

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF THE UNITED STATES OF AMERICA)
BUREAU OF RECLAMATION FOR AN)
EXTENSION OF TIME WITHIN WHICH TO)
COMPLETE ITS APPROPRIATION UNDER)
PERMITS NOS. R-584 AND 7400.)

O R D E R
EXTENDING THE TIME

On August 16, 1957, the United States Department of Interior, Bureau of Reclamation, filed an application for an extension of time within which to complete construction work and make complete application of water to beneficial use under the terms of permits Nos. R-584 and 7400 issued by the State Engineer.

A protest against the approval of the applications for extensions of time was filed by the Birch Creek Water Control District. After due notice given, a public hearing was held on the applications and protest in the Umatilla County Court House at Pendleton, Oregon, on December 16, 1959, beginning at 9:00 A.M. From the information set forth in the application, presented at the hearing and in the files of the State Engineer pertaining to these permits, the Bureau of Reclamation has expended \$2,116,828.00 in the construction of the McKay dam and reservoir. The construction work now pending is the diversion works and feeder canal from Birch Creek to fill McKay Reservoir during years of short water supply in McKay Creek.

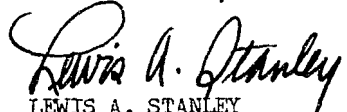
The Birch Creek diversion works and feeder canal are described in the State Engineer's permits and are a part of the McKay project as originally planned. The Bureau of Reclamation has delayed the construction of the feeder canal principally because of its lack of ability to sell the remaining storage space in McKay Reservoir and the corresponding lack of requirement for the additional water supply. There is now pending before the Bureau of Reclamation an application for purchase

of the remaining storage capacity in McKay Reservoir to be utilized in the proposed Teel Irrigation Project. In connection with the applications for purchase of storage capacity and for a loan under the Small Project Act, the Bureau has completed a new study and found that the Teel Project is feasible with the construction of the Birch Creek feeder canal.

In view of the substantial development work that has been completed under the McKay project and the pending application and studies made for the utilization of the remaining capacity in the McKay Reservoir, it appears that reasonable diligence has been exercised in the completion of the project, and that an extension of time should be granted under the provisions of ORS 537.230.

NOW THEREFORE, it is hereby ORDERED that the time in which the United States of America, Bureau of Reclamation shall complete the construction work and make complete application of water to beneficial use under State Engineer's permits Nos. R-584 and 7400, be, and the same hereby is extended to October 1, 1965.

Dated at Salem, Oregon, this 18th day of January, 1962.


LEWIS A. STANLEY
State Engineer