

BEFORE THE STATE ENGINEER OF OREGON

Morrow County

IN THE MATTER OF THE APPLICATION OF)
ALVIN E. WAGENBLAST FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION OF)
WATER FROM WILLOW CREEK.)

O R D E R

APPROVING APPLICATION

On April 5, 1955, Alvin E. Wagenblast of Lexington, Oregon filed an application for the approval of a change in point of diversion of water from Willow Creek pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Morrow County, Oregon, entered December 12, 1910, in the Matter of the Determination of the Relative Rights to the Waters of Willow Creek and Its Tributaries, a water right was adjudicated in the name of Andrew Reaney for the irrigation of 20 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 1 South, Range 25 East, W. M., from Willow Creek with a date of priority of April 1890 and in the name of Margaret Reaney for the irrigation of 18 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 8 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 1 South, Range 25 East, W. M., from Willow Creek with a date of priority of 1890. These lands are irrigated through the A. Reaney ditch, the point of diversion of said ditch being located 1180 feet north and 175 feet east from the southwest corner of Section 27, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 27, Township 1 South, Range 25 East, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion of the ditch downstream to a point to be located 1340 feet north and 143 feet west from the southeast corner of Section 28, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 28, Township 1 South, Range 25 East, W. M., and in addition, to maintain six pumping plants along Willow Creek on his lands in Section 28 for the irrigation of the lands involved, as follows:

- No. 1. 4290 feet north and 3100 feet west from the southeast corner of Section 28, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 28, Township 1 South, Range 25 East, W. M.,
- No. 2. 3845 feet north and 2725 feet west from the southeast corner of Section 28, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 28, Township 1 South, Range 25 East, W. M.,
- No. 3. 3360 feet north and 2315 feet west from the southeast corner of Section 28, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 28, Township 1 South, Range 25 East, W. M.,
- No. 4. 2545 feet north and 1410 feet west from the southeast corner of Section 28, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 28, Township 1 South, Range 25 East, W. M.,
- No. 5. 2120 feet north and 1050 feet west from the southeast corner of Section 28, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 28, Township 1 South, Range 25 East, W. M., and
- No. 6. 1730 feet north and 580 feet west from the southeast corner of Section 28, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 28, Township 1 South, Range 25 East, W. M.

Notice by publication as provided by ORS 540,520 was given in the Heppner Gazette Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of three weeks, being the issues of May 5, 12 and 19, 1955. The time for hearing as fixed in the notice, namely: June 29, 1955, was not less than thirty days after the last publication of the notice.

No objections having been filed and it appearing that the proposed change in point of diversion of water from Willow 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 the A. Reaney ditch from Willow Creek, to-wit:

From a point located 1180 feet north and 175 feet east from the southwest corner of Section 27, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 27, Township 1 South, Range 25 East, W. M.,

To a point to be located 1340 feet north and 143 feet west from the southeast corner of Section 28, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 28, Township 1 South, Range 25 East, W. M.,

for the irrigation of 20 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 1 South, Range 25 East, W. M., from Willow Creek with a date of priority of April 1890, and 18 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 5.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 8 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 1 South, Range 25 East, W. M., from Willow Creek with a date of priority of 1890, be and the same hereby is approved.

It is FURTHER ORDERED that in addition to the A. Reaney ditch, the applicant may maintain six pumping plants along Willow Creek on his lands in Section 28 for the irrigation of the lands involved, the points of diversion of said six pumping plants to be located as follows:

- No. 1. 4290 feet north and 3100 feet west from the southeast corner of Section 28, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 28, Township 1 South, Range 25 East, W. M.,
- No. 2. 3845 feet north and 2725 feet west from the southeast corner of Section 28, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 28, Township 1 South, Range 25 East, W. M.,
- No. 3. 3360 feet north and 2315 feet west from the southeast corner of Section 28, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 28, Township 1 South, Range 25 East, W. M.,
- No. 4. 2545 feet north and 1410 feet west from the southeast corner of Section 28, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 28, Township 1 South, Range 25 East, W. M.,
- No. 5. 2120 feet north and 1050 feet west from the southeast corner of Section 28, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 28, Township 1 South, Range 25 East, W. M., and
- No. 6. 1730 feet north and 580 feet west from the southeast corner of Section 28, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 28, Township 1 South, Range 25 East, W. M.

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, 1956

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

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity 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 by the watermaster of Morrow County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

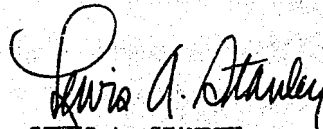
Dated at Salem, Oregon this 25th day of July 1955.

Noted on Findings

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Certs. #184½ and #185

Tisf. "W-67"



LEWIS A. STANLEY
State Engineer