

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF JAMES H. SAMPSON, JR. FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM MCKAY)
CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. S-168

On December 28, 1964, James H. Sampson, Jr. of Pilot Rock, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from McKay Creek, 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 allowed in the name of J. W. Rook, with a date of priority of April, 1902, for the appropriation of not to exceed 0.24 cubic foot per second of the waters of McKay Creek for the irrigation of 12.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 7.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 1 South, Range 32 East, W.M. This right was confirmed by certificate recorded at page 2611, Volume 3, State Record of Water Right Certificates. These lands are irrigated from a point of diversion located 1518 feet north and 726 feet east from the southwest corner of Section 6, and being within Lot 17 (SW $\frac{1}{4}$), Section 6, Township 1 South, Range 33 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of two points of diversion to be located: (1) 990 feet north and 1749 feet west from the southeast corner of Section 1, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 1, and (2) 1188 feet north and 330 feet west from the southeast corner of Section 1, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 1, Township 1 South, 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 March 18, 1965, at 9:30 a.m. The notice was published in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of January 22, 29 and February 5, 1965. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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

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

From a point located 1518 feet north and 726 feet east from the southwest corner of Section 6, and being within Lot 17 (SW $\frac{1}{4}$), Section 6, Township 1 South, Range 33 East, W.M.

To a point to be located 990 feet north and 1749 feet west from the southeast corner of Section 1, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 1, Township 1 South, Range 32 East, W.M., and

To a point to be located 1188 feet north and 330 feet west from the southeast corner of Section 1, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 1, Township 1 South, Range 32 East, W.M.

for the irrigation of 12.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 7.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 1 South, Range 32 East, W.M., with date of priority of April, 1902, is 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, 1966.

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 and shall not exceed 0.24 cubic foot per second.

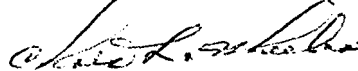
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion 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 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 certificate of water right heretofore issued to J. W. Rook and recorded at page 2611, Volume 3, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to James H. Sampson, Jr. confirming said change in point of diversion.

Dated at Salem, Oregon, this 1st day of June, 1965.



CHRIS L. WHEELER
State Engineer