

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF JOHN F. STANEK FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER FROM)
EIGHTMILE CREEK)
-----)

O R D E R

APPROVING APPLICATION

On August 15, 1962, John F. Stanek of The Dalles, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Ketchum Ditch, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to D. P. Ketchum and L. W. Curtiss and recorded at page 532, Volume 6, State Record of Water Right Certificates, confirms a right under Permit No. 5692 for the use of the waters of Eightmile Creek for the irrigation of 5.5 acres in the E $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{4}$, 1.5 acres in the NW $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{4}$, 6.0 acres in the SW $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{4}$, 2.0 acres in the NW $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{4}$ and 1.0 acre in the NE $\frac{1}{2}$ NW $\frac{1}{2}$ SW $\frac{1}{4}$, Section 4, Township 1 North, Range 14 East, W. M., with a date of priority of November 15, 1922. These lands are irrigated through the Ketchum ditch, the point of diversion of said ditch being located 305 feet North and 1140 feet East from the southwest corner of Section 4, and being within the SE $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{4}$, said Section 4, Township 1 North, Range 14 East, W. M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 2.0 acres in the SW $\frac{1}{2}$ SW $\frac{1}{4}$, Section 4, and 12.0 acres in the NW $\frac{1}{2}$ NW $\frac{1}{4}$, and 2.0 acres in the SW $\frac{1}{2}$ NW $\frac{1}{4}$, Section 9, Township 1 North, Range 14 East, W. M., for supplemental irrigation and to irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant being located 260 feet South and 1450 feet East from the northwest corner of Section 9, and being within the NE $\frac{1}{2}$ NW $\frac{1}{4}$, said Section 9, Township 1 North, Range 14 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 place of use or point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Larry W. Jebousek, Watermaster of District No. 3, has filed a report to the effect that 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 that the proposed change in place of use and 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 place of use of water be and the same is approved and that the water right hereinbefore described as appurtenant to 5.5 acres in the E $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$, 1.5 acres in the NW $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$, 6.0 acres in the SW $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$, 2.0 acres in the NW $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$ and 1.0 acre in the NE $\frac{1}{2}$ NW $\frac{1}{2}$ SW $\frac{1}{2}$, Section 4, Township 1 North, Range 14 East, W. M., with a date of priority of November 15, 1922, be severed therefrom and simultaneously and without loss of priority transferred to the supplemental irrigation of 2.0 acres in the SW $\frac{1}{2}$ SW $\frac{1}{2}$, Section 4, and 12.0 acres in the NW $\frac{1}{2}$ NW $\frac{1}{2}$ and 2.0 acres in the SW $\frac{1}{2}$ NW $\frac{1}{2}$, Section 9, Township 1 North, Range 14 East, W. M.

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

From a point located 305 feet North and 1140 feet East from the southwest corner of Section 4, and being within the SE $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$, said Section 4, Township 1 North, Range 14 East, W. M.

To a point located 260 feet South and 1450 feet East from the northwest corner of Section 9, and being within the NE $\frac{1}{2}$ NW $\frac{1}{2}$, said Section 9, Township 1 North, Range 14 East, W. M.

for supplemental irrigation of 2.0 acres in the SW $\frac{1}{2}$ SW $\frac{1}{2}$, Section 4, and 12.0

acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 1 North, Range 14 East, W. M., with a date of priority of November 15, 1922, be and the same is hereby approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1963, 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 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.

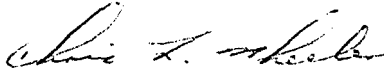
That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Wasco County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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 John F. Stanek, or his successor in interest, to the extent to which the water has been applied beneficially, and the certificate of water right heretofore issued to D. P. Ketchum and L. W. Curtiss and recorded at page 5329, Volume 6, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 19th day of September, 1962.

Noted on records
App. # 8718
Cert. # 5329


CHRIS L. WHEELER
State Engineer

Trsf. "S-150"