

Union County

IN THE MATTER OF THE APPLICATION)
OF LOWELL HUTCHINSON FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM)
CATHERINE CREEK)
-----)

ORDER APPROVING
APPLICATION NO. H-166

On January 30, 1966, Lowell Hutchinson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Catherine Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Union County, Oregon, entered March 13, 1924, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Grande Ronde River and its Tributaries, a water right was established in the name of W. H. Hutchinson for the use of the waters of Catherine Creek for the irrigation of 40.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, 40.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 37.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, and 5.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 4 South, Range 39 East, W.M., with a date of priority of 1864; a water right was also established in the name of J. H. Hutchinson for the use of the waters of Catherine Creek for the irrigation of, among other lands, 28.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 25.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 4 South, Range 39 East, W.M., with a date of priority of 1864. These water rights were confirmed by certificates recorded at pages 6393 and 6389, respectively, in Volume 6, State Record of Water Right Certificates.

The water is conveyed to these lands by means of the Hutchinson-McLean Ditch, the point of diversion being located 1000 feet east and 175 feet south from the north quarter corner of Section 19, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 4 South, Range 40 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 100 feet west from the northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Township 4 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 change in point of diversion of water, if any there were, namely: at the county courthouse in Union, Oregon, on June 9, 1966, at 9:30 a.m. The notice was published in the Union Republic, a newspaper printed and having general circulation in Union County, Oregon, for a period of three weeks in the issues of April 15, 22 and 29, 1966. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Ward Miller, Watermaster of District No. 6, 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 Catherine Creek, to-wit:

From a point located 1000 feet east and 175 feet south from the north quarter corner of Section 19, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 4 South, Range 40 East, W.M.

To a point to be located 100 feet west from the northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Township 4 South, Range 40 East, W.M.

for the irrigation of 40.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, 40.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 37.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24,

5.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, 28.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 25.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 4 South, Range 39 East, W.M. with a date of priority of 1864, 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, 1967.

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.

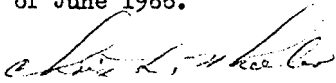
It is FURTHER ORDERED that the following provision shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

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 certificates of water right heretofore issued to W. H. Hutchinson and J. H. Hutchinson and recorded at pages 6393 and 6389, respectively, in Volume 6, State Record of Water Right Certificates, are canceled, and a new certificate be issued covering that portion of the lands under certificate 6389 not involved in this proceeding, and upon proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, certificates of water right shall be issued to Lowell Hutchinson confirming the change in point of diversion.

Dated at Salem, Oregon this 22nd day of June 1966.


CHRIS L. WHEELER, State Engineer