

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION )  
OF FRANK K. MAY FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM EIGHTMILE CREEK )  
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ORDER APPROVING  
TRANSFER NO. M-181

On August 9, 1967, Frank K. May filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Eightmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Howard Percy and recorded at page 6079, Volume 6, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.34 cubic foot per second of water from Eightmile Creek for the irrigation of 15.1 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.52 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 2.52 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 9.39 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 1, Township 1 South, Range 13 East, W.M., with a date of priority of December 29, 1921. These lands are irrigated from a point of diversion located 16 feet north and 638 feet east from the SW corner of Section 1 being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1, Township 1 South, Range 13 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1234 feet north and 1352 feet east from the SW corner of Section 1 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1, Township 1 South, Range 13 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.

Mr. Glenn E. Tracy, Watermaster of District No. 3, has filed a report to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion 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 Eightmile Creek, to-wit:

From a point located 16 feet north and 638 feet east from the SW corner of Section 1 being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1, Township 1 South, Range 13 East, W.M.

To a point to be located 1234 feet north and 1352 feet east from the SW corner of Section 1 being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1, Township 1 South, Range 13 East, W.M.

for the irrigation of 15.1 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.52 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 2.52 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  and 9.39 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 1, Township 1 South, Range 13 East, W.M., with a date of priority of December 29, 1921, 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, 1969.

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 and shall not exceed 0.34 cubic foot per second.

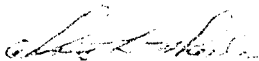
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Howard Pearcy and recorded at page 6079, Volume 6, State Record of Water Right Certificates is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Frank K. May confirming the change in point of diversion.

Dated at Salem, Oregon, this 29<sup>th</sup> day of August, 1968.

  
CHRIS L. WHEELER  
State Engineer