

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF RAY V. GILHAM FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM MCKAY CREEK.)

ORDER

APPROVING APPLICATION

On July 3, 1957, Ray V. Gilham of Box 587, 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 McKay Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Charles Tullis, Jr., and recorded at Page 5100, Volume 5, State Record of Water Right Certificates, confirms a right to the use of water of McKay Creek under Permit No. 5996 for the irrigation of 24 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 2 North, Range 32 East, W. M., with a date of priority of August 16, 1923. Of these lands, 2.2 acres are irrigated by means of a pumping plant, the point of diversion of said pumping plant being located north 35 degrees 37 minutes 32 seconds west 1070.36 feet from the east quarter corner of Section 28, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 28, Township 2 North, Range 32 East, W. M.

Ray V. Gilham, owner of the 2.2 acres described above as being irrigated by means of a pumping plant, proposes to change the point of diversion of said pumping plant to a point to be located north 57 degrees 30 minutes west 1414.19 feet from the east quarter corner of Section 28, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 28, Township 2 North, Range 32 East, W. M., thence north 6 degrees 42 minutes east 55 feet.

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 applications for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

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 McKay Creek, to-wit::

From a point located north 35 degrees 37 minutes 32 seconds west 1070.36 feet from the east quarter corner of Section 28, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 28, Township 2 North, Range 32 East, W. M.,

To a point to be located north 57 degrees 30 minutes west 1414.19 feet from the east quarter corner of Section 28, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 28, Township 2 North, Range 32 East, W. M., thence north 6 degrees 42 minutes east 55 feet,

for the irrigation of 2.2 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 2 North, Range 32 East, W. M., with a date of priority of August 16, 1923, be and the same 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, 1958 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.

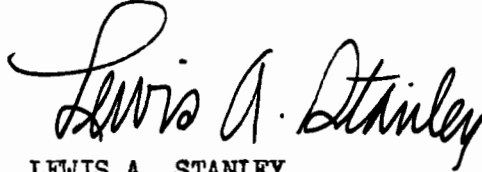
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

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 Umatilla 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 16th day of July 1957.

Noted on Cert. 5100



LEWIS A. STANLEY
State Engineer