

BEFORE THE STATE ENGINEER OF OREGON

Umatilla County

IN THE MATTER OF THE APPLICATION)
OF EDWIN Y. SHAW FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM MCKAY CREEK.)

O R D E R

APPROVING APPLICATION

On December 30, 1949, Edwin Y. Shaw 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.

By Decree of the Circuit Court for Umatilla County, entered September 9, 1936, in the matter of the determination of the relative rights to the use of the waters of Umatilla River and its tributaries, as amended by decree of the Circuit Court for said Umatilla County, entered April 13, 1950, a water right was adjudicated in the name of Daniel Shaw for the irrigation of, among other lands, 15 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14 and 40 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 7 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 8 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 30 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 1 North, Range 32 East, W. M., of which 45 acres have a date of priority of May, 1892 and 55 acres have a date of priority of 1904. The above described land is irrigated through the Shaw ditch, the point of diversion of said Shaw ditch being located South 36 degrees 52 minutes West 3155 feet from the east quarter corner of Section 23, Township 1 North, Range 32 East, W. M.

Edwin Y. Shaw, owner of the above described land to which said water right is appurtenant, proposes to irrigate said land by means of a pumping plant, the point of diversion of said pumping plant to be located North 44 degrees 58 minutes West 2100 feet from the east quarter corner of Section 23,

Township 1 North, Range 32 East, W. M.

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, for a period of at least three weeks and not less than one publication each week, being in the issues of April 19, 26 and May 3, 1950. The time fixed for hearing in the notice was not less than 30 days after the last publication of said notice.

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 McKay Creek, to-wit:

From a point located South $36^{\circ} 52'$ West 3,155 feet from the east quarter corner of Section 23, Township 1 North, Range 32 East, W. M.,

To a point to be located North $44^{\circ} 58'$ West 2,100 feet from the east quarter corner of Section 23, Township 1 North, Range 32 East, W. M.,

for the irrigation of 15 acres in the $SE\frac{1}{4} SE\frac{1}{4}$, Section 14 and 40 acres in the $NE\frac{1}{4} NE\frac{1}{4}$, 7 acres in the $NW\frac{1}{4} NE\frac{1}{4}$, 8 acres in the $SW\frac{1}{4} NE\frac{1}{4}$ and 30 acres in the $SE\frac{1}{4} NE\frac{1}{4}$, Section 23, Township 1 North, Range 32 East, W. M., of which 45 acres have a date of priority of May, 1892 and 55 acres have a date of priority of 1904, be and the same hereby is approved.

It is FURTHER ORDERED that the construction work required to be done in connection with the proposed change in point of diversion of water

shall be completed on or before October 1, 1950 or such extension of time as may be granted by the State Engineer for good cause shown.


It is FURTHER ORDERED that the following provisions shall be effective when, in the judgement 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 to use;

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 18th day of July, 1950.

Noted on Decree
Vol. 3 p 218
Cert. 17240


CHAS. E. STRICKLIN
State Engineer