

BEFORE THE STATE ENGINEER OF OREGON

Union County

IN THE MATTER OF THE APPLICATION)
OF PAUL D. HARRIS FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM CATHERINE CREEK)

ORDER APPROVING
TRANSFER NO. H-167

On February 24, 1966, Paul D. Davis filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Catherine Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Union County, Oregon, entered March 13, 1924, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Grande Ronde River and its Tributaries, a water right was established in the name of Frank P. Davis for the use of the waters of Catherine Creek for the irrigation of 11.0 acres in NE¼ NW¼ and 9.0 acres in NW¼ NW¼, Section 14, Township 4 South, Range 39 East, W.M., with a date of priority of 1904. This right is evidenced by certificate recorded at page 6230, Volume 6, State Record of Water Right Certificates.

In the same proceedings, a water right was established in the name of Wm. Liedtke for the irrigation of 18.0 acres in NE¼ NW¼ and 14.0 acres in NW¼ NW¼, Section 14, Township 4 South, Range 39 East, W.M., with a date of priority of 1901. This right is evidenced by certificate recorded at page 6430, Volume 6, State Record of Water Right Certificates.

These lands are irrigated by means of the Hutchinson-Seeblove Ditch from a point of diversion located 600 feet South and 500 feet East from the W¼ corner of Section 13 being within the NW¼ SW¼ of Section 13, Township 4 South, Range 39 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 440 feet West and 4 feet North from the SE corner of NE¼ NE¼, Section 15 being within the NE¼ NE¼ of Section 15, Township 4 South, 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 point of diversion of water, if any there were, namely: at the county courthouse in La Grande, Oregon, on June 17, 1968, at 9:30 a.m. The notice was published in the La Grande Observer, a newspaper printed and having general circulation in Union County, Oregon, for a period of three weeks in the issues of April 24, May 1 and 8, 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 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 of water 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 Catherine Creek, to-wit:

From a point located 600 feet South and 500 feet East from the W¼ corner of Section 13 being within the NW¼ SW¼ of Section 13, Township 4 South, Range 39 East, W.M.

To a point to be located 440 feet West and 4 feet North from the SE corner of NE¼ NE¼, Section 15 being within the NE¼ NE¼ of Section 15, Township 4 South, Range 39 East, W.M.

for the irrigation of 11.0 acres in NE¼ NW¼ and 9.0 acres in NW¼ NW¼, Section 14, Township 4 South, Range 39 East, W.M., with a date of

priority of 1904, and 18.0 acres in NE¼ NW¼ and 14.0 acres in NW¼ NW¼, Section 14, Township 4 South, Range 39 East, W.M., with a date of priority of 1901, is approved.

It is FURTHER ORDERED that no time need be fixed for completion as the change in point of diversion is completed and the new diversion in operation.

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 and shall not exceed three acre feet per acre in any irrigation season, diverted at a rate of not to exceed one-fortieth of a cubic foot per second per acre.

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 Frank P. Davis and recorded at page 6230, Volume 6, State Record of Water Right Certificates, is canceled, and certificate of water right heretofore issued to Wm. Liedtke and recorded at page 6430, Volume 6, 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, certificates of water right shall be issued to Paul D. Harris confirming said change in point of diversion.

Dated at Salem, Oregon, this 17th day of April, 1970.



CHRIS L. WHEELER
State Engineer 9