

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF TED TIDWELL FOR THE APPROVAL)
OF A CHANGE IN POINTS OF DIVER-)
SION OF WATER FROM EIGHTMILE)
CREEK.)

O R D E R

APPROVING APPLICATION

On April 11, 1961, Ted Tidwell of The Dalles, Oregon, filed an application in the office of the State Engineer for the approval of a change in points of diversion of water from Eightmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court of Wasco County, Oregon, entered March 19, 1924, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Fifteenmile Creek and its Tributaries, a water right was established in the name of Mary E. Dickson for the irrigation of 4.5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 1 South, Range 13 East, W.M., with a date of priority of 1884. These lands are irrigated through the McHaley ditch from Eightmile Creek, the point of diversion of said ditch being located 70 feet North and 400 feet East from the W $\frac{1}{4}$ corner of Section 21 and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 21, Township 1 South, Range 13 East, W. M. In this same proceeding a water right was established in the name of George F. Masquart for the irrigation of 2.7 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 6.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 22.8 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 1 South, Range 13 East, W. M., with a date of priority of 1900. These lands are irrigated through the Willow ditch from Eightmile Creek, the point of diversion of said ditch being located 420 feet North and 400 feet East from the W $\frac{1}{4}$ corner of Section 21, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 21, Township 1 South, Range 13 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 pumping plant to be located 800 feet North and 920 feet East from

the $W\frac{1}{2}$ corner of Section 21, and being within the $SW\frac{1}{2} NW\frac{1}{2}$, said Section 21, Township 1 South, Range 13 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. William A. Johnson, watermaster of District No. 23, has filed a report 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 Eightmile Creek, to-wit:

From a point located 420 feet North and 400 feet East and from a point located 70 feet North and 400 feet East, both from the $W\frac{1}{2}$ corner of Section 21 and being within the $SW\frac{1}{2} NW\frac{1}{2}$, said Section 21, Township 1 South, Range 13 East, W. M.,

To a point to be located 800 feet North and 920 feet East from the $W\frac{1}{2}$ corner of Section 21 and being within the $SW\frac{1}{2} NW\frac{1}{2}$, said Section 21, Township 1 South, Range 13 East, W. M.,

for the irrigation of 4.5 acres in the $SW\frac{1}{2} NW\frac{1}{2}$, Section 21, Township 1 South, Range 13 East, W. M., with a date of priority of 1884, and for the irrigation of 2.7 acres in the $NE\frac{1}{2} NW\frac{1}{2}$, 6.0 acres in the $SW\frac{1}{2} NW\frac{1}{2}$ and 22.8 acres in the $SE\frac{1}{2} NW\frac{1}{2}$, said Section 21, with a date of priority of 1900, be and the same is hereby 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, 1961, 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 points of diversion.

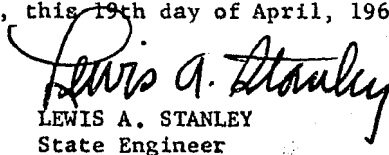
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

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 Wasco County, Oregon, and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 19th day of April, 1961.

Noted on Decree
Vol. 7, p. 423 & 429
Cert. # 5624 & 5655


LEWIS A. STANLEY
State Engineer

Trst. "7-53"