

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF LILLIAN B. GLENN FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM UMATILLA RIVER)
- - - - -

O R D E R

APPROVING APPLICATION

On December 14, 1960, Lillian B. Glenn of Pendleton, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Umatilla River, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Umatilla County, Oregon, entered September 9, 1916, In the matter of the Determination of the Relative Rights to the Use of the Waters of Umatilla River and its Tributaries, a water right was established in the name of Sophie Byers for the irrigation of 17.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 4.6 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.2 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 2 North, Range 32 East, W. M., with a date of priority of 1895. These lands are irrigated through an unnamed ditch from Umatilla River, the point of diversion of said ditch being located near the southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 7, Township 2 North, Range 33 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 pump to be located North 7 degrees 02' 20" West 1801.1 feet from the W $\frac{1}{4}$ corner of Section 7, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 2 North, Range 32 East, W. M.

Notice of the filing of the application was given by publication, setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Pendleton, Oregon, on September 20, 1961, at 9:30 o'clock a.m. The notice was published in The Pendleton Record, a newspaper

printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of July 27, August 3 and 10, 1961. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

Mr. Jerry F. Haines, Watermaster of District No. 5, has filed a statement to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

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 Umatilla River, to-wit:

From a point located near the southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 7, Township 2 North, Range 33 East, W. M.

To a point to be located North 7 degrees 02' 20" West 1801.1 feet from the W $\frac{1}{4}$ corner of Section 7, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 2 North, Range 32 East, W. M.,

for the irrigation of 17.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 4.6 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 7.2 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 2 North, Range 32 East, W. M., with a date of priority of 1895, be and the same is hereby 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, 1962, 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 21st day of September, 1961.

Noted on Decree
Vol. 3, p. 198
Cert. # 2498


LEWIS A. STANLEY
State Engineer