

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF ESTATE OF CARL WILSON FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM MCKAY)
CREEK)

ORDER APPROVING
TRANSFER NO. W-130

On January 4, 1968, the Estate of Carl Wilson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from McKay Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Carl Wilson and recorded at page 36471, Volume 28, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.19 cubic foot per second of water from McKay Creek for the irrigation of 1.0 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 14.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 1 South, Range 32 East, W.M., with a date of priority of December 24, 1913. These lands are irrigated from a point of diversion located N 22° E 1700 feet from the SW corner of the SE $\frac{1}{4}$ of Section 1 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 1 South, Range 32 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 20 feet north and 1300 feet east from the W $\frac{1}{4}$ corner of Section 1 above the Walker Ditch diversion being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 1 South, Range 32 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Pendleton, Oregon, on March 24, 1970, at 9:30 a.m. The notice was published in the East Oregonian,

a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of January 29, February 5 and 12, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Jerry Haines, Watermaster of District No. 5, 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 McKay Creek, to-wit:

From a point located N 22° E 1700 feet from the SW corner of the SE¼ of Section 1 being within the NW¼ SE¼ of Section 1, Township 1 South, Range 32 East, W.M.

To a point to be located 20 feet north and 1300 feet east from the W¼ corner of Section 1 above the Walker Ditch diversion being within the SW¼ NW¼ of Section 1, Township 1 South, Range 32 East, W.M.

for the irrigation of 1.0 acres in SW¼ NW¼ and 14.0 acres in SE¼ NW¼, Section 1, Township 1 South, Range 32 East, W.M., with a date of priority of December 24, 1913, 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, 1971.

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 0.19 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes

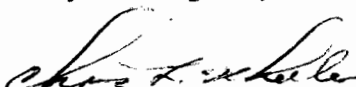
necessary to install headgates and measuring devices.

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 Carl Wilson and recorded at page 36471, Volume 28, 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 the Estate of Carl Wilson confirming the change in point of diversion.

Dated at Salem, Oregon, this 31st day of August, 1970.


CHRIS L. WHEELER
State Engineer