

BEFORE THE STATE ENGINEER OF OREGON

Malheur County

IN THE MATTER OF THE APPLICATION)
OF GILBERT DAHLE AND THELMA)
DAHLE FOR THE APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM DRY CREEK.)

O R D E R

APPROVING APPLICATION

On October 1, 1959, Gilbert Dahle and Thelma Dahle of Route 1, Box 133, Vale, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Dry Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Malheur County, Oregon, entered May 13, 1925, in the matter of the determination of the relative rights of the various claimants to the use of the waters of the Malheur River and its tributaries (except Willow Creek and Cottonwood Creek), a water right was established in the name of Pacific Livestock Company for the irrigation of, among other lands, 3 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 26 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 19 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and 30.5 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 18 South, Range 41 East, W. M., with a date of priority of 1890. These lands are irrigated through the Dry Creek Kansfield ditch, the point of diversion of said ditch being located south 4 degrees 30 minutes west 2012 feet from the northeast corner of Section 22, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 22, Township 18 South, Range 41 East, W. M.

The applicants herein, owners of the lands above described, propose to irrigate said lands by means of an unnamed ditch, the point of diversion of said ditch to be located south 23 degrees 53 minutes east 1395 feet from the northeast corner of Section 22, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 18 South, Range 41 East, W. M.

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 an application 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 Dry Creek, to-wit:

From a point located south 4 degrees 30 minutes west 2012 feet from the northeast corner of Section 22, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 22, Township 18 South, Range 41 East, W. M.,

To a point to be located south 23 degrees 53 minutes east 1395 feet from the northeast corner of Section 22, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 18 South, Range 41 East, W. M.,

for the irrigation of 3 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 26 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 19 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, and 30.5 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 18 South, Range 41 East, W. M., with a date of priority of 1880, be and the same 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 available at the old point of diversion.

It is FURTHER ORDERED that the construction work shall be done and the change in point of diversion of water made on or before October 1, 1960, or within such extension of time as may be granted by the State Engineer for good cause shown.

Dated at Salem, Oregon, this 1st day of December, 1959.

Noted on Decree
Vol. 8, p. 299
Cert. # 6989

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

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