

BEFORE THE STATE ENGINEER OF OREGON

Hood River County

IN THE MATTER OF THE APPLICATION)
OF EDWARD HINES LUMBER COMPANY)
FOR THE APPROVAL OF A CHANGE IN)
USE AND POINT OF DIVERSION OF)
WATER FROM EAST FORK HOOD RIVER)
AND CANCELATION OF A CERTIFICATE)
OF WATER RIGHT)
- - - - -

ORDER

APPROVING APPLICATION AND
CANCELING CERTIFICATE

On September 29, 1961, the Edward Hines Lumber Company of Hood River, Oregon, 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 East Fork Hood River, 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 Oregon Lumber Company for the use of 322 cubic feet per second of the water of East Fork of Hood River for the development of power and 13 cubic feet per second for fish ladders and leakage in the W $\frac{1}{2}$, Section 7, Township 1 North, Range 10 East, W. M., with a date of priority of September 1905. The point of diversion is located 2402.4 feet South and 528 feet East from the northwest corner of Section 7, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 1 North, Range 10 East, W. M.

The applicant herein, owner of the land to which the water is appurtenant, proposes to change the use of 37.5 cubic feet per second of the 322 cubic feet per second heretofore used for the development of power to that of the following uses; to-wit:

- 11.0 cubic feet per second for fire protection
- 5.0 cubic feet per second for log washing
- 15.5 cubic feet per second for condenser cooling
- 1.0 cubic feet per second for cold deck sprinkling
- 5.0 cubic feet per second for process water

and to maintain diversions for such uses along that section of the East Fork Hood River lying within Section 7, Township 1 North, Range 10 East, W. M. The applicant further proposes to abandon the right to the use of the remaining 284.5 cubic feet per second heretofore used for the development of power and pursuant to the provisions of ORS 540.621, has filed an affidavit that said right to the use of 284.5 cubic feet per second for the development of power has been abandoned.

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 Hood River, Oregon, on January 3, 1962, at 9:30 o'clock 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 November 9, 16 and 23, 1961. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 proposed change in use of waters from the East Fork Hood River be approved and that the right to the use of 37.5 cubic feet per second heretofore used for power be transferred without loss of priority to the following uses:

- 11.0 cubic feet per second for fire protection
- 5.0 cubic feet per second for log washing
- 15.5 cubic feet per second for condenser cooling
- 1.0 cubic feet per second for cold deck sprinkling
- 5.0 cubic feet per second for process water

in the W $\frac{1}{2}$, Section 7, Township 1 North, Range 10 East, W. M., with a date of priority of September 1905, and to maintain diversions for such uses along that section of the East Fork Hood River lying within Section 7, Township 1 North, Range 10 East, W. M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1963, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the right to the use of 284.5 cubic feet per second of the waters of East Fork Hood River for the development of power in the W $\frac{1}{2}$, Section 7, Township 1 North, Range 10 East, W. M., as evidenced by certificate of water right issued to Oregon Lumber Company and recorded at page 15008, Volume 12, State Record of Water Right Certificates, be and the same hereby is canceled.

It is FURTHER ORDERED that certificate of water right heretofore issued to Oregon Lumber Company and recorded at page 15008, Volume 12, State Record of Water Right Certificates, be and the same hereby is canceled and that in lieu thereof a new certificate be issued covering the right to the use of 13 cubic feet per second of the waters of East Fork Hood River for leakage and maintenance of fish ladder in the W $\frac{1}{2}$, Section 7, Township 1 North, Range 10 East, W. M., which right was not involved in this proceeding, 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 Edward Hines Lumber Company to the extent to which the water has been applied beneficially.

It is FURTHER ORDERED that a certified copy of this order be transmitted to the County Clerk of Hood River County, pursuant to the provisions of ORS 540.621.

Dated at Salem, Oregon, this 31st day of January, 1962.

*Noted on Decree
Vol. 6, p. 243
Cert. # 15008*


LEWIS A. STANLEY
State Engineer