

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF STILLMAN AND WINNIE C. DEMPSEY)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
WALLA WALLA RIVER)
-----)

O R D E R
APPROVING APPLICATION

On June 10, 1963, Stillman and Winnie C. Dempsey 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 Walla Walla 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 Walla Walla River and its Tributaries, a water right was established in the name of Carrie M. Shields for the use of the waters of Walla Walla River for the irrigation of 3.67 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 5 North, Range 35 East, W. M., of which 1.0 acre has a date of priority of 1890 and 1.67 acres have a date of priority of 1894 and 1.0 acre has a date of priority of 1905. These lands are irrigated through a ditch, the point of diversion of said ditch being located 1290 feet East and 625 feet North from the southwest corner of Section 1, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 1, Township 5 North, Range 35 East, W. M.

The applicants herein, owners of 0.37 acre of the land above described, with a date of priority of 1890, more particularly described as follows:

Beginning at a point on the Southerly line of Walla Walla Street in Milton City, North 16 degrees 57' East, 198.01 feet from the intersection of said Southerly line of Walla Walla Street and the Easterly line of Main Street; thence South 86 degrees 03' East, 225.5 feet to the Westerly line of the Claude Harris property as recorded in Book 137, Page 330 of the Deed Records of Umatilla County, Oregon; thence along said Westerly line of said Claude Harris property, North 63 degrees 02' West, 47.72 feet; thence North 44 degrees 52' West 65.5 feet; thence North 15 degrees 38' West, 68.0 feet; thence North 40 degrees 51' West 92.83 feet to

the Southerly line of Walla Walla Street; thence along said Southerly line of Walla Walla Street, South 16 degrees 57' West, 196.35 feet to the point of beginning; all being East of the Willamette Meridian, in the County of Umatilla and State of Oregon;

propose to irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant to be located 935 feet East and 985 feet North from the southwest corner of Section 1, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 1, Township 5 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. Wesley B. Turner, Deputy Watermaster of District No. 5, has filed a report to the effect that the proposed change in point of diversion may be made without injury to existing rights.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from the Walla Walla River, to-wit:

From a point located 1290 feet East and 625 feet North from the southwest corner of Section 1, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 1, Township 5 North, Range 35 East, W. M.

To a point to be located 935 feet East and 985 feet North from the southwest corner of Section 1, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 1, Township 5 North, Range 35 East, W. M.

for the irrigation of 0.37 acre in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 5 North, Range 35 East, W. M., with a date of priority of 1890, 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, 1964, 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 that is available at the old point of diversion.

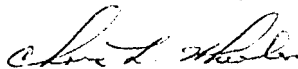
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

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 District No. 5 before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 12th day of July, 1963.

*Noted and
Vol. 12, p. 237
Cert. #13252*



CHRIS L. WHEELER
State Engineer