

BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION )  
OF CLYDE A. HAYES FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM HURRICANE CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2365

On April 24, 1970, Clyde A. Hayes filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Hurricane Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Wallowa County, Oregon, entered January 20, 1919, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Wallowa River and its Tributaries, a water right was established in the name of W. H. Robins for the use of the waters of Hurricane Creek for domestic and stock use and the irrigation of 40.0 acres in NE¼ SW¼, 40.0 acres in NW¼ SW¼, 14.0 acres in SW¼ SW¼, and 35.5 acres in SE¼ SW¼, Section 36, Township 2 South, Range 44 East, W.M., with a date of priority of 1885, as evidenced by certificate recorded at page 3145, Volume 4, State Record of Water Right Certificates. Water is conveyed to these lands by means of the Robin Boner Ditch from a point of diversion located S 36° 31' W 588 feet from the W¼ corner of Section 36, Township 2 South, Range 44 East, W.M. being within the NE¼ SE¼ of Section 35, Township 2 South, Range 44 East, W.M.

The applicant herein, owner of the lands above described, proposes to convey water to these lands by means of the Moonshine Ditch from a point of diversion to be located S 76° 02' W 49 feet from the NE corner of Section 3 being within the NE¼ NE¼ of Section 3, Township 3 South, Range 44 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 July 1, 1970, 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 May 7, 14, and 21, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Walter L. Astwood, 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 objections having been filed and it appearing that the proposed change in point of diversion of water 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 Hurricane Creek, to-wit:

From a point located S 36° 31' W 588 feet from the W¼ corner of Section 36, Township 2 South, Range 44 East, W.M. being within the NE¼ SE¼ of Section 35, Township 2 South, Range 44 East, W.M.

To a point to be located S 76° 02' W 49 feet from the NE corner of Section 3 being within the NE¼ NE¼ of Section 3, Township 3 South, Range 44 East, W.M.

for domestic and stock use and the irrigation of 40.0 acres in NE¼ SW¼, 40.0 acres in NW¼ SW¼, 14.0 acres in SW¼ SW¼, 35.5 acres in SE¼ SW¼, Section 36, Township 2 South, Range 44 East, W.M., with a date of priority of 1885, 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, 1971.

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 1½ acre feet per acre during any period of 30 days prior to July 31st of each year, thereafter not to exceed 1 acre foot per acre during the entire remainder of the irrigation season.

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 certificate of water right heretofore issued to W. H. Robins and recorded at page 3145, Volume 4, State Record of Water Right Certificates, is canceled 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 Clyde A. Hayes confirming said change in point of diversion.

Dated at Salem, Oregon, this 30th day of November, 1970.

  
CHRIS L. WHEELER  
State Engineer