

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION )  
OF WALTER HARRIS FOR THE APPRO- )  
VAL OF A CHANGE IN POINT OF DIVER- )  
SION OF WATER FROM HARRIS CREEK. )  
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O R D E R

APPROVING APPLICATION

On September 14, 1950, Walter Harris of Box 77, Route 1, Gaston, Oregon, filed an application for the approval of a change in point of diversion of water from Harris Creek, pursuant to the provisions of Section 116-606, O. C. L. A.

In the adjudication proceedings determining the relative rights to the use of the waters of an unnamed tributary and its tributaries, tributary of Tualatin River, being within Township 1 South, Ranges 3 and 4 West, W. M., a water right was adjudicated in the name of W. A. Harris and Nellie Harris for the irrigation of 2 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 3 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 30, Township 1 South, Range 3 West, W. M., with a date of priority of 1907 and for the irrigation of 4.3 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 5.3 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 30, Township 1 South, Range 3 West, W. M., with a date of priority of July 17, 1926, through unnamed ditches. The point of diversion of these unnamed ditches is located 925 feet north and 900 feet west from the south quarter corner of Section 30, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 30, Township 1 South, Range 3 West, W. M.

Walter Harris, owner of the above described land, proposes to irrigate said land by means of a pumping plant and to change his point of diversion downstream to a point to be located 925 feet north and 2040 feet west from the south quarter corner of Section 30 and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ ,

said Section 30, Township 1 South, Range 3 West, W. M.

Notice by publication as provided by Section 116-606, O. C. L. A., was not given in connection with this application for the reason that said section provides that notice is not required in applications for only a change in point of diversion of water where the distance between the present and proposed points of diversion is less than one-fourth mile and there are no intervening diversions. Notice of the filing of the application was mailed to the following persons owning land on Harris Creek, to-wit:

Andrew Nelson	H. E. Nixon
Wm. & Dora Withycombe	W. E. Fellows
R. L. Montgomery	S. E. Morrison
Caroline Ward	Wm. & Rosa Hardebeck
Paul L. Patterson, Attorney for C. B. Buchanan	

The notice set forth a time and place certain for the hearing of objections to the proposed change in point of diversion of water, if any there were.

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

From a point located 925 feet north and 900 feet west from the south quarter corner of Section 30, and being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 30, Township 1 South, Range 3 West, W. M.,

To a point to be located 925 feet north and 2040 feet west from the south quarter corner of Section 30, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 30, Township 1 South, Range 3 West, W. M.,

for the irrigation of 2 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 3 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 30, Township 1 South, Range 3 West, W. M., with a date of priority of 1907 and for the irrigation of 4.3 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 5.3 acres in

the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 30, Township 1 South, Range 3 West, W. M., with a date of priority of July 17, 1926, 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:

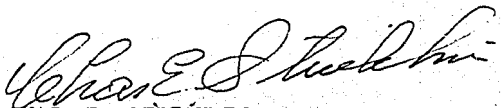
That the pumping plant be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled.

That the location of the pumping plant and channel to convey the water to the pump sump and the plans for the headgate and weir or measuring device be approved by the watermaster of Washington County, Oregon, before the beginning of construction work, 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 required to be done in connection with the change in point of diversion of water herein approved shall be completed on or before October 1, 1951.

Dated at Salem, Oregon, this 31st day of October, 1950.

*Noted on Decree*  
*Vol. 12, p. 452*  
*Ord. 14781*

  
CHAS. E. STRICKLIN  
State Engineer