

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION )  
OF RAY V. GILHAM FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM MCKAY CREEK. )  
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O R D E R

APPROVING APPLICATION

On February 9, 1953, Ray V. Gilham of Box 587, 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 Section 116-606, O. C. L. A.

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 Company ditch, the point of diversion of said ditch being at the McKay Dam in Section 34, Township 2 North, Range 32 East, W. M.

Ray V. Gilham, owner of 3.84 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 North 57 degrees 30 minutes West 144.19 feet from the East quarter corner of Section 28, Township 2 North, Range 32 East, W. M.; thence North 6 degrees 42 minutes East 55 feet, said point of diversion being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 28.

Notice by publication as provided by Section 116-606, O. C. L. A., was given in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of at least three weeks, being the issues of February 27 and March 6 and 13, 1953. The time fixed for hearing in said notice, namely: April 22, 1953, was not less than thirty days after the last publication of said notice.

Mr. Marvin B. Bennett, 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 Section 34, Township 2 North, Range 32 East, W. M.,

To a point to be located North 57 degrees 30 minutes West 144.19 feet from the East quarter corner of Section 28, Township 2 North, Range 32 East, W. M.; thence North 6 degrees 42 minutes East 55 feet, said point of diversion being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , said Section 28,

for the irrigation of 3.84 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 work shall be done and the change in point of diversion of water made on or before October 1, 1953 or within such extension of time as may be granted by the State Engineer for good cause shown, and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

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 be constructed at a sufficient distance from the stream to permit the construction of a headgate to regulate the flow of water from the stream to the pump sump and to install a weir or measuring device for measuring the water to which the applicant is entitled.

That the location of the pumping plant and channel to convey the water to the pump and the plans of the headgate and weir or measuring device be approved before the beginning of construction work by the watermaster of Umatilla County, Oregon, and that the headgate, weir or measuring device be constructed under the general supervision of said watermaster.

Dated at Salem, Oregon this 12th day of May 1953.

  
CHAS. E. STRICKLIN  
State Engineer

*Noted on Cert. 5100*