

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION )  
OF LEWIS LIVESTOCK COMPANY FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION AND PLACE OF USE OF WATER )  
FROM UMATILLA RIVER. )  
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ORDER  
APPROVING APPLICATION

On May 25, 1953 Lewis Livestock Company of Pendleton, Oregon filed an application for the approval of a change in point of diversion and place of use of water from Umatilla River, pursuant to the provisions of Section 116-606, O. C. L.A.

In the Umatilla River adjudication proceedings the Horseshoe Irrigation Company was adjudicated a water right for the irrigation of, among other lands, 11 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 25 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, Township 2 North, Range 30 East, W. M., through the Horseshoe ditch with a date of priority of December 26, 1904. The point of diversion of the Horseshoe ditch is located North 85 degrees 30 minutes East 3144 feet from the southwest corner of Section 2, and being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 2, Township 2 North, Range 30 East, W. M.

The Lewis Livestock Company, owner of the lands above described, proposes to transfer the water right appurtenant to 1.1 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, Township 2 North, Range 30 East, W. M., without loss of priority, to 1.1 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 2, and to irrigate said 1.1 acres, together with the remaining 34.9 acres, by means of a pumping plant, the point of diversion of said pumping plant to be located North 52 degrees East 2110 feet from the southwest corner of Section 2, and being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 2, 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 East Oregonian, a newspaper printed and having general

circulation in Umatilla County, Oregon, for a period of three weeks, being the issues of June 23 and 30 and July 7, 1953. The time for hearing as fixed in the notice, namely: August 19, 1953, was not less than thirty days after the last publication of said notice.

Marvin Bennett, Watermaster of District No. 5, has filed a report to the effect that in his opinion, the proposed change in place of use and point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing the proposed change in place of use and point of diversion of water from Umatilla River may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 1.1 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, Township 2 North, Range 30 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to 1.1 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 2.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Umatilla River, to-wit:

From a point located North 85 degrees 30 minutes East 314.4 feet from the southwest corner of Section 2 and being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 2, Township 2 North, Range 30 East, W. M.,

To a point to be located North 52 degrees East 2110 feet from the southwest corner of Section 2, and being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 2, Township 2 North, Range 30 East, W. M.,

for the irrigation of 12.1 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 23.9 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 2, Township 2 North, Range 30 East, W. M., with a date of priority of December 26, 1904, be and the same hereby is approved.

It is FURTHER ORDERED that the water transferred shall be applied to beneficial use upon the lands to which it is transferred and the change in point of diversion of water made on or before October 1, 1954 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, Certificate of Water Right shall be issued to the said Horseshoe Irrigation Company or its successor in interest to the extent to which the water has been applied beneficially and the certificate of water right heretofore issued to the said Horseshoe Irrigation District and recorded at page 2552, Volume 3, State Record of Water Right Certificates, shall be cancelled.

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,


Dated at Salem, Oregon this 25th day of August 1953.

Noted on Decree

Vol. 3, p. 206

Cert. # 2552

Trs. "L-44"

  
CHAS. E. STRICKLIN  
State Engineer