

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF RESCINDING)
AN ORDER CANCELING PERMIT)
NO. 24792 IN THE NAME OF)
JOHN HOCKSTRE - - - - -)

FINDINGS OF FACT
CONCLUSIONS
AND ORDER

Permit No. 24792 was issued to John Hockstre on May 20, 1957 in approval of his application No. 31400. The permit granted the right to appropriate not to exceed 0.31 cubic foot per second of water from Salt Creek within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 7 South, Range 5 West, W.M., with the priority date of March 1, 1957, for irrigation of 25.3 acres in the NW $\frac{1}{4}$ of Section 5 and the NE $\frac{1}{4}$ of Section 6 of said township and range.

On May 26, 1958, permits numbered R-2123 and 25458 were issued to John Hockstre in approval of his applications numbered R-32278 and 32279. These permits granted the right to construct a reservoir within the NE $\frac{1}{4}$ of Section 6, Township 7 South, Range 5 West, W.M. and to store therein 3.5 acre feet of water from Salt Creek for irrigation purposes, and to appropriate the 3.5 acre feet of stored water only for supplemental irrigation of the same 23.5 acres of land covered by permit No. 24792.

Pursuant to an authorization by John Hockstre dated July 8, 1960, permit No. 24792 was canceled by an order of the State Engineer entered on January 10, 1961 at pages 7 and 8, Volume 11, Special Order Record of the State Engineer.

Subsequent to entering of the order, it has been determined that John Hockstre was not aware of the effects of the action of canceling permit No. 24792. Mr. Hockstre did not understand that the rights granted by the later reservoir and secondary permits were dependent upon the continued existence of the right granted under permit No. 24792, and that the later reservoir and secondary permits covered the storage and use

of stored water only and did not duplicate the right granted by permit No. 24792.

From information contained in reports submitted to this office in connection with permit No. 24792, it appears that the intended appropriation was completed within the provisions of the said permit.

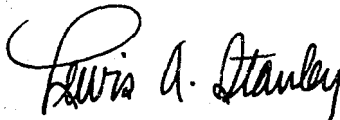
CONCLUSIONS

It appears that permit No. 24792 should not have been canceled on the records of the State Engineer. Said permit should be reinstated and the permittee, John Hockstre, should be allowed to submit proof of appropriation under the provisions of said permit.

ORDER

It is ORDERED that that portion of the State Engineer's order entered on January 10, 1961 at pages 7 and 8, Volume 11, Special Order Record of the State Engineer, regarding permit No. 24792 in the name of John Hockstre be rescinded, and that said permit No. 24792 be reinstated without loss of priority.

Dated at Salem, Oregon this 12th day of March 1962.



LEWIS A. STANLEY *WAC*
State Engineer