

BEFORE THE STATE ENGINEER OF OREGON

Wallowa County

IN THE MATTER OF THE APPLICATION)
OF EDWARD AND IRENE REDMAN FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM)
HURRICANE CREEK)

ORDER APPROVING
TRANSFER NO. R-81

On February 8, 1965, Edward and Irene Redman of Joseph, Oregon, 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 entered January 20, 1919 In the Matter of the Determination of the Relative Rights to the Use of the Waters of the Wallowa River and its Tributaries, a water right was established in the name of Alfred S. Bennett and N. J. Sinnott for the use of the waters of Hurricane Creek for the irrigation of 8.5 acres in the NW¼ NE¼ and 40 acres in the NE¼ NW¼, Section 25, and 38 acres in the SE¼ SW¼ and 11 acres in the SW¼ SE¼, Section 24, all in Township 2 South, Range 44 East, W.M., with a date of priority of 1885. This right was confirmed by certificate recorded at page 2947, Volume 4, State Record of Water Right Certificates. These lands are irrigated from the combined Hays Bonner and Shinn Ditch, the point of diversion being located South 70° 3' West 80 feet from the W. corner of Section 36 and being within the NW¼ SW¼, said Section 36, Township 2 South, Range 44 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of a ditch being located 100 feet north and 50 feet east from the SW corner of Section 35 and being within the SW¼ SW¼, said Section 35, Township 2 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, 1965, 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 6, 13, and 20, 1965. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Walter 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 may be made without injury to existing rights, the application should be approved.

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

From a point located south 70° 3' west 80 feet from the W $\frac{1}{4}$ corner of Section 36, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 36, Township 2 South, Range 44 East, W.M.

To a point to be located 100 feet north and 50 feet east from the SW corner of Section 25, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 35, Township 2 South, Range 44 East, W.M.

for the irrigation of 8.5 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25 and 38 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 11 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, all in 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, 1966.

It is FURTHER ORDERED that the quantity of water available at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 1.5 acre feet per acre during any period of thirty days prior to July 31st of each year, and thereafter not to exceed 1 acre foot per acre during the entire remainder of the irrigation season; and said right shall be subject to all other conditions and limitations contained in said decree.

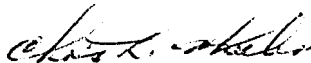
It is FURTHER ORDERED that the following provision shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 Alfred S. Bennett and N. J. Sinnott and recorded at page 2947, 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 Edward and Irene Redman confirming said change in point of diversion.

Dated at Salem, Oregon this 22nd day of November, 1965.



CHRIS L. WHEELER
State Engineer