BEFORE THE STATE ENGINEER OF OREGON

निवर्त क्षेत्र हिन्द्रहोग्यकार हुन्द्रस्त्र है। देव हुन्द्रीयदैन की विश्वनास्कृत्या की सबस्तान दिन्द्राव IN THE MATTER OF APPLICATION OF L. C. AND M. H. SMITTON FOR THE APPROVAL OF A CHANGE IN POINT OF DIVERSION OF WATER () A APPROVING APPLICATION FROM MCKAY CREEK.

On March 21, 1955 L. C. and M. H. Smitton of Pendleton, Oregon. filed an application for the approval of a change in point of diversion of water from McKay Greek pursuant to the provisions of ORS 540.510 to 540.530.

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Certificate of water right issued to Charles Tullis, Jr., and onthon H. Towbolks I Rollin, Recent Ol Best. H. E. recorded at page 5100, Volume 5, State Record of Water Right Certificates, organist the tre librariane. It is an executive ence the content of the content o confirms a right to the use of the water of McKay Greek under Permit No. 5996. being attain the Sit Will estat Section ID. Township for the irrigation of 24 acres in the SET NET, 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 points of the diversion of said ditch being at McKay Dam in the SW4 SE4, Section 34, Township 2 North, Range 32 East, W. M. M. Millian or an older wormstream of the stable has lamply read

The applicants herein, owners of 1,38 acres of the land above described, propose to irrigate said land by means of a pumping plant, the point of diversion of said pumping plant to be located 13 feet north and 280 feet west from the east quarter corner of Section 28, and being within the SE4 NE4, said Section 28, Township 2 North, Range 32 East, W. M. V. of warring the last

many and 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 April 75 14 and 21, 1955. The time for hearing, as fixed in the notice, namely: June 2, 1955, was not less than thirty days after the last publication of said 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 from McKay 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 point of diversion of water from McKay Creek, to-wit:

From a point located at the McKay Dam in the SW4 SE4, Section 3h, Township 2 North, Range 32 East, W. M.,

To a point to be located 13 feet north and 280 feet west from the east quarter corner, Section 28, and being within the SET NET, said Section 28, Township 2 North, Range 32 East, W. M.,

for the irrigation of 1.38 acres in the SEA NEA, 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.

It is FURTHER ORDINED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is 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 and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled. That the plans of the weir or other suitable device be approved before the beginning of construction work by the watermaster of Umatilla County, Oregon, and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 9th day of June 1955.

LEWIS A. STANLEY State Engineer

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