

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION }
OF DICK INGLE AND JOHN HILLOCK FOR }
THE APPROVAL OF A CHANGE IN POINT }
OF DIVERSION OF WATER FROM PRAIRIE }
CREEK }

ORDER APPROVING
TRANSFER NO. 3363

On February 13, 1976, Dick Ingle and John Hillock filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Prairie Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to E. A. Hart and recorded at Page 3047, Volume 4, State Record of Water Right Certificates, confirms a right to the use of water from Prairie Creek for the irrigation of, among other lands, 8.2 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 2 South, Range 45 East, W.M., with a date of priority of 1889. These lands are irrigated from a point of diversion located 700 feet North and 1100 feet West from the Southeast corner of Section 7, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 2 South, Range 45 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 North 86 degrees, 36 minutes East 320 feet from the Southwest corner of Section 6, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, Township 2 South, Range 45 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 Enterprise, Oregon, on May 6, 1976, at 9:30 a.m. The notice was published in the Wallowa County Chieftain, a newspaper printed and having general circulation in Wallowa County, Oregon, for a period of three

weeks in the issues of March 11, 18 and 25, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Robert DeBow, Watermaster of District No. 7, 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 objection 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 Prairie Creek, to wit:

From a point located 700 feet North and 1100 feet West from the Southeast corner of Section 7, being within the $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Section 7, Township 2 South, Range 45 East, W.M.

To a point to be located North 86 degrees 36 minutes East 320 feet from the Southwest corner of Section 6, being within the $SW\frac{1}{4}$ $SW\frac{1}{4}$ of Section 6, Township 2 South, Range 45 East, W.M.

for the irrigation of 8.2 acres in $SW\frac{1}{4}$ $SW\frac{1}{4}$, Section 6, Township 2 South, Range 45 East, W.M., with a date of priority of 1889, 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, 1977.

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 1/80 cubic foot per second per acre irrigated during the irrigation season.

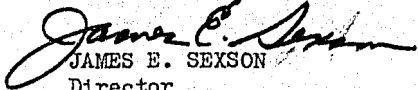
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the water master it becomes necessary to install head-gates and measuring devices.

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 the certificate of water right heretofore issued to E. A. Hart and recorded at Page 3047, Volume 4, 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 Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Dick Ingle and John Hillock confirming the change in point of diversion.

Dated at Salem, Oregon, this 28th day of May, 1976.


JAMES E. SEXSON
Director