

BEFORE THE STATE ENGINEER OF OREGON

Union County

IN THE MATTER OF THE APPLICATION)
 OF NODINE DITCH WATER USERS FOR)
 THE APPROVAL OF A CHANGE IN POINT)
 OF DIVERSION OF WATER FROM)
 CATHERINE CREEK.)

O R D E R
APPROVING APPLICATION

On July 23rd, 1953 Roy Hord, Earl Sanders, F. E. Ricker, W. W. Stevens and Bertha Haw, water users through the Nodine ditch, filed an application for the approval of a change in point of diversion of water from Catherine Creek, pursuant to the provisions of Section 116-606, O. C. L. A.

By decree of the circuit court for Union County, entered August 8, 1925, in the matter of the determination of the relative rights of the various claimants to the use of the waters of Grande Ronde River and its tributaries, water rights were adjudicated for the irrigation of 29.4 acres in Section 19, Township 4 South, Range 40 East, W. M., as described in the following tabulation, to-wit:

Name as it appears in adjudication	Present Owner	Date of Priority	Place of Use
✓ J.H.Hutchinson	Bertha Haw	1874	9.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
✓ S.L.Hunter	(Frank Ricker (Earl Sanders)	1873 1873	5.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
✓ O. M. and Mary Crossland	Roy Hord	1875	0.5 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
Wm.W.Stevens	W.W.Stevens	1873	3.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ NE $\frac{1}{4}$

These lands are irrigated through the Nodine ditch, the point of diversion of said ditch being located 1332.5 feet west and 121 feet south from the northeast

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corner of Section 19, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 19, Township 4 South, Range 40 East, W. M.

The applicants herein, owners of the lands above described, propose to change their point of diversion upstream approximately 100 feet to a point to be located 892.5 feet west and 201 feet south from the northeast corner of Section 19, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 19, Township 4 South, Range 40 East, W. M.

Notice by publication as provided by Sections 116-606, O. C. L. A., was given in the Union Republic, a newspaper printed and having general circulation in Union County, Oregon, for a period of not less than three weeks, being the issues of August 7, 14 and 21, 1953. The time fixed for hearing in the notice, namely: September 30, 1953, was not less than thirty days after the last publication of said notice.

On September 16, 1953, the City of Union filed objections against the approval of the proposed change in point of diversion and, subsequently, on September 29, 1953, the day prior to the date set for hearing, the city withdrew such objections.

Mr. Ward Miller, Watermaster of District No. 3, has filed a report to the effect that the proposed change in point of diversion of water will not result in injury to existing rights.

It appears that the proposed change in point of diversion of water may be made without injury to existing rights and the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water, to-wit:

From a point located 1332.5 feet west and 121 feet south from the northeast corner of Section 19, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 19, Township 4 South, Range 40 East, W. M.,

To a point to be located 892.5 feet west and 201 feet south from the northeast corner of Section 19, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 19, Township 4 South, Range 40 East, W. M.,

for the irrigation of 29.4 acres in Section 19, Township 4 South, Range 40 East, W. M., described as follows, to-wit:

<u>Present Owner</u>	<u>Date of Priority</u>	<u>Place of Use</u>
Bertha Haw	1874	9.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$
Frank Ricker	1873	5.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
Earl Sanders	1873	7.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$
Roy Hord	1875	0.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$
W. W. Stevens	1873	3.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ 2.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ NE $\frac{1}{4}$

be and the same hereby is approved.

It is FURTHER ORDERED that the construction work required shall be completed and the change in point of diversion of water made on or before October 1, 1954 or within such extension of time as may be granted by the State Engineer for good cause shown and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

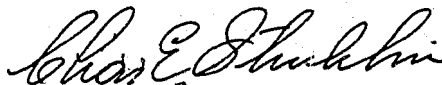
It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion less stream losses and less inflow, if any, between the present and proposed points of diversion.

Dated at Salem, Oregon, this 21st day of October 1953.

Noted on Decree

Vol. 8, pages 29, 47, 50, and 95

Certs. 6225, 6384, 6389, and 6581



CHAS. E. STRICKLIN
State Engineer