BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)	
OF J. G. MERRIFIELD FOR THE APPRO-)	<u>O R D E R</u>
VAL OF A CHANGE IN POINT OF DIVER-)	
SION OF WATER FROM THE MIDDLE)	APPROVING APPLICATION
BRANCH OF MUD CREEK)	

On March 13, 1962, J. G. Merrifield of 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 Middle Branch of Mud Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Umatilla County, Oregon, entered September 11, 1916, In the Matter of the Determination of the Relative Rights to the Use of the Waters of the Middle Branch of Mud Creek and its tributaries, a water right was established in the name of L. Martin for the irrigation of 10 acres in the SWk NEk and 10 acres in the NWk SEk, Section 21, Township 6 North, Range 35 East, W. M., of which 10 acres have a date of priority of 1893 and 10 acres have a date of priority of 1902. The point of diversion for the irrigation of these lands is located 187 feet North and 285 feet East from the center of Section 21, and being within the SWk NEk, said Section 21, Township 6 North, Range 35 East, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 632 feet North and 182 feet East from the Center of Section 21, and being within the SW\(\frac{1}{2}\), said Section 21, 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 that said section provides notice is not required on an application for a change in point of diversion of less than one-fourth mile and 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 the Middle Branch of Mud Creek, to-wit:

From a point located 187 feet North and 285 feet East from the center of Section 21, and being within the SW% NE%, said Section 21, Township 6 North, Range 35, East, W.M.

To a point to be located 632 feet North and 182 feet East from the center of Section 21, and being within the SW NEZ, said Section 21, Township 6 North, Range 35 East, W. M.

for the irrigation of 10 acres in the SWŁ NEŁ, being in Lot 7, Fruitvale Tracts, and 10 acres in the NWŁ SEŁ, being in Lot 10, Fruitvale Tracts, all being within Section 21, Township 6 North, Range 35 East, W.M., of which 10 acres have a date of priority of 1893 and 10 acres have a date of priority of 1902, be and the same is hereby approved.

It is FIRTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1963, or within such extension of time as may be granted by the State Engineer for good cause shown.

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 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 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 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 22nd day of March, 1962.

Notes on Decree
Sold Boots
Sert # 1743
Traf Charact

508 LEWIS A. STANLEY
State Engineer