

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF)
APPLICATION NO. G-2290)
IN THE NAME OF)
DOROTHY KELLY COCKBURN)

O R D E R
APPROVING APPLICATION

On April 10, 1962 an application was filed in the name of Dorothy Kelly Cockburn for a permit to appropriate water from well No. 2 located 51.2 feet north and 1600 feet east from the southwest corner of Section 23 and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 6 North, Range 34 East, W.M., for irrigation of 82 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 23, and the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, of said township and range.

On May 9, 1962 a protest in the names of Raymond Bevans, Merle H. Young, Thomas O. Williams, Calvin Neal Blessinger, Forrest Smith, Charles McCune, and Tucker Echo Ranch, Inc., was filed against approval of the said application.

On March 29, 1963 the application was amended to include well No. 3 located 953 feet north and 1620 feet east from the southwest corner of Section 23 and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 6 North, Range 34 East, W.M., as an additional source of appropriation.

On April 18, 1963 an amended protest in the names of Raymond Bevans, Merle H. Young, Thomas O. Williams, Calvin Neal Blessinger, Forrest Smith, Charles McCune, and Tucker Echo Ranch, Inc., was received.

On May 1, 1963 the application was again amended to delete well No. 3 as a source of appropriation.

The protests allege that the proposed appropriation of ground water would substantially interfere and conflict with existing rights for appropriation of surface water.

A hearing in the matter of application No. G-2290 in the name of Dorothy Kelly Cockburn and the protest against approval of it was scheduled to be held before the State Engineer in the City Hall at Milton-Freewater, Oregon on May 14, 1963.

Pursuant to a stipulation between J. T. Monahan, attorney for the applicant, and Alex M. Byler, attorney for the protestants, the hearing was continued indefinitely pending an investigation by the State Engineer into the alleged interference.

A field investigation was conducted by Jack E. Sceva, ground water geologist, and Chester A. Cummings, representatives of the State Engineer.

On May 14 through May 17, 1963 a controlled pumping test was conducted on No. 2 well and continuous observation was made to determine effects on ground water levels and surface water levels in the vicinity. A report entitled, "Report on the Investigation of the Dorothy Kelly Cockburn Irrigation Well Located in Section 23, Township 6 North, Range 34 East, W.M., Umatilla County, Oregon", by Jack E. Sceva and Chester A. Cummings, was accepted by the State Engineer on June 5, 1963.

Copies of the report were mailed to counsel for the protestants and for the applicant on June 14, 1963.

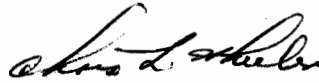
The results of the test indicate no apparent or measurable interference with existing water rights from the operation of said No. 2 well. It appears that detection of interference by the well on existing rights through further testing at a later period in the irrigation season is improbable.

Counsel for the protestants and for the applicant have advised the State Engineer that neither has further evidence to submit at a hearing before the State Engineer, and neither wishes to submit legal argument either at a hearing before the State Engineer or by brief.

On the basis of the evidence before the State Engineer it appears that the appropriation of ground water, as proposed in application No. G-2290 in the name of Dorothy Kelly Cockburn, will not substantially interfere with existing surface water rights and that therefore the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that application No. G-2290 in the name of Dorothy Kelly Cockburn be approved subject to existing water rights, both ground water and surface water.

Dated at Salem, Oregon this 6th day of March 1964.



CHRIS L. WHEELER
State Engineer