

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION)
OF SYLVIA BONER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM HURRICANE CREEK)

ORDER APPROVING
TRANSFER NO. 3321

On October 6, 1975, Sylvia Boner filed an application in the office of the Water Resources Director for the approval of an additional point of diversion of water from Hurricane Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Lyle K. Boner and recorded at Page 39607, Volume 31, State Record of Water Right Certificates, confirms a right to the use of water from Hurricane Creek for the irrigation of 71.5 acres, with priority dates of 1881 and 1892, and for domestic use at a house in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and stock use at facilities in the N $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, Township 2 South, Range 44 East, W.M., with a priority date of 1879. Water for these uses is diverted from Hurricane Creek at a point located South 76⁰ 02 minutes West, 49 feet from the Northeast corner of Section 3, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 3 South, Range 44 East, W.M.

The applicant herein, owner of the acreage, house and stock facilities above described, proposes to maintain use from the aforementioned point of diversion during the irrigation season for irrigation, domestic and stock purposes and establish an additional point of diversion to be located South 36⁰ 31 minutes West, 588 feet from the West quarter-corner of Section 36, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 2 South, Range 44 East, W.M., for use during the non-irrigation season for the domestic and stock purposes.

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 W. 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 additional point of diversion of water from Hurricane Creek:

At a point located South 36° 31 minutes West, 588 feet from the West quarter-corner of Section 36, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 2 South, Range 44 East, W.M.

for use during the non-irrigation season for domestic and stock use as described herein 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 additional point of diversion shall not exceed the quantity of water available at the old point of diversion, and shall not exceed such amount as may be reasonably necessary to supply domestic and stockwater needs.

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 upon receipt of proof satisfactory to the Water Resources Director of completion of the additional point of diversion authorized herein, the certificate of water right heretofore issued to Lyle K. Boner and recorded at Page 39607, Volume 31, State Record of Water Right Certificates, be canceled, and in lieu thereof a new certificate be issued to Sylvia Boner, including the additional point of diversion for domestic and stockwater.

Dated at Salem, Oregon, this 7th day of June, 1976.


JAMES E. SEXSON
Director