

Hood River County

IN THE MATTER OF THE APPLICATION)
 OF MIDDLE FORK IRRIGATION DISTRICT)
 FOR THE APPROVAL OF A CHANGE IN)
 POINT OF DIVERSION OF WATER FROM)
 TROUT CREEK)

ORDER APPROVING
TRANSFER NO. 2763

On February 7, 1973, Middle Fork Irrigation District filed an application in the office of the Water Resources Director for the approval of changes in point of diversion of water from Trout Creek pursuant to the provisions of ORS 540.510 to 540.530.

Rights were allowed by decree of the Circuit Court of the State of Oregon for Hood River County in the Matter of the Determination of the Relative Rights of the Various Claimants to the use of the Water of Hood River and Its Tributaries, Hood River County, Oregon, tabulated in the name of Middle Fork Irrigation District, for use of the waters of Trout Creek as follows:

Diversion through Wishart Ditch from a point located 100 feet South and 200 feet West from the East quarter-corner of Section 1, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 1 South, Range 9 East, W.M., with a priority date of 1892 for irrigation of, among other lands, 17.9 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 1 North, Range 10 East, W.M.;

Diversion through Billings Ditch from a point located 350 feet South and 1900 feet West from the Northeast corner of Section 30, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 1 North, Range 10 East, W.M., with a priority date of 1897 for irrigation of, among other lands, 2.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18 and 10.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 1 North, Range 10 East, W.M.; and

Diversion through Cooper Ditch from a point located 200 feet South and 140 feet West from the Northeast corner of Section 31, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 1 North, Range 10 East, W.M., with a date of priority of 1898 for irrigation of, among other lands, 15.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 1 North, Range 10 East, W.M.

The applicant herein proposes to change the point of diversion for the said lands heretofore irrigated through Wishart Ditch and to divert the water by means of Sato Pipeline from a point located 340 feet North and 120 feet West from the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 1 South, Range 9 East, W.M.

The applicant also proposes to change the point of diversion for the said lands heretofore irrigated through Billings and Cooper ditches and to divert the water by means of Dykstra Pipeline from a point located 350 feet South and 50 feet East from the Northwest corner of Section 32, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 1 North, Range 10 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Hood River News, a newspaper printed and having general circulation in Hood River County, Oregon, for a period of three weeks in the issues of August 26, September 2 and 9, 1976.

Mr. Thomas J. Paul, Watermaster of District No. 3, has filed a statement to the effect that the proposed changes in point of diversion may be made without injury to existing rights.

No objection having been filed and it appearing that the proposed changes 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 requested changes in point of diversion from Trout Creek described herein, without loss of priority, is approved.

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 under the subject rights.

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:

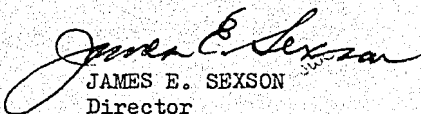
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized changes in point of diversion a certificate of water right shall be issued to the Middle Fork Irrigation District confirming the said changes at the time that certificates are issued on completion of the adjudication proceedings.

Dated at Salem, Oregon, this 14th day of January, 1977.


JAMES E. SEXSON
Director