

BEFORE THE STATE ENGINEER OF OREGON

Harney County

IN THE MATTER OF THE APPLICATION )  
OF LEE WILLIAMS FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM OTIS CREEK )  
- - - - -

ORDER APPROVING  
TRANSFER NO. W-89

On June 13, 1962, Lee Williams of Drewsey, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Otis Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Malheur County, Oregon, entered May 13, 1925, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Malheur River and its Tributaries, a water right was allowed in the name of S. S. Williams for the use of the waters of Otis Creek, with a date of priority of 1884, for the irrigation of, among other lands, 10.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 25.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 3.0 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 7.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 8.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 13.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 19, Township 20 South, Range 36 East, W.M., and 6.0 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 30, said township and range. These lands are irrigated through the Williams or Stewart Ditch, the point of diversion of said ditch being located 325 feet north and 125 feet west from the center corner of Section 17, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 17, Township 20 South, Range 36 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Williams or Stewart Ditch at a new point of diversion to be located south 35 degrees 30 minutes east, 1000 feet from the northwest corner of Section 20, and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 20, Township 20 South, Range 36 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 change in point of diversion of water, if any there were, namely: at the

county courthouse in Burns, Oregon, on December 22, 1964, at 9:30 o'clock a.m. The notice was published in the Burns Times Herald, a newspaper printed and having general circulation in Harney County, Oregon, for a period of three weeks in the issues of October 29, November 5 and 12, 1964. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Merle Clark, Watermaster of District No. 10, 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 proposed change in point of diversion of water from Otis Creek, to-wit:

From a point located 325 feet north and 125 feet west from the center corner of Section 17, and being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 17, Township 20 South, Range 36 East, W.M.

To a point to be located south 35 degrees 30 minutes east, 1000 feet from the northwest corner of Section 20, and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , said Section 20, Township 20 South, Range 36 East, W.M.

for the irrigation of 10.0 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 25.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 3.0 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 7.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 8.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 13.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 19, Township 20 South, Range 36 East, W.M. and 6.0 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 30, said township and range, with a date of priority of 1884, is 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, 1965.

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.

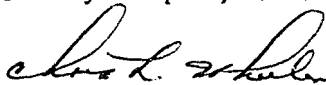
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

That the 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 S. S. Williams and recorded at page 7043, Volume 7, 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 Lee Williams confirming said change in point of diversion.

Dated at Salem, Oregon, this 8th day of April, 1965.

  
CHRIS L. WHEELER  
State Engineer