

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION )  
OF ARTHUR AND ELIZABETH APPLING )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
EIGHTMILE CREEK )  
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ORDER APPROVING  
TRANSFER NO. A-35

On June 8, 1964, Arthur and Elizabeth Appling of The Dalles, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Eightmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wasco County, Oregon, entered March 19, 1924, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Fifteenmile Creek and its Tributaries, a water right was established in the name of Daniel G. and Minie Boyd Butler for the use of the waters of Eightmile Creek for the irrigation of 17.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, Township 1 South, Range 13 East, W.M., with a date of priority of 1891. This right is evidenced by certificate recorded at page 5607, Volume 6, State Record of Water Right Certificates. These lands are irrigated by means of the Southern Ditch, the point of diversion of said ditch being located 1000 feet south and 4 feet east from the N $\frac{1}{2}$  corner of Sec. 21, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 21, Township 1 South, Range 13 East, W.M.

The applicants herein, owners of the land above described, propose to irrigate these lands by means of two pumping plants, the points of diversion of said pumping plants to be located: (1) 700 feet south and 700 feet east from the N $\frac{1}{2}$  corner of Section 21, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 21, Township 1 South, Range 13 East, W.M. and (2) 250 feet south and 1056 feet east from the N $\frac{1}{2}$  corner of Section 21, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, Township 1 South, Range 13 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Larry W. Jebousek, Watermaster of District No. 3, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

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

From a point located 1000 feet south and 4 feet east from the N $\frac{1}{2}$  corner of Section 21, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 21, Township 1 South, Range 13 East, W.M.

To a point to be located 700 feet south and 700 feet east from the N $\frac{1}{2}$  corner of Section 21, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 21, Township 1 South, Range 13 East, W.M. and

To a point to be located 250 feet south and 1056 feet east from the N $\frac{1}{2}$  corner of Section 21, and being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 21, Township 1 South, Range 13 East, W.M.

for the irrigation of 17.0 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21, Township 1 South, Range 13 East, W.M., with a date of priority of 1891, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the changes in points of diversion of water made on or before October 1, 1965, 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 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:

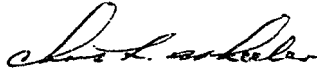
That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster before the beginning of constructed work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Daniel G. and Minnie Boyd Butler and recorded at page 5607, Volume 6, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the point of diversion, a certificate of water right shall be issued to Arthur and Elizabeth Appling confirming said change in point of diversion.

Dated at Salem, Oregon, this 24th day of September, 1964.

*Noted on Record  
1-17-64  
Cert. #5607*



CHRIS L. WHEELER  
State Engineer