

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION )  
OF JOHN E. KORVOLA FOR THE APPRO- )  
VAL OF A CHANGE IN POINT OF DIVER- )  
SION OF WATER FROM BIRCH CREEK. )  
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O R D E R  
APPROVING APPLICATION

On May 6, 1953 John E. Korvola of Route 2, Box 121, Pendleton, Oregon, filed an application for the approval of a change in point of diversion of water from Birch Creek, pursuant to the provisions of Section 116-606, O. C. L. A.

In the Umatilla River adjudication proceedings O. P. Newquist was adjudicated a water right for domestic and stock purposes and the irrigation of 10 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 25 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 15 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, Township 2 North, Range 32 East, W. M., from Birch Creek with a date of priority of May 1908. These lands are irrigated through the Alcott ditch, the point of diversion of said ditch being located South 36 degrees 50 minutes East 4408 feet from the northwest corner of Section 29, and being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 29, Township 2 North, Range 32 East, W. M.

John E. Korvola, owner of the lands above described, proposes to irrigate said lands by means of pumping plants, the points of diversion of said pumping plants to be located as follows:

- (1) South 12 degrees 40 minutes East 1813 feet from the northwest corner of Section 29, and being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 29,
- (2) South 19 degrees 20 minutes East 2112 feet from the northwest corner of Section 29, and being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 29,
- (3) South 25 degrees 30 minutes East 2478 feet from the northwest corner of Section 29, and being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 29,
- (4) South 33 degrees 0 minutes East 2787 feet from the northwest corner of Section 29, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 29, and
- (5) South 40 degrees 25 minutes East 3432 feet from the

northwest corner of Section 29, and being within the  $SE\frac{1}{4}NW\frac{1}{4}$ , said Section 29, All being in Township 2 North, Range 32 East, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was given in the Umatilla County Record, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks, being the issues of June 4, 11 and 18, 1953. The time for hearing as fixed in the notice, namely: July 29, 1953, was not less than thirty days after the last publication of said notice.

Marvin Bennett, Watermaster of District No. 5, has submitted a report to the effect that in his opinion, the proposed change in point of diversion of water from Birch Creek may be made without injury to existing rights.

No objections having been filed and it appearing the proposed change in point of diversion of water from Birch Creek 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 Birch Creek, to-wit:

From a point located South 36 degrees 50 minutes East 4408 feet from the northwest corner of Section 29, and being within the  $NW\frac{1}{4}SE\frac{1}{4}$ , said Section 29, Township 2 North, Range 32 East, W. M.,

To the following described points:

- (1) South 12 degrees 40 minutes East 1813 feet from the northwest corner of Section 29, and being within the  $SW\frac{1}{4}NW\frac{1}{4}$ , said Section 29,
- (2) South 19 degrees 20 minutes East 2112 feet from the northwest corner of Section 29, and being within the  $SW\frac{1}{4}NW\frac{1}{4}$ , said Section 29,
- (3) South 25 degrees 30 minutes East 2478 feet from the northwest corner of Section 29, and being within the  $SW\frac{1}{4}NW\frac{1}{4}$ , said Section 29,

- (4) South 33 degrees 0 minutes East 2787 feet from the northwest corner of Section 29, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 29, and
- (5) South 40 degrees 25 minutes East 3432 feet from the northwest corner of Section 29, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 29, all in Township 2 North, Range 32 East, W. M.,

for the irrigation of 10 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 25 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 15 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, Township 2 North, Range 32 East, W. M., with a date of priority of May 1908, be and the same hereby is approved.

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, 1954 or within 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.

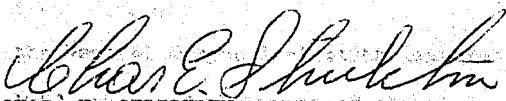
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices:

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.

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

*Noted on Decree*  
*Vol. 3, p. 212*  
*Cert. #2590*

  
CHAS. E. STRICKLEN  
State Engineer