

BEFORE THE STATE ENGINEER OF OREGON

Union County

IN THE MATTER OF THE APPLICATION)
 OF PRESCOTT DITCH COMPANY FOR THE)
 APPROVAL OF A CHANGE IN POINT OF)
 DIVERSION OF WATER FROM CATHERINE)
 CREEK)

ORDER APPROVING
TRANSFER NO. P-80

On March 19, 1965, Prescott Ditch Company of Union, Oregon, 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 August 8, 1925, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Grande Ronde River and its Tributaries, certain water rights were established to the use of the waters of Catherine Creek, as follows:

Name	Place of Use	Certificate recorded at page
Union Orchard Company	10.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, 40.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, Township 4 South, Range 39 East, W.M. 10.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19, 30.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, Township 4 South, Range 40 East, W.M.	6609 (1)
O. M. and Mary Crossland	0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 19,	6225 (1)
D. M. Hoots	1.0 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ 0.75 acre in SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 19,	6376
J. H. Hutchinson	8.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 19,	6389 (1)
Anna Maxwell	10.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 19,	6439

Name	Place of Use	Certificate recorded at page
F. M. Ricker	6.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 19,	6536 (1)
Amanda M. Rinehart	17.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 19,	6538
Alex Slater	12.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 19,	6566
J. P. Welch	14.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 19,	6627 (1)
Roy J. Corry	10.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 30,	6218
A. Johnson	4.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 30,	6396
Albert E. Wilkinson	7.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 30,	6634

NOTE: (1) These certificates also cover water rights on other lands that are not irrigated from Prescott Ditch and, therefore, are not involved in this proceeding.

These lands all have a date of priority of 1874 and are irrigated through the Prescott Ditch, the point of diversion of said ditch being located 480 feet south and 430 feet west from the northeast corner of Section 19, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 19, Township 4 South, Range 40 East, W.M.

The applicant herein proposes to change the point of diversion of the Prescott Ditch to a point to be located 810 feet south and 178 feet west from the northeast corner of Section 19, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 19, Township 4 South, Range 40 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.

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 may be made without injury to existing rights, the application should be approved.

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

From a point located 480 feet south and 430 feet west from the northeast corner of Section 19, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 19, Township 4 South, Range 40 East, W.M.

To a point to be located 810 feet south and 178 feet west from the northeast corner of Section 19, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 19, Township 4 South, Range 40 East, W.M.

for the irrigation of 10.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24 and 40.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, Township 4 South, Range 39 East, W.M., and 1.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 8.75 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 33.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 10.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 26.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 16.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19 and 21.5 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 34.5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 4 South, Range 40 East, W.M., with a date of priority of 1874, 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, 1966.

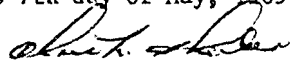
It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

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

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.

Dated at Salem, Oregon, this 7th day of May, 1965.


CHRIS L. WHEELER
State Engineer