

Malheur County

IN THE MATTER OF THE APPLICATION)
 OF THE UNITED STATES NATIONAL BANK)
 OF OREGON FOR THE APPROVAL OF A)
 CHANGE IN POINT OF DIVERSION OF)
 WATER FROM SNAKE RIVER)

ORDER APPROVING
TRANSFER NO. U-11

On September 14, 1964, the United States National Bank of Oregon, as Executor and Agent, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Snake River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Wilhemine Kiesel Shearman and Wilhemine Kiesel Shearman, Trustee, and recorded at page 19793, Volume 14, State Record of Water Right Certificates, confirms a right to the use of the waters of the Snake River for the irrigation of, among other lands, 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 11.7 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 21.4 acres in Lot 2 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.2 acres in Lot 3 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 4, Township 19 South, Range 47 East, W.M., with a date of priority of August 18, 1947. These lands are irrigated by means of a pumping plant, the point of diversion of said pumping plant being located 910 feet south and 1765 feet east from the N $\frac{1}{4}$ corner of Section 9, and being within Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), said Section 9, Township 19 South, Range 47 East, W.M.

The applicant herein, Agent for the Fred J. Kiesel Estate and Executor of the Estate of Wilhemine Kiesel Shearman, Deceased, proposes to continue the use of the present point of diversion and also irrigate said lands by means of a pumping plant to be located north 71 degrees 41 minutes east, 4,487 feet from the SW $\frac{1}{4}$ corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, and being within Lot 3 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 4, Township 19 South, Range 47 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. Frank Elfering, Watermaster of District No. 9, has filed a report to the effect that the proposed change in point of diversion 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 applicant may maintain a pumping plant, in addition to the present point of diversion, the point of diversion of said new pumping plant to be located as follows:

north 71 degrees 41 minutes east, 4,487 feet from the SW $\frac{1}{4}$ corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, and being within Lot 3 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 4, Township 19 South, Range 47 East, W.M.

for the irrigation of 40 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 11.7 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 21.4 acres in Lot 2 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), 40 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 5.2 acres in Lot 3 (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 4, Township 19 South, Range 47 East, W.M., with a date of priority of August 18, 1947.

It is FURTHER ORDERED that the work necessary to the authorized additional point of diversion shall be completed on or before October 1, 1965.

It is FURTHER ORDERED that the quantity of water to be diverted at the two points of diversion authorized hereby shall not exceed the quantity of water that is available at the prior existing 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 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 Wilhemine Kiesel Shearman and Wilhemine Kiesel Shearman, Trustee, and recorded at page 19793, Volume 14, 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 authorized change in point of diversion, a certificate of water right shall be issued to the United States National Bank of Oregon, Executor and Agent, confirming said change in point of diversion.

Dated at Salem, Oregon, this 20th day of November, 1964.

Noted on records

App. # 22766

Cert. # 19793



CHRIS L. WHEELER
State Engineer *Jim C.*