

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF HERMAN BEILKE FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM MCKAY CREEK.)

O R D E R

APPROVING APPLICATION

On April 5, 1954 Herman Beilke of Route 2, Box 80, Pendleton, Oregon filed an application 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. These lands are irrigated through the Marion Jack Irrigation Co. ditch, the point of diversion of said ditch being at the McKay Dam in Section 34, Township 2 North, Range 32 East, W. M.

Herman Beilke, owner of 4 acres of the land above described, proposes to irrigate said land by means of a pumping plant, the point of diversion of said pumping plant to be 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.

Notice by publication as provided by ORS 540.520 was given in the Pendleton Record, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks, being the issues

of May 27 and June 3 and 10, 1954. The time for hearing as fixed in the notice, namely: July 21, 1954, was not less than thirty days after the last publication of the notice.

Mr. M. J. Belton, Watermaster of District No. 5, has filed a report to the effect that the proposed change in point of diversion of water from McKay Creek 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 McKay Creek, to-wit:

From a point located at the McKay Dam in Section 34, Township 2 North, Range 32 East, W. M.,

To a point to be 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.,

for the irrigation of 4 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 hereby 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, 1955 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.

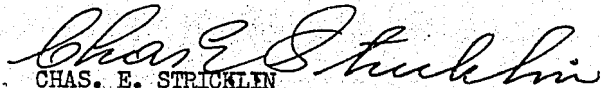
It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion.

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 be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled.

That the location of the pumping plant and channel to convey the water to the pump and the plans of the headgate and weir or measuring device be approved before the beginning of construction by the watermaster of Umatilla County, Oregon, and that the headgate and weir or measuring device be constructed under the general supervision of said watermaster.

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


CHAS. E. STRICKLEN
State Engineer

Noted on Cert. 5100