

BEFORE THE STATE ENGINEER OF OREGON

Union County

IN THE MATTER OF THE APPLICATION)
OF MABEL HUTCHINSON FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM CATHERINE CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. H-146

On March 4, 1964, Mabel Hutchinson of Union, Oregon, 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 August 8, 1925, 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 Steve Hutchinson for the use of the waters of Catherine Creek for the irrigation of 40.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 3 South, Range 39 East, W.M. This right is evidenced by certificate recorded at page 6392, Volume 6, State Record of Water Right Certificates. In the same proceedings, a water right was established in the name of W. R. Hutchinson for the use of the waters of Catherine Creek for the irrigation of, among other lands, 40.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22 and 40.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 40.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, all in Township 3 South, Range 39 East, W.M. This right is evidenced by certificate recorded at page 6394, Volume 6, State Record of Water Right Certificates. All of these lands have a date of priority of 1884 and are irrigated through Godley Ditch No. 2, the point of diversion of said ditch being located 1188 feet north and 2448 feet east from the southwest corner of Section 3, and being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 3, Township 4 South, Range 39 East, W.M.

The applicant herein, owner of the lands above described, proposes to maintain the Godley Ditch No. 2 and also irrigate these lands by means of an additional diversion point to be located 3680 feet south and 920 feet east from the northwest corner of Section 27, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 27, Township 3 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 May 7, 1964, at 9:30 o'clock a.m. The notice was published in The Union Republic, a newspaper printed and having general circulation in Union County, Oregon, for a period of three weeks in the issues of March 13, 20 and 27, 1964. 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 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 applicant may maintain a ditch, in addition to Godley Ditch No. 2, the point of diversion of said ditch to be located as follows:

3680 feet south and 920 feet east from the northwest corner of Section 27, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 27, Township 3 South, Range 39 East, W.M.

for the irrigation of 40.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 40.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 40.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 40.0 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, and 40.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 40.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, Township 3 South, Range 39 East, W.M., with a date of priority of 1884.

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 carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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 certificates of water right heretofore issued to Steve Hutchinson and W. R. Hutchinson and recorded at pages 6392 and 6394, Volume 6, State Record of Water Right Certificates, are canceled and in lieu thereof a new certificate be issued covering the balance of the lands under certificate 6394 not involved in this proceeding, 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 Mabel Hutchinson confirming said change in point of diversion.

Dated at Salem, Oregon, this 23rd day of July, 1964.


CHRIS L. WHEELER
State Engineer

*Noted on Decree
Vol. 8 p. 50 & 51
Cert. # 6392
& 6394*