. Phillips for the use of the waters of Dugger Creek for the irrigation of 6.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1 1/5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 8 1/5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, with a date of priority of 1872; 4.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 10.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, with a date of priority of 1906, all in Section 30, Township 6 North, Range 35 East, W.M. This right is evidenced by certificate recorded at page 1704, Volume 2, State Record of Water Right Certificates. These lands are irrigated from a point of diversion located 2160 feet East and 1680 feet South from the center corner of Section 30, Township 6 North, Range 35 East, W.M., being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 510 feet South and 50 feet East from the center corner of Section 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, 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 certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Pendleton, Oregon, on May 16, 1973, at 9:30 a.m. The notice was published in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of March 23, 30 and April 6, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Walter Perry, Watermaster Supervisor, 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 change in point of diversion of water from Dugger Creek, to wit:

From a point located 2160 feet East and 1680 feet South from the center corner of Section 30, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

To a point to be located 510 feet South and 50 feet East from the center corner of Section 30, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 6 North, Range 35 East, W.M.

for the irrigation of 6.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 1 1/5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 8 1/5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, with a date of priority of 1872; 4.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 10.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, and 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, with a date of priority of 1906, all in Section 30, 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, 1974.

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 0.49 cubic foot per second.


It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 certificate of water right heretofore issued to S. R. Phillips and recorded at page 1104, Volume 3, State Record of Water Right Certificates, is canceled, 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 Eva M. Greable confirming said change in point of diversion.

Dated at Salem, Oregon, this 4th day of January, 1974.


CHRIS L. WHEELER
State Engineer