

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION )  
OF ELLIS J. WYLAND FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM MCKAY CREEK. )  
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ORDER  
APPROVING APPLICATION

On March 15, 1955 Ellis J. Wyland of Route 2, Box 81, Pendleton, Oregon, filed an application 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 Marion Jack Irrigation Co. and recorded at page 7515, Volume 7, State Record of Water Right Certificates, confirms a right to the use of the water of McKay Creek under Permit No. 1540 for the irrigation of, among other lands, 1 acre in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 22 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 27, Township 2 North, Range 32 East, W. M., with a date of priority of January 3, 1912. These lands are irrigated through the Marion Jack Irrigation Co. ditch, the point of diversion of said ditch being located at McKay Dam in the SW $\frac{1}{4}$  SE $\frac{1}{2}$ , Section 34, Township 2 North, Range 32 East, W. M.

The applicant herein, owner of 11.5 acres of the land above described, to-wit: 1 acre in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 10.5 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 27, Township 2 North, Range 32 East, W. M., proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located north 10 degrees 37 minutes west 1672 feet from the southeast corner of Section 28, and being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 28, Township 2 North, Range 32 East, W. M.

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 7, 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 the notice.

Mr. M. J. Belton, Watermaster of District No. 5, has filed a statement 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 McKay Dam in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ ,  
Section 34, Township 2 North, Range 32 East, W. M.,

To a point to be located north 10 degrees 37 minutes  
west 1672 feet from the southeast corner of Section 28,  
and being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 28, Township 2  
North, Range 32 East, W. M.,

for the irrigation of 1 acre in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 10.5 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ ,  
Section 27, Township 2 North, Range 32 East, W. M., with a date of priority  
of January 3, 1912, be and the same hereby is approved.

It is FURTHER ORDERED 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 construction work shall be done 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, and that upon the completion of such work, satisfactory  
proof shall be filed with the State Engineer.

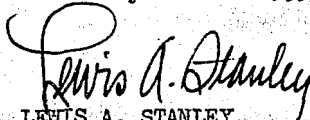
It is FURTHER ORDERED that the following provisions shall be  
effective when in the judgment of the watermaster, it becomes necessary to

install headgates and measuring devices:

That the pumping plant 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 by the watermaster of Umatilla County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 16th day of June 1955.

  
LEWIS A. STANLEY  
State Engineer

Noted on Cert. 7515