

BEFORE THE STATE ENGINEER OF OREGON

Hood River County

IN THE MATTER OF THE APPLICATION)
OF MIDDLE FORK IRRIGATION DISTRICT)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
EVANS CREEK)

ORDER APPROVING
TRANSFER NO. 2823

On May 25, 1973, The Middle Fork Irrigation District filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Evans 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 the Middle Fork Irrigation District for the use of the waters of Evans Creek for the irrigation of, among other lands, 20.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, Township 1 South, Range 10 East, W.M., and 10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, and 35.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 1 North, Range 10 East, W.M., with a date of priority of 1894. These lands are irrigated by means of the Rodenhiser ditch from a point of diversion located 100 feet South and 250 feet West from the NE corner of Section 7, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 1 South, Range 10 East, W.M.

The applicants herein, propose to irrigate these lands by means of a pipeline from a point of diversion to be located 720 feet South and 600 feet West, from the NE corner of Section 7, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 1 South, Range 10 East, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said Section

provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. William I. Porfily, Watermaster of District No. 3, 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 change in point of diversion of water from Evans Creek, to-wit:

From a point located 100 feet South and 250 feet West from the NE corner of Section 7, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 1 South, Range 10 East, W.M.

To a point to be located 720 feet South and 600 feet West from the NE corner of Section 7, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 1 South, Range 10 East, W.M.

for the irrigation of 20.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, Township 1 South, Range 10 East, W.M., 10.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 35.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 1 North, Range 10 East, W.M., with a date of priority of 1894, 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, 1974.

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.

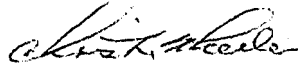
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 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 the Middle Fork Irrigation District confirming the change and including the balance of the lands not involved herein, at the time that certificates are issued on completion of the adjudication proceedings.

Dated at Salem, Oregon, this 4th day of September, 1973.



CHRIS L. WHEELER
State Engineer