

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF RICHARD V. STANHOPE FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM MCKAY)
CREEK)

O R D E R
APPROVING APPLICATION

On March 14, 1963, Richard V. Stanhope of Pilot Rock, Oregon, filed an application in the office of the State Engineer 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 Peoples Warehouse and recorded at page 11696, Volume 11, State Record of Water Right Certificates, confirms a right under Permit No. 6444 for the use of the waters of McKay Creek for the irrigation of, among other lands, 30.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 1 South, Range 33 East, W. M., with a date of priority of August 11, 1924. Of these lands, 22.2 acres lie south of the creek and are irrigated through an unnamed ditch, the point of diversion of said ditch being located 450 feet South and 10 feet West from the E $\frac{1}{4}$ corner of Section 5, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 5, Township 1 South, Range 33 East, W. M.

The applicant herein, owner of said 22.2 acres of the lands lying south of the creek, proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 900 feet North and 2650 feet West from the E $\frac{1}{4}$ corner of Section 5, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 5, Township 1 South, Range 33 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 Pendleton, Oregon, on May 21, 1963, at 9:30 o'clock a.m. The notice was published in the Pendleton Record, a newspaper printed

and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of March 28, April 4 and 11, 1963. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Jerry F. Haines, Watermaster of District No. 5, 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.

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 450 feet South and 10 feet West from the E $\frac{1}{2}$ corner of Section 5, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 5, Township 1 South, Range 33 East, W. M.

To a point to be located 900 feet North and 2650 feet West from the E $\frac{1}{2}$ corner of Section 5, and being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 5, Township 1 South, Range 33 East, W. M.

for the irrigation of 22.2 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5, Township 1 South, Range 33 East, W. M., with a date of priority of August 11, 1924, is approved.

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, 1964, 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.

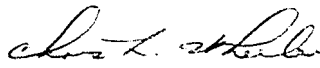
That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster before the beginning of construction 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 Peoples Warehouse and recorded at page 11696, Volume 11, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the change in point of diversion, a certificate of water right shall be issued to Richard V. Stanhope to the extent to which the change in point of diversion has been completed.

Dated at Salem, Oregon, this 24th day of June, 1963.

Notations on records
App. # 9747
Cert. # 11696


CHRIS L. WHEELER
State Engineer