

BEFORE THE STATE ENGINEER OF OREGON

Wasco County

IN THE MATTER OF THE APPLICATION)
OF MILES C. LEABO FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM EIGHTMILE CREEK)
- - - - -

O R D E R
APPROVING APPLICATION

On May 2, 1962, Miles C. Leabo 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 Fifteen Mile Creek and its Tributaries, a water right was established in the name of Thomas B. Leabo for the use of the waters of Eightmile Creek for the irrigation of 4.41 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.4 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.83 acre in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.37 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 1 South, Range 13 East, W. M., with a date of priority of 1880. These lands are irrigated through the Campbell ditch, the point of diversion of said ditch being located 700 feet North and 465 feet East from the SW corner of Section 11, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 11, Township 1 South, Range 13 East, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant to be located 1600 feet North and 1100 feet East from the SW corner of Section 11, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 11, 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 of water 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 700 feet North and 465 feet East from the SW corner of Section 11, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 11, Township 1 South, Range 13 East, W. M.

To a point to be located 1600 feet North and 1100 feet East from the SW corner of Section 11, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 11, Township 1 South, Range 13 East, W. M.

for the irrigation of 4.41 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.4 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.83 acre in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.37 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 1 South, Range 13 East, W. M., with a date of priority of 1880, be and the same is hereby 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, 1963, 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.

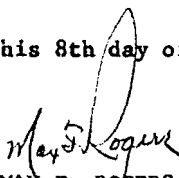
That the plans of the weir or other suitable device be approved by the watermaster of Wasco County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 8th day of May, 1962.

Noted on Dever

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Cert. # 5653


MAX F. ROGERS
Acting State Engineer