

BEFORE THE STATE ENGINEER OF OREGON

Malheur County

IN THE MATTER OF THE APPLICATION )  
OF GILBERT DAHLE AND THELMA DAHLE )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
CLOVER CREEK. )  
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O R D E R

APPROVING APPLICATION

On November 16, 1959, Gilbert Dahle and Thelma Dahle of Route 1, Box 133, Vale, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Clover Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By decree of the Circuit Court for Malheur County, Oregon, entered May 13, 1925, in the matter of the determination of the relative rights of the various claimants to the use of the waters of the Malheur River and its tributaries, a water right was established in the name of Ben F. Jordan for the irrigation of 40 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and 40 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22, and 5 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 27, with a date of priority of 1886; and in the name of Warren Jordan for the irrigation of 16 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, with a date of priority of 1898, and 40 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 37 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, with a date of priority of 1886; and in the name of Pacific Livestock Company for the irrigation of 7.5 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 22 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 7.5 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 20 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 22, with a date of priority of 1884. The lands above described are all within Township 18 South, Range 41 East, W. M., and are irrigated from Clover Creek through either the Kime and Kame; Hillman and Hand; Neet; Newman, Kime and Kane; or Clover Creek Kanefield ditches, the points of diversion of said ditches being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and SE $\frac{1}{4}$  SE $\frac{1}{4}$ ,

Section 16, and the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 21, Township 18 South, Range 41 East, W. M. The above named ditches are indicated on the maps made in connection with the Malheur River adjudication proceedings as the P. L. and S. Co., Jordan, Neet, and unnamed ditches.

The applicants herein, owners of the lands above described, propose to change the point of diversion for the irrigation of these lands upstream to a point to be located 2870 feet east and 95 feet north from the west quarter corner of Section 16, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 16, Township 18 South, Range 41 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 Vale, Oregon, on April 19, 1960, beginning at 9:00 o'clock a.m. The notice was published in The Ontario Argus-Observer, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of February 22, 29, and March 7, 1960. The date set for hearing in said notice was not less than thirty days after the last publication of said notice.

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

From the Kime and Kame; Hillman and Hand; Neet; Newman, Kime and Kane; and Clover Creek Kanefield ditches, the points of diversion of said ditches being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16, and the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 21, Township 18 South, Range 41 East, W. M.,

To a point to be located 2870 feet east and 95 feet north from the west quarter corner of Section 16, and being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 16, Township 18 South, Range 41 East, W. M.,

for the irrigation of 16 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, with a date of priority of 1898; 7.5 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 40 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 22 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 7.5 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and 20 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 22, with a date of priority of 1884; and 40 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and 37 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, and 40 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and 40 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22, and 5 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 27, with a date of priority of 1886; all being within Township 18 South, Range 41 East, W. M., be and the same is approved.

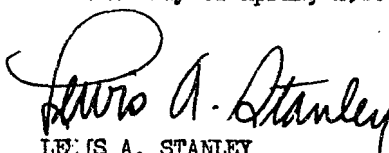
It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old points of diversion.

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, 1960, or within such extension of time as may be granted by the State Engineer for good cause shown.

Dated at Salem, Oregon, this 22nd day of April, 1960.

Noted on Decree  
V.1. B, p. 279, 280, 279  
Cert. #6948, 6950, 6989

Test. "D-82"

  
LEWIS A. STANLEY  
State Engineer