

BEFORE THE STATE ENGINEER OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION)
OF HANNA NICKEL SMELTING COMPANY)
FOR THE APPROVAL OF ESTABLISHING)
ADDITIONAL POINTS OF DIVERSION OF)
WATER FROM RAIL GULCH CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. H-189

On June 28, 1968, Hanna Nickel Smelting Company filed an application in the office of the State Engineer for the approval of establishing additional points of diversion of water from Rail Gulch Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Hanna Nickel Smelting Company and recorded at page 24239, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 3.4 cubic feet per second of the waters of Rail Gulch Creek for use in the Riddle smelter in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 30 South, Range 6 West, W.M., with a date of priority of April 30, 1952. The point of diversion is located 349 feet South and 1426 feet West from the NE corner of Section 29 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 30 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to maintain the present point of diversion for use in the Riddle smelter and establish additional points of diversion to be located 850 feet South and 880 feet East from the NW corner of Section 21 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 30 South, Range 6 West and 520 feet North and 1220 feet East from the S $\frac{1}{4}$ corner of Section 17 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 30 South, Range 6 West, 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 additional points of diversion of water, if any there were, namely: at the county courthouse in Roseburg, Oregon, on November 20, 1968, at 9:30 a.m. The notice was published in The Mail, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of September 26, October 3 and 10, 1968. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. M. John Youngquist, Watermaster of District No. 15, has filed a report to the effect that the proposed points of diversion may be established without injury to existing rights.

No objections having been filed and it appearing that the proposed points of diversion may be established without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the applicant may maintain the following point of diversion from Rail Gulch Creek:

349 feet South and 1426 feet West from the NE corner of Section 29 being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 30 South, Range 6 West, W.M.

and may establish and maintain the additional points of diversion to be located as follows:

850 feet South and 880 feet East from the NW corner of Section 21 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 30 South, Range 6 West, W.M.

520 feet North and 1220 feet East from the S $\frac{1}{4}$ corner of Section 17 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 30 South, Range 6 West, W.M.

for use in the Riddle smelter in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 30 South, Range 6 West, W.M., with a date of priority of April 30, 1952, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the establishment of additional points of diversion of

water made on or before October 1, 1969.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the previously established point of diversion.

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 Hanna Nickel Smelting Company and recorded at page 24239, Volume 17, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized points of diversion, a certificate of water right shall be issued to Hanna Nickel Smelting Company confirming the additional points of diversion.

Dated at Salem, Oregon, this 12th day of December, 1968.


CHRIS L. WHEELER
State Engineer