

BEFORE THE STATE ENGINEER OF OREGON

Malheur County

IN THE MATTER OF THE APPLICATION)
OF WILHEMINE KIESEL SHEARMAN AND)
WILHEMINE KIESEL SHEARMAN, TRUSTEE,)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
SNAKE RIVER.)

O R D E R
APPROVING APPLICATION

On October 12, 1953 Wilhemine Kiesel Shearman and Wilhemine Kiesel Shearman, Trustee, of Ogden, Utah, filed an application for the approval of a change in point of diversion of water from Snake River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of Water Right issued to Wilhemine Kiesel Shearman and Wilhemine Kiesel Shearman, Trustee, and recorded at page 19752, Volume 14, State Record of Water Right Certificates, confirms a right under Permit No. 12923, to the use of water of Snake River for the irrigation of, among other lands, 26.5 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9 and 2 acres in Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) and 29.8 acres in Lot 2 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 10 and 29.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 10.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, Township 19 South, Range 47 East, W. M., with a date of priority of January 3, 1938. These lands are irrigated by means of a pumping plant, the point of diversion of said pumping plant being located 2260 feet south and 2070 feet west from the northeast corner of Section 16, and being within Lot 2 (SW $\frac{1}{4}$ NE $\frac{1}{4}$), said Section 16, Township 19 South, Range 47 East, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion downstream to a point to be located 913.5 feet south from the northwest corner of Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), and being within said Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 15, Township 19 South, Range 47 East, W. M.

Notice by publication as provided by ORS 540.520 was given in the Nyssa Gate City Journal, a newspaper printed and having general circulation

in Malheur County, Oregon, for a period of three weeks, being the issues of October 29 and November 5 and 12, 1953. The time for hearing as fixed in the notice, namely: December 22, 1953, was not less than thirty days after the last publication of the notice.

No objections having been filed and it appearing that the proposed change in point of diversion of water from Snake River 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 from Snake River, to-wit:

From a point located 2260 feet south and 2070 feet west from the northeast corner of Section 16, and being within Lot 2 ($SW\frac{1}{4} NE\frac{1}{4}$), said Section 16, Township 19 South, Range 47 East, W. M.,

To a point to be located 913.5 feet south from the northwest corner of Lot 2 ($SW\frac{1}{4} NW\frac{1}{4}$), and being within said Lot 2 ($SW\frac{1}{4} NW\frac{1}{4}$), Section 15, Township 19 South, Range 47 East, W. M.,

for the irrigation of 26.5 acres in the $NE\frac{1}{4} SE\frac{1}{4}$ and 40 acres in the $SE\frac{1}{4} SE\frac{1}{4}$, Section 9, and 2 acres in Lot 1 ($NW\frac{1}{4} SW\frac{1}{4}$) and 29.8 acres in Lot 2 ($SW\frac{1}{4} SW\frac{1}{4}$), Section 10 and 29.8 acres in $NW\frac{1}{4} NW\frac{1}{4}$ and 10.2 acres in $SW\frac{1}{4} NW\frac{1}{4}$, Section 15, Township 19 South, Range 47 East, W. M., with a date of priority of January 3, 1938, be and the same hereby is approved.


It is FURTHER ORDERED that the change in point of diversion of water shall be made on or before October 1, 1954 or within such extension of time as may be granted by the State Engineer for good cause shown and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

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.

Dated at Salem, Oregon this 28th day of May 1954.

Noted on Cert 1975Z

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CHAS. E. STRICKLIN
State Engineer