

BEFORE THE STATE ENGINEER OF OREGON

Hood River County

IN THE MATTER OF THE APPLICATION
OF FRANK S. BUEHLER FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION OF
WATER FROM AN UNNAMED STREAM BRANCH
OF INDIAN CREEK

ORDER APPROVING
TRANSFER NO. 2889

On August 21, 1973, Frank S. Buehler filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from an unnamed stream branch of Indian Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Carl Taylor and Lynn Taylor and recorded at page 3802, Volume 5, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.10 cubic foot per second of water from an unnamed stream branch of Indian Creek for the irrigation of, among other lands, 4.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 2 North, Range 10 East, W.M., with a date of priority of May 9, 1921. These lands are irrigated from a point of diversion located 160 rods South and 32 rods West from the Northeast corner of Section 4, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, 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 280 feet North and 370 feet West from the East $\frac{1}{4}$ corner of Section 4, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 2 North, Range 10 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.

The lands involved herein are within the boundaries of the Hood River Irrigation District and the Board of Directors of said District approved the

proposed change in point of diversion at a regular meeting held January 16, 1974.

Mr. Bill 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 an unnamed stream branch of Indian Creek, to wit:

From a point located 160 rods South and 32 rods West from the Northeast corner of Section 4, being within the $SE\frac{1}{4}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$ of Section 4, Township 2 North, Range 10 East, W.M.

To a point to be located 280 feet North and 370 feet West from the East $\frac{1}{4}$ corner of Section 4, being within the $SE\frac{1}{4}$ $NE\frac{1}{4}$ of Section 4, Township 2 North, Range 10 East, W.M.

for the irrigation of 4.0 acres in $SE\frac{1}{4}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, Section 4, Township 2 North, Range 10 East, W.M., with a date of priority of May 9, 1921, 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, 1975.

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, and shall not exceed 0.06 cubic foot per second.

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 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 Carl Taylor and Lynn Taylor and recorded at page 3802, Volume 5, 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 Frank S. Buehler confirming the change in point of diversion.

Dated at Salem, Oregon, this 4th day of March, 1974.



CHRIS L. WHEELER
State Engineer