

BEFORE THE STATE ENGINEER OF OREGON

Union County

IN THE MATTER OF THE APPLICATION)
OF ROY STAUFFER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM CATHERINE CREEK)

ORDER APPROVING
TRANSFER NO. S-203

On May 1, 1968, Roy Stauffer 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, a water right was established in the name of J. F. Hutchinson for the use of the waters of Grande Ronde River for the irrigation of, among other lands, 9.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 25.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, and 30.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 4 South, Range 39 East, W.M., with a date of priority of 1876. This right was confirmed by certificate recorded at page 6388, Volume 6, State Record of Water Right Certificates. This land is irrigated by means of the Coffin Ditch, the point of diversion being located 760 feet North and 200 feet East from the SW corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 4 South, Range 39 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 700 feet South and 200 feet West from the NE corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 4 South, Range 39 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. W. 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 point of diversion of water may be established 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 Catherine Creek, to-wit:

From a point located 760 feet North and 200 feet East from the SW corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 4 South, Range 39 East, W.M.

To a point to be located 700 feet South and 200 feet West from the NE corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 4 South, Range 39 East, W.M.

for the irrigation of 9.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 25.9 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, and 30.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 4 South, Range 39 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, 1969.

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 1.63 cubic foot per second.

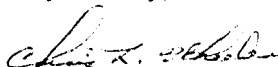
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 J. F. Hutchinson and recorded at page 6388, Volume 6, 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 Roy Stauffer confirming said change in point of diversion.

Dated at Salem, Oregon, this 27th day of May, 1968.



CHRIS L. WHEELER
State Engineer