

Hood River County

IN THE MATTER OF THE APPLICATION)
OF HARRY J. AND EMILY A. PLOG FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM ODELL)
CREEK)

ORDER APPROVING
TRANSFER NO. P-76

On August 1, 1963, Harry J. and Emily A. Plog of Hood River, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Odell Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Hood River County, Oregon, entered October 24, 1921, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Hood River and its Tributaries, a water right was established in the name of Louis Plog for the use of the waters of Odell Creek for the irrigation of 11.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 2 North, Range 10 East, W.M., with a date of priority of 1887. These lands are irrigated by means of the Miller Ditch, the point of diversion of said ditch being located 600 feet north and 200 feet west from the E $\frac{1}{2}$ corner of Section 22, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 22, Township 2 North, Range 10 East, W.M., and is evidenced by certificate recorded at page 15013, Volume 12, State Record of Water Right Certificates.

The applicants herein, owners of the lands above described, propose to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 565 feet north and 898.2 feet west from the southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 2 North, Range 10 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 Hood River, Oregon, on February 18, 1964, at 9:30 a.m. The notice 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 December 26, 1963 and January 2 and 9, 1964. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Larry W. Jebousek, Watermaster of District No. 3, has filed a report to the effect that the proposed change in point of diversion 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 Odell Creek, to-wit:

From a point located 600 feet north and 200 feet west from the E $\frac{1}{4}$ corner of Section 22, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 22, Township 2 North, Range 10 East, W. M.

To a point to be located 565 feet north and 898.2 feet west from the southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 2 North, Range 10 East, W.M.

for the irrigation of 11.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 2 North, Range 10 East, W. M., with a date of priority of 1887, 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, 1965, or within such extension of time as may be granted by the State Engineer for good cause shown.

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.

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

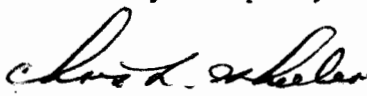
That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

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 Louis Plog and recorded at page 15013, Volume 12, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of point of diversion, a certificate of water right shall be issued to Harry J. and Emily A. Plog confirming said change in point of diversion.

Dated at Salem, Oregon, this 17th day of April, 1964.

Noted on Decree
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Cert. # 15013
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CHRIS L. WHEELER
State Engineer *JmC.*