

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF JOHN F. STANEK FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM EIGHTMILE CREEK)

O R D E R

APPROVING APPLICATION

On April 13, 1961, John F. Stanek 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.

By decree of the Circuit Court of Wasco County, Oregon, entered March 19, 1924, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Fifteenmile Creek and its Tributaries, a water right was established in the name of Delaney P. Ketchum for the irrigation of, among other lands, 1.8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.4 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 13.2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 1.6 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 1 North, Range 14 East, W. M., with a date of priority of 1875. These lands are irrigated through the Nye or Ketchum #3 ditch from Eightmile Creek, the point of diversion of said ditch being located 2240 feet South and 4250 feet East from the northwest corner of Section 9, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 1 North, Range 14 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) 1584 feet South and 2326 feet East from the northwest corner of Section 9, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 1 North, Range 14 East, W. M., (2) 260 feet South and 1450 feet East from the northwest corner of Section 9, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 9.

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 June 28, 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 May 4, 11 and 18, 1961. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. William A. Johnson, Watermaster of District No. 3 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, to-wit:

From a point located 2240 feet South and 4250 feet East from the northwest corner of Section 9, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 1 North, Range 14 East, W. M.,

To a point to be located 1584 feet South and 2326 feet East from the northwest corner of Section 9, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 1 North, Range 14 East, W. M., and

To a point to be located 260 feet South and 1450 feet East from the northwest corner of Section 9, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 9,

for the irrigation of 1.8 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.4 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 13.2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.6 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 1 North, Range 14 East, W. M., with a date of priority of 1875, be and the same hereby is approved.

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 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.

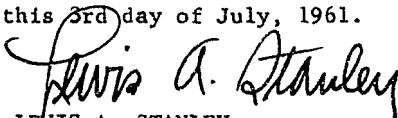
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

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 3rd day of July, 1961.

Noted on J. C. C. R.
Vol. 7 p. 428
Cert. # 5652


LEWIS A. STANLEY
State Engineer