

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF E. C. RALLS FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM UMATILLA RIVER.)

ORDER
APPROVING APPLICATION

On July 21, 1952 E. C. Ralls of Route 2, Box 27 A, Echo, Oregon, filed an application for the approval of a change in point of diversion of water from Umatilla River, pursuant to the provisions of Section 116-606, O. C. L. A.

By Decree of the Circuit Court for Umatilla County dated September 9, 1916, in The Matter of the Determination of the Relative Rights to the Use of the Water of Umatilla River and Its Tributaries, a water right was adjudicated in the name of Jos. C. Ashworth for the irrigation of 6.5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 7.5 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, and 1 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, Township 2 North, Range 30 East, W. M., with a date of priority of 1906, through the Slusher Canal. The point of diversion of the Slusher Canal is located 850 feet south and 2240 feet east from the northwest corner of Section 9, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 9, Township 2 North, Range 30 East, W. M.

The applicant, herein, owner of the land above described, proposes to change the point of diversion to a point to be located 2976 feet north and 667.7 feet west from the E $\frac{1}{2}$ corner of Section 8, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 2 North, Range 30 East, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was given in the Hermiston Herald, a newspaper printed and having general circulation in Umatilla County, for a period of three weeks, being the issues

of September 4, 11 and 18, 1952. The date fixed for hearing in said notice was not less than 30 days after the last publication of the notice.

Mr. Marvin B. Bennett, Watermaster, District No. 5, has filed a report to the effect that the proposed change in point of diversion of water from Umatilla River 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 Umatilla River, to-wit:

From a point located 850 feet south and 2240 feet east from the northwest corner of Section 9, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 9, Township 2 North, Range 30 East, W. M.,

To a point to be located 2976 feet north and 667.7 feet west from the E $\frac{1}{4}$ corner of Section 8, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 2 North, Range 30 East, W. M.,

for the irrigation of 6.5 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 7.5 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5 and 1 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, Township 2 North, Range 30 East, W. M., with a date of priority of 1906, be and the same hereby is approved.

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 be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled.

That the location of the pumping plant and channel to convey the water to the pump and the plans of the headgate and weir or measuring device be approved before the beginning of construction work by the watermaster of Umatilla County, Oregon, and that the headgate, weir or measuring device be constructed under the general supervision of said watermaster.

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, 1953 or such extension of time as may be granted by the State Engineer for good cause shown, and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

Dated at Salem, Oregon this 18th day of November 1952.

Noted on Decree
Vol. 3 p. 196
Cert. 2484


CHAS. E. STRICKLIN
State Engineer