

BEFORE THE STATE ENGINEER OF OREGON

Hood River County

IN THE MATTER OF THE APPLICATION )  
OF WALLACE JOHNSON FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM INDIAN CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2716

On September 19, 1972, Wallace Johnson filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Indian Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Hood River, County, Oregon, entered October 24, 1921, In the matter of the Determination of the Relative Rights to the Use of the Waters of Hood River and its Tributaries, a water right was established in the name of Grace H. Hilles for the use of the waters of Indian Creek for the irrigation of, among other lands, 20.0 acres in NW¼ SE¼, Section 9, Township 2 North, Range 10 East, W.M., with a date of priority of 1876, as evidenced by certificate of water right recorded at page 14972, Volume 12, State Record of Water Right Certificates. These lands are irrigated from a point of diversion located 250 feet South from the SW corner of Section 9, being within the NW¼ NW¼, Section 16, Township 2 North, Range 10 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 540 feet South and 870 feet East from the center of Section 9, being within the NW¼ SE¼, Section 9, Township 2 North, Range 10 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 Hood River, Oregon, on February 7, 1973, at 9:30 a.m. The notice was published in the Hood River News, a newspaper printed and having general circulation in Hood River County, Oregon, for a period of three weeks in the issues of December 14, 21, and 28, 1972. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. William I. Porfily, 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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Indian Creek, to-wit:

From a point located 250 feet South from the SW corner of Section 9, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 16, Township 2 North, Range 10 East, W.M.

To a point to be located 540 feet South and 870 feet East from the center of Section 9, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, Township 2 North, Range 10 East, W.M.

for the irrigation of 20.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 9, Township 2 North, Range 10 East, W.M., with a date of priority of 1876, 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, 1973.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water

available at the old point of diversion.

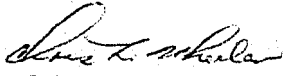
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring 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 Grace H. Hilles and recorded at page 14972, Volume 12, 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 Wallace Johnson confirming the change in point of diversion.

Dated at Salem, Oregon, this 19th day of April, 1973.

  
CHRIS L. WHEELER  
State Engineer