

Morrow County,

IN THE MATTER OF THE APPLICATION )  
 OF NEWT O'HARA FOR THE APPROVAL )  
 OF A CHANGE IN POINTS OF DIVER- )  
SION OF WATER FROM WILLOW CREEK. )

O R D E R

APPROVING APPLICATION

On November 9, 1951, Newt O'Hara of Lexington, Oregon, filed an application for the approval of a change in points of diversion of water from Willow Creek pursuant to the provisions of Section 116-606, O.C.L.A.

In the adjudication proceedings determining the relative rights to the use of waters of Willow Creek and its tributaries, a water right was adjudicated in the name of Jane Penland for the irrigation of 16 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  and 1 acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 34 and 12 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 20 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  and 15 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 35, Township 1 South, Range 25 East, W. M., through the Penland and Yokum Ditches from Willow Creek. Of these lands, 17 acres have a priority of 1875 and 47 acres have a priority of 1902. The point of diversion of the Penland Ditch is located 1,650 feet north and 740 feet west from the southeast corner of Section 35 and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 35, Township 1 South, Range 25 East, W. M., and the point of diversion of the Yokum Ditch is located 80 feet north and 520 feet east from the southwest corner of Section 6 and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 6, Township 2 South, Range 26 East, W. M.

Newt O'Hara, owner of the lands above described, proposes to irrigate said lands by means of a portable pump along his lands adjacent to Willow Creek within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 34 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 35, Township 1 South, Range 25 East, W. M.

Notice by publication as provided by Section 116-606, O.C.L.A., was given in the Heppner Gazette Times, a newspaper printed and having general circulation in Morrow County for a period of three weeks, being the issues of November 22 and 29 and December 6, 1951. The time for hearing upon such application as fixed in the notice, namely: January 17, 1952, was not less than 30 days after the last publication of said notice.

No objections having been filed and it appearing that the proposed change in points of diversion of water from Willow Creek may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in points of diversion of water from Willow Creek, to-wit:

From the point of diversion of the Penland Ditch located 1,650 feet north and 740 feet west from the southeast corner of Section 35 and being within the  $NE\frac{1}{4}SE\frac{1}{4}$  of Section 35, Township 1 South, Range 25 East, W. M., and;

From the point of diversion of the Yokum Ditch located 80 feet north and 520 feet east from the southwest corner of Section 6 and being within the  $SW\frac{1}{4}SW\frac{1}{4}$  of Section 6, Township 2 South, Range 26 East, W. M.,

To a portable pumping plant on the land owned by Newt O'Hara adjacent to Willow Creek within the  $N\frac{1}{2}NE\frac{1}{4}$ , Section 34 and the  $N\frac{1}{2}SE\frac{1}{4}$ , Section 35, Township 1 South, Range 25 East, W. M.,

for the irrigation of 16 acres in the  $NE\frac{1}{4}NE\frac{1}{4}$  and 1 acre in the  $NW\frac{1}{4}NE\frac{1}{4}$ , Section 34, and 12 acres in the  $NW\frac{1}{4}SE\frac{1}{4}$ , 20 acres in the  $SW\frac{1}{4}SE\frac{1}{4}$ , and 15 acres in the  $SE\frac{1}{4}SE\frac{1}{4}$ , Section 35, Township 1 South, Range 25 East, W. M.

It is FURTHER ORDERED that the construction work shall be done and the change in points of diversion of water made on or before October 1, 1952, 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 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 work by the watermaster of Morrow County, Oregon, and that the headgate, weir or measuring device be constructed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 23rd day of January, 1952.

Noted on Decree  
Vol. 1, p 25  
Cert. 180

  
CHAS. E. STRICKLIN  
State Engineer