

BEFORE THE STATE ENGINEER OF OREGON

Hood River County

IN THE MATTER OF APPLICATIONS)
NOS. R-31810 AND 31811 IN THE)
NAME OF ELDORA FRASER)

FINDINGS OF FACT, CON-
CLUSIONS AND ORDER APPROVING
APPLICATIONS

Applications Nos. R-31810 and 31811 were filed in the office of the State Engineer on August 21, 1957. No. R-31810 is for permit to construct a reservoir of 1.3 acre-feet capacity within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 1 North, Range 9 East, W.M. for use as a fish pond to be supplied by an unnamed spring. No. 13811 is for permit to appropriate 0.2 cubic foot per second of water from an unnamed stream and the reservoir for fish propagation.

Objections to approval of the applications were filed by the Dee Irrigation District on June 2, 1959. Reason for the objection was stated " . . . there is no unnamed spring as alleged in the application in the area described in the application. That the water that flows in the area is seepage water from the ditch of the Dee Irrigation District."

A hearing on the objection was held by the State Engineer on February 20, 1962 in the Library Hall at the County Library in Hood River, beginning at 1:30 P.M. Protestant was represented by Mr. Kenneth A. Abraham, Attorney at Law and Applicant was represented by Mr. M. D. Van Valkenburgh, Attorney at Law.

At the hearing Protestant called five witnesses who testified as to the nature of the water supply in question. Based upon their testimony, including answers to questions by the State Engineer, it became apparent to the State Engineer that Protestant had no valid reasons for denial of the applications and the hearing was summarily stopped and an oral opinion of the State Engineer was rendered.

FINDINGS OF FACT

-1-

The source of water for the proposed appropriation is a spring or marshy area in a small ravine. Water emerges from this area in a stream with well-defined bed and banks and flows to an eventual confluence with the West Fork of Hood River.

-2-

The stream flows throughout the year, whether or not there is water in the canal of the Dee Irrigation District.

-3-

The canal of the Dee Irrigation District loses water from seepage, and an undetermined quantity of such seepage may contribute to the flow of the spring and creek. Such seepage is not the sole source of the flow.

-4-

The Dee Irrigation District has never made an attempt to reclaim or re-use the water supply in question and has no present plans to do so.

CONCLUSIONS

-1-

The waters of the spring and the stream it feeds are public waters of the State and subject to appropriation under provisions of ORS 537.800. It matters not that a part of the water which feeds the spring and stream may result from seepage from the Dee Irrigation District canal.

-2-

The storage and use of water for fish propagation is for a beneficial purpose.

Approval of the applications will not authorize a use in conflict with existing rights and will not be prejudicial to the public interest.

ORDER

It is ORDERED that Application No. R-31810 be approved to authorize storage of 1.3 acre-feet for fish propagation and Application No. 31811 be approved to authorize use of 0.20 cubic foot per second from an unnamed stream to maintain the water stored in the reservoir for fish propagation.

Dated at Salem, Oregon this 1ST day of March, 1962.



LEWIS A. STANLEY
State Engineer