

BEFORE THE STATE ENGINEER OF OREGON

Union County

IN THE MATTER OF THE APPLICATION)
OF BOISE CASCADE CORPORATION FOR)
THE APPROVAL OF A CHANGE IN USE)
AND POINT OF DIVERSION OF WATER)
FROM PHILLIPS CREEK)

ORDER APPROVING
TRANSFER NO. B-180

On July 14, 1967, Boise Cascade Corporation filed an application in the office of the State Engineer for the approval of a change in use and point of diversion of water from Phillips Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Evert Arbogast and recorded at page 27173, Volume 19, State Record of Water Right Certificates confirms a right to the use of 0.46 cubic foot per second from Phillips Creek for irrigation of 18.0 acres in NW¼ SE¼, Section 16, Township 1 North, Range 39 East, W.M. and stock watering, with a date of priority of September 1, 1954. Water for this use is diverted by a portable pump between a point 2630 feet North and 2300 feet West and a point 1850 feet North and 1330 feet West from the SE corner of Section 16 being within the NW¼ SE¼ of Section 16, Township 1 North, Range 39 East, W.M.

The applicant herein, owner of the land above described, proposes to change the use of water from irrigation and stock watering to log sprinkling in a log storage yard in the SW¼ NE¼ and NW¼ SE¼, Section 16, Township 1 North, Range 39 East, W.M. and divert water for this use by portable pumping between a point 3130 feet North and 2675 feet West from the SE corner of Section 16 being within the SW¼ NE¼ of Section 16, Township 1 North, Range 39 East, W.M. and a point 1510 feet North and 1330 feet West from the SE

corner of Section 16 being within the NW¼ SE¼ of Section 16, Township 1 North, Range 39 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 use and point of diversion of water, if any there were, namely: at the county courthouse in La Grande, Oregon, on July 17, 1968, at 9:30 a.m. The notice was published in The Elgin Recorder, a newspaper printed and having general circulation in Union County, Oregon, for a period of three weeks in the issues of May 30, 1968 and June 6 and 13, 1968. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Ward Miller, Watermaster of District No. 6, has filed a report to the effect that the proposed change in use and 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 use and 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 use of water and point of diversion is approved and the water right hereinbefore described as being for the appropriation of 0.46 cubic foot per second from Phillips Creek for irrigation of 18.0 acres in NW¼ SE¼, Section 16, Township 1 North, Range 39 East, W.M. and stock watering, with a date of priority of September 1, 1954 be transferred to log sprinkling in a log storage yard in the SW¼ NE¼ and NW¼ SE¼, Section 16, Township 1 North, Range 39 East, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Phillips Creek, to-wit:

From a point located between 2630 feet North and 2300 feet West and 1850 feet North and 1330 feet

West from the SE corner of Section 16 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 1 North, Range 39 East, W.M.

To a point to be located between 3130 feet North and 2675 feet West and 1510 feet North and 1330 feet West from the SE corner of Section 16 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, Township 1 North, Range 39 East, W.M. for log sprinkling in a log storage yard.

with a date of priority of September 1, 1954, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1969.

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 and shall be limited to 0.46 cubic foot per second.

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.

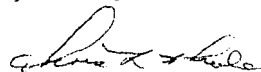
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 Evert R. Arbogast and recorded at page 27173, State Record of Water Right Certificates is canceled and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Boise Cascade Corporation confirming the extent to which the water has

been applied beneficially and confirming the change in point of diversion.

Dated at Salem, Oregon, this 21st day of August, 1968.



CHRIS L. WHEELER
State Engineer