

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

Amended by
Sp. Or. Vol. 13, p. 337

IN THE MATTER OF THE APPLICATION)
OF C. R. HAUSE FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM EIGHTMILE CREEK.)
- - - - -

O R D E R

APPROVING APPLICATION

On March 20, 1961, C. R. Hause of The Dalles, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Eightmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Wasco County, Oregon, entered March 19, 1924, In the Matter of the Determination of the Relative Rights of the Various Claimants to the Waters of Fifteenmile Creek and its Tributaries, a water right was established in the name of J. A. Tidyman for the irrigation of 1.21 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.76 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24 and 10.68 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, Township 1 South, Range 12 East, W. M., and 3.96 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19 and 6.96 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 1 South, Range 13 East, W. M., with a date of priority of 1889. These lands are irrigated through the C. D. Doyle Ditch from Eightmile Creek, the point of diversion of said ditch being located 70 feet North and 2136 feet West from the southwest corner of Section 19, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Township 1 South, Range 12 East, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of two pumping plants, the points of diversion of said pumping plants to be located (1) 200 feet South and 530 feet East from the southwest corner of Section 19, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 1 South, Range 13 East, W. M., and (2) 135 feet North and 1270 feet West from the southwest corner of Section 19, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Township 1 South, Range 12 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 The Dalles, Oregon, on May 31, 1961, at 9:30 o'clock a.m. The notice was published in The Dalles Optimist, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of April 6, 13 and 20, 1961. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

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 70 feet North and 2136 feet West from the southwest corner of Section 19, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Township 1 South, Range 12 East, W. M.,

To a point to be located 200 feet South and 530 feet East from the southwest corner of Section 19, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 1 South, Range 13 East, W. M., and

To a point to be located 135 feet North and 1270 feet West from the southwest corner of Section 19, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Township 1 South, Range 12 East, W. M.,

for the irrigation of 1.21 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.76 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24 and 10.68 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, Township 1 South, Range 12 East, W. M., and 3.96 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19 and 6.96 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 1 South, Range 13 East, W. M., with a date of priority of 1889, 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, 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 points 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.

Dated at Salem, Oregon, this 5th day of June, 1961.

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

*Noted on Decree
Vol. 7, p. 432
Cert. # 5672*

Trsf. "H-121"

*this Order amended by:
Sp. Or. Vol. 13 p. 337*