

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF HERMAN BEILKE FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM MCKAY CREEK.)

O R D E R

APPROVING APPLICATION

On October 4, 1956 Herman Beilke of Route 2, Box 80, 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 Charles Tullis, Jr., and recorded at page 5100, Volume 5, State Record of Water Right Certificates, confirms a right to the use of water of McKay Creek under Permit No. 5996 for the irrigation of 24 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 2 North, Range 32 East, W. M., with a date of priority of August 16, 1923. These lands are irrigated through the Marion Jack Irrigation Co. ditch, the point of diversion of said ditch being at the McKay Dam in Section 34, Township 2 North, Range 32 East, W. M.

The applicant herein, owner of 1.1 acres of the land above described, proposes to irrigate said land by means of a pumping plant, the point of diversion of said pumping plant to be located 740 feet north and 301 feet west from the east quarter corner of Section 28, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 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 and being the issues of November 1, 8, and 15, 1956. The time for hearing as fixed in the notice, namely: December 26, 1956, was not less than thirty days past the last publication of the notice.

Mr. M. J. Belton, Watermaster, District No. 5, has filed a report 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 the 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 740 feet north and 301 feet west from the east quarter corner of Section 28, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 28, Township 2 North, Range 32 East, W. M.,

for the irrigation of 1.1 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 2 North, Range 32 East, W. M., with a date of priority of August 16, 1923, be and the same hereby is approved.

It is FURTHER ORDERED that the construction shall be completed and the change in point of diversion of water made on or before October 1, 1957 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 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 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 before the beginning of construction work by the watermaster of Umatilla County, Oregon, and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 14th day of January 1957.

100-100-5100



LEWIS A. STANLEY
State Engineer