

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION )  
OF THOMAS W. DAVIDSON FOR THE )  
APPROVAL OF CHANGES IN POINTS OF )  
DIVERSION OF WATER FROM EIGHTMILE )  
CREEK )  
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O R D E R

APPROVING APPLICATION

On April 13, 1961, Thomas W. Davidson of The Dalles, Oregon, filed an application in the office of the State Engineer for the approval of changes in points of diversion of water from Eightmile Creek.

Certificate of water right issued to D. S. Doyle, M. Longren, J. N. and Amanda Williams and recorded at page 2839, Volume 4, State Record of Water Right Certificates, confirms a right under Permit No. 2715 to the use of the waters of Eightmile Creek for the irrigation of, among other lands, 18.5 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 10.0 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 1 South, Range 13 East, W. M., with a date of priority of November 15, 1915. These lands are irrigated through the Doyle and Company ditch the point of diversion of said ditch being located 1890 feet North and 1150 feet East from the southwest corner of Section 11, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 11, Township 1 South, Range 13 East, W. M. The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 1500 feet South and 1780 feet West from the northeast corner of Section 11, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 11, Township 1 South, Range 13 East, W. M.

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 F. L. Houghton for the use of the waters of Eightmile Creek for the irrigation of 2.0 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 18.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 6.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 14.0 acres in the

SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15, Township 1 South, Range 13 East, W. M., with a date of priority of 1883. These lands are irrigated through the Fish and Wingfield ditches, the point of diversion of the Fish ditch being located 850 feet North and 370 feet East from the southwest corner of Section 15, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 15, Township 1 South, Range 13 East, W. M., and the point of diversion of the Wingfield ditch being located 1190 feet West and 10 feet North from the southwest corner of Section 15, and being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, Township 1 South, Range 13 East, W. M. The applicant herein, owner of 31.0 acres of the lands above described, to-wit: 2.0 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 9.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 6.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , and 14.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15, Township 1 South, Range 13 East, W. M., proposes to irrigate said lands by means of two pumping plants, the points of diversion of said pumping plants to be located (1) 1070 feet North and 600 feet East from the southwest corner of Section 15, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15, Township 1 South, Range 13 East, W. M., (2) 2150 feet North and 1400 feet East from the southwest corner of Section 15, and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 15, Township 1 South, Range 13 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 points of diversion of water, if any there were, namely: at the county courthouse in The Dalles, Oregon, on July 6, 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 11, 18 and 25, 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 points 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 points 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 changes in points of diversion of water, to-wit:

From a point located 1890 feet North and 1150 feet East from the southwest corner of Section 11, and being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 11, Township 1 South, Range 13 East, W. M.,

To a point to be located 1500 feet South and 1780 feet West from the northeast corner of Section 11, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 11, Township 1 South, Range 13 East, W. M.,

for the irrigation of 18.5 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 10.0 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 11, Township 1 South, Range 13 East, W. M., with a date of priority of November 15, 1915, be and the same hereby is approved.

It is FURTHER ORDERED that the change in point of diversion of water, to-wit:

From a point located 850 feet North and 370 feet East from the southwest corner of Section 15, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 15, Township 1 South, Range 13 East, W. M., and

From a point located 1190 feet West and 10 feet North from the southwest corner of Section 15, and being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, Township 1 South, Range 13 East, W. M.,

To a point to be located 1070 feet North and 600 feet East from the southwest corner of Section 15, and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15, Township 1 South, Range 13 East, W. M., and

To a point to be located 2150 feet North and 1400 feet East from the southwest corner of Section 15, and being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , said Section 15, Township 1 South, Range 13 East, W. M.,

for the irrigation of 2.0 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 9.0 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 6.0 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 14.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15, Township 1 South, Range 13 East, with a date of priority of 1883, be and the same is hereby approved.

It is FURTHER ORDERED that the change in points of diversion of water shall be completed 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 points of diversion.

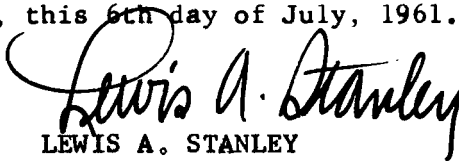
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

That the pumping plants 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 6th day of July, 1961.

*Noted on Decree Vol. 7, p. 427  
Cert # 5646  
App # 4629  
Cert # 2839*

  
LEWIS A. STANLEY  
State Engineer

*Trsf. "D-94"*