

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Union County

IN THE MATTER OF THE APPLICATION)
OF ROBERT W. KIMBRO FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM CATHERINE CREEK)

ORDER APPROVING
TRANSFER NO. 3439

On July 22, 1976, Robert W. Kimbro filed an application in the office of the Water Resources Director for approval of an additional point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

Certificates recorded at Pages 40632, 40856 and 40960, Volumes 32 and 33, State Record of Water Right Certificates, in the name of R. A. Creighton, describe existing rights of record to the waters of Catherine Creek as follows:

Certificate 40632 - Irrigation of, among other lands, 20.0 acres in $SE\frac{1}{4}$ $SW\frac{1}{4}$ and 15.1 acres in $W\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$ of Section 14; 23.0 acres in $NW\frac{1}{4}$ $NE\frac{1}{4}$ and 30.0 acres in $NE\frac{1}{4}$ $NW\frac{1}{4}$ of Section 23, Township 4 South, Range 39 East, W.M., with a priority date of 1867; and irrigation of 20.0 acres in $SW\frac{1}{4}$ $SW\frac{1}{4}$, 20.0 acres in $SE\frac{1}{4}$ $SW\frac{1}{4}$ and 4.3 acres in $SW\frac{1}{4}$ $SE\frac{1}{4}$ of Section 14, Township 4 South, Range 39 East, W.M., with a priority date of 1883.

Certificate 40856 - Irrigation of, among other lands, 2.5 acres in $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Section 14, and 8.0 acres in $NE\frac{1}{4}$ $NE\frac{1}{4}$ of Section 23, Township 4 South, Range 39 East, W.M., with a priority date of 1867.

Certificate 40960 - Irrigation of, among other lands, 11.1 acres in $NW\frac{1}{4}$ $SE\frac{1}{4}$ and 18.3 acres in $SW\frac{1}{4}$ $SE\frac{1}{4}$ of Section 14, Township 4 South, Range 39 East, W.M., with a priority date of May 21, 1968.

Water for the said rights is diverted through the Red Mill Ditch from a point located 710 feet North and 400 feet West from the Southeast corner of Section 13, being within the $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Section 13, Township 4 South, Range 39 East, W.M.

The applicant herein, owner of the lands above described, proposes to establish, without loss of priority, an additional point of diversion for irrigation of the said lands from Catherine Creek, at a point located 136 feet North and 2782 feet West from the Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 4 South, Range 39 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Eastern Oregon Review, a newspaper printed and having general circulation in Union County, Oregon, for a period of three weeks in the issues of February 11, 18 and 25, 1977.

Mr. H. Boyd Hadden, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objection 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 requested additional point of diversion from Catherine Creek described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject rights.

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:

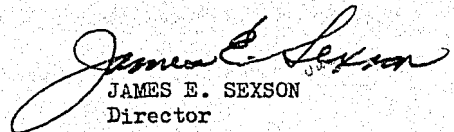
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1978.

It is FURTHER ORDERED that the certificates of water right heretofore issued to R. A. Creighton and recorded at Pages 40632, 40856 and 40960, Volumes 32 and 33, State Record of Water Right Certificates, are canceled, and in lieu thereof new certificates be issued covering the balance of the rights not involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 20th day of April, 1977.


JAMES E. SEXSON
Director