

BEFORE THE STATE ENGINEER OF OREGON

Malheur County

IN THE MATTER OF THE APPLICATION )  
OF DUNCAN AND OAKES FOR THE APPRO- )  
VAL OF AN ADDITIONAL POINT OF )  
DIVERSION OF WATER FROM WILLOW )  
CREEK )  
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O R D E R

APPROVING APPLICATION

On April 15, 1963, Duncan and Oakes of Ironside, Oregon, filed an application in the office of the State Engineer for the approval of an additional point of diversion of water from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Malheur County, Oregon, entered December 12, 1910, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Willow Creek and Its Tributaries, a water right was established in the name of Nancy Quinn for the use of the waters of Willow Creek through the Brewer and Adams Ditch for the irrigation of 20 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 20 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 30 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 20 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , with a date of priority of 1880, and through the F. Diven ditch for the irrigation of 35 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 34 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 35 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , with a date of priority of 1887, all being in Section 18, Township 14 South, Range 40 East, W. M. The point of diversion of the Brewer and Adams Ditch and the F. Diven Ditch is located 950 feet South and 1180 feet West from the E $\frac{1}{2}$  corner of Section 13, and being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 13, Township 14 South, Range 39 East, W. M.

The applicants herein, owners of the lands above described, propose to irrigate said lands by means of a pumping plant, in addition to the two ditches now being used, the point of diversion of said pumping plant to be located South 41 degrees 20' East 3,052 feet from the northwest corner of Section 18, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 18, Township 14 South, Range 40 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 additional point of diversion of water, if any there were, namely: at the county courthouse in Vale, Oregon, on July 11, 1963, at 9:30 o'clock a.m. The notice was published in The Ontario Argus-Observer, a newspaper printed and having general circulation in Malheur County, Oregon, for a period of three weeks in the issues of May 20, 27 and June 3, 1963. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Frank Elfering, Watermaster of District No. 9, has filed a report to the effect that the additional point of diversion may be used without injury to existing rights.

No objections having been filed and it appearing that the proposed additional point of diversion may be used 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 point of diversion of the Brewer and Adams Ditch and the F. Diven Ditch, the point of diversion of said pumping plant to be located as follows:

South 41 degrees 20' East 3,052 feet from the northwest corner of Section 18, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 18, Township 14 South, Range 40 East, W. M.

for the irrigation of 20 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 20 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 40 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 40 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 30 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 20 acres in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , with a date of priority of 1880, and 35 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 34 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 35 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , with a date of priority of 1887, all being in Section 18, Township 14 South, Range 40 East, W.M.

It is FURTHER ORDERED that the construction work shall be completed on the additional point of diversion 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.

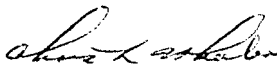
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

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.

Dated at Salem, Oregon, this 16th day of August, 1963.

*Notes on Decree*  
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*Cont. # 1611*

  
CHRIS L. WHEELER  
State Engineer