

BEFORE THE STATE ENGINEER OF OREGON

Hood River County

IN THE MATTER OF THE APPLICATION)
OF JOHNNY Y. WAKAMATSU FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE AND POINT OF DIVERSION OF)
WATER FROM INDIAN CREEK AND BROOK)
CREEK.)

O R D E R

APPROVING APPLICATION

On July 22, 1959, Johnny Y. Wakamatsu of Hood River, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Indian Creek and a change in place of use from Brook Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Hood River County, entered October 24, 1921, in the matter of the determination of the relative rights of the various claimants to the use of the waters of Hood River and its tributaries, a water right was established in the name of Rosa M. Crapper from a spring and Brook Creek, tributary of Indian Creek, for domestic use and the irrigation of 2 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 9 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 2 North, Range 10 East, W. M., with a date of priority of May 1884, and from Indian Creek for the irrigation of 10 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 6 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 17, with a date of priority of 1898. The lands having a water right from a spring and Brook Creek, tributary of Indian Creek were originally irrigated by means of the Crapper Brook Creek ditch. The use of the Crapper Brook Creek ditch has been discontinued and a pumping plant installed at the site of the original point of diversion of said ditch. The lands having a water right from Indian Creek were originally irrigated through the Crapper Indian Creek ditch, the point of diversion of said ditch being located 2375 feet West and 340 feet North from the E $\frac{1}{4}$ corner of Section 17 and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 2 North, Range 10 East, W. M. Some time after the Hood River

adjudication proceedings, the point of diversion was changed to a point near the confluence of Indian Creek and Brook Creek, said point being located 1010 feet West and 1010 feet North of the E½ corner of Section 17 and being within the SE¼ NE¼, said Section 17.

The applicant herein, owner of the lands above described, proposes to transfer the water right appurtenant to 5.3 acres in the SW¼ NE¼, irrigated from Indian Creek with a date of priority of 1898, without loss of priority of the right, to 5.3 acres in the SE¼ NE¼, said Section 17, and to change the point of diversion for the irrigation of said 5.3 acres together with the remaining 10.7 acres irrigated from Indian Creek upstream to a point to be located 1530 feet West and 585 feet North of the E½ corner of Section 17 and being within the SW¼ NE¼, said Section 17. He also proposes to transfer the water right appurtenant to 5 acres in the SE¼ NE¼, said Section 17, irrigated from spring and Brook Creek with a date of priority of May 1884, without loss of priority of the right, to 0.8 acre in the NE¼ NE¼, 2.9 acres in the NW¼ NE¼ and 1.3 acres in the SW¼ NE¼, Section 17, Township 2 North, Range 10 East, W. M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in place of use of water only or a change in point of diversion of water where the distance between the present and proposed points of diversion is less than one-fourth mile and there are no intervening diversions.

Wesley A. Carr, a representative of the State Engineer, made a physical examination of the lands and irrigation works involved and from his report, it appears that the proposed change in point of diversion and place of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use and point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water from Indian Creek be and the same is approved and that the water right hereinbefore described as appurtenant to 5.3 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 2 North, Range 10 East, W. M., with a date of priority of 1898, be severed therefrom and simultaneously and without loss of priority transferred to 5.3 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 2 North, Range 10 East, W. M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Indian Creek, to-wit:

From a point located 1010 feet West and 1010 feet North of the E $\frac{1}{4}$ corner of Section 17, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 2 North, Range 10 East, W. M.

To a point to be located 1530 feet West and 585 feet North of the E $\frac{1}{4}$ corner of Section 17, and being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 2 North, Range 10 East, W. M.

for the irrigation of 4.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 11.3 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 2 North, Range 10 East, W. M., with a date of priority of 1898, be and the same hereby is approved.

It is FURTHER ORDERED that the proposed change in place of use of water from spring and Brook Creek be and the same is approved and that the water right hereinbefore described as appurtenant to 5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 2 North, Range 10 East, W. M., with a date of priority of May 1884, be severed therefrom and simultaneously and without loss of priority transferred to 0.8 acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 2.9 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.3 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 17.

It is FURTHER ORDERED that the change in place of use and point of diversion of water shall be completed on or before October 1, 1961, 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 effective when in the judgment of the watermaster, it becomes necessary to install headgates and measuring devices.

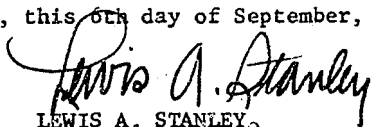
That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Hood River County, Oregon 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 issued to Rosa M. Crapper and recorded at page 14950, State Record of Water Right Certificates, be and the same hereby is canceled and upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Johnny Y. Wakamatsu, or his successors in interest, to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 6th day of September, 1960

Noted on Decree
Vol. 6, page 235
Cert. # 14950


LEWIS A. STANLEY
State Engineer

Trsf. # W-76