

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Transfer Application ) FINAL ORDER APPROVING CHANGE  
T-9477 & T-9478 Union County, Oregon ) IN PLACE OF USE, POINTS OF  
 ) DIVERSION, POINTS OF  
 ) APPROPRIATION, PARTIAL  
 ) CANCELLATION AND DIMINUTION  
 ) OF A WATER RIGHT

ORS 540.505 to 540.580 establishes the process in which a water right holder may submit a request to transfer the point of diversion, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

**Applicant**  
S. Hawkins Inc.  
57390 Hawkins Road  
LaGrande, OR 97850

**Agent**  
Gregory T. Blackman  
2006 Adams Ave  
LaGrande, OR 97850

**Findings of Fact**

1. S. Hawkins Inc. filed applications to change the place of use, points of diversion and points of appropriation under Certificates 6167, 6455, 45221, 53667, 53751 and 80229. The Department assigned the applications numbers T-9477 and T-9478.

2. The first right to be transferred is as follows:

**Certificate:** 6167 in the name of Benson Brothers  
**Use:** Irrigation  
**Priority Date:** 1870  
**Rate/Duty:** 1/40 cfs per acre, not to exceed 3.0 acre-feet per acre  
**Acres:** 298.44 acres  
**Source:** Catherine Creek

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	3	SW NW	TRACT 1 & TRACT 2; OLD CHANNEL ; 2800' N & 4900' W FROM SE COR SEC 3
4 S	39 E	WM	3	NW NW	TRACT 1; PEARLY DITCH; 4075' N & 5050' W FROM SE COR SEC 3
4 S	39 E	WM	3	SE SW	TRACT 2; BENSON BROS. DITCH; 1150' N & 2800' W FROM SE COR SEC 3

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Authorized Place of Use**

Twp	Rng	Mer	Sec	Q-Q	Acres	Authorized POD/POA	Proposed Change	Tract
4 S	39 E	WM	3	SW NW	11.00	Old Channel, Hot Lake Benson Bros	POD	2
4 S	39 E	WM	3	NE SW	6.00	Old Channel, Hot Lake Benson Bros	POD/POU	2
4 S	39 E	WM	3	NW SW	16.76	Old Channel, Hot Lake Benson Bros	POD	2
4 S	39 E	WM	3	NW SW	8.10	Old Channel, Hot Lake Benson Bros	POD/POU	2
4 S	39 E	WM	4	NE NE	46.29	Old Channel & Pearley Ditch	POD	1
4 S	39 E	WM	4	NW NE	46.28	Old Channel & Pearley Ditch	POD	1
4 S	39 E	WM	4	SW NE	41.00	Old Channel, Hot Lake Benson Bros	POD	2
4 S	39 E	WM	4	SE NE	41.00	Old Channel, Hot Lake Benson Bros	POD	2
4 S	39 E	WM	4	NE SE	41.00	Old Channel, Hot Lake Benson Bros	POD	2
4 S	39 E	WM	4	NW SE	41.00	Old Channel, Hot Lake Benson Bros	POD	2

3. The second right to be transferred is as follows:

**Certificate:** 6455 in the name of Earl and Myrtle McMaugh  
**Use:** Irrigation  
**Priority Date:** 1870  
**Rate/Duty:** 1/40 cfs per acre, not to exceed 3.0 acre-feet per acre  
**Acres:** 24.0  
**Source:** Catherine Creek  
**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	3	NW NW	PEARLY DITCH; 4075' N & 5050' W FROM SE COR SEC 3

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acres	Proposed Change
4 S	39 E	WM	3	NW NW	24.0	POD

4. The third right to be transferred is as follows:

**Certificate:** 45221 in the name of Amalgamated Sugar Company  
**Use:** Irrigation  
**Priority Dates:** 1904 for 162.5 Acres and June 1905 for 104.8 Acres  
**Rate/Duty:** 1/40 cfs per acre, not to exceed 3.0 acre-feet per acre  
**Source:** Catherine Creek  
**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	3	NE SW	MIKE DITCH; 1700' N & 3200' W FROM SE COR SEC 3 (1904 ONLY)
4 S	39 E	WM	3	SE SW	GODLEY NO 2; 1150' N & 2800' W FROM SE COR SEC 3 (JUNE 1905 ONLY)

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	QQ	Acres	Priority	Authorized POD	PROPOSED CHANGE
4 S	39 E	WM	3	NE NW	33.0	1904	Mike Ditch	POD
4 S	39 E	WM	3	NE NW	7.0	JUNE 1905	Godley 2	POD
4 S	39 E	WM	3	NW NW	16.0	1904	Mike Ditch	POD

Twp	Rng	Mer	Sec	QQ	Acres	Priority	Authorized POD	PROPOSED CHANGE
4 S	39 E	WM	3	SW NW	32.0	1904	Mike Ditch	POD
4 S	39 E	WM	3	SE NW	40.0	1904	Mike Ditch	POD
4 S	39 E	WM	3	NE SW	26.0	1904	Mike Ditch	POD
4 S	39 E	WM	3	NE SW	8.0	JUNE 1905	Godley 2	POD
4 S	39 E	WM	3	NW SW	15.5	1904	Mike Ditch	POD
3 S	39 E	WM	34	NE NE	40.0	JUNE 1905	Godley 2	POD
3 S	39 E	WM	34	NW NE	39.8	JUNE 1905	Godley 2	POD
3 S	39 E	WM	34	SW NE	10.0	JUNE 1905	Godley 2	POD

5. The fourth right to be transferred is as follows:

**Certificate:** 53667 in the name of Sherman E. and M. Hazel Hawkins  
**Use:** Irrigation  
**Priority Date:** June, 1905  
**Rate/Duty:** 1/40 cfs per acre, not to exceed 3.0 acre-feet per acre  
**Acres:** 160.2  
**Source:** Catherine Creek  
**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	39 E	WM	27	SW SW	PUMP 2; 660' N & 1100' E FROM SW CORNER SECTION 27
4 S	39 E	WM	3	SE SW	GODLEY NO 2; 1150' N & 2750' W FROM SE CORNER SECTION 3

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	QQ	Acres	Proposed Change
3 S	39 E	WM	27	NE SW	40.0	POD
3 S	39 E	WM	27	NW SW	31.0	POD
3 S	39 E	WM	27	SW SW	9.0	POD
3 S	39 E	WM	27	SE SW	40.0	POD
3 S	39 E	WM	34	NE NW	4.0	POD
3 S	39 E	WM	34	NE NW	32.7	POD/POU
3 S	39 E	WM	34	NW NW	3.5	POD

6. The fifth right to be transferred is as follows:

**Certificate:** 53751 in the name of Robert W Hulden (Permit # G-6546)  
**Use:** Irrigation of 14.1 acres and Supplemental Irrigation of 661.2 acres  
**Priority Date:** August 15, 1975  
**Rate/Duty:** 4.0 cfs, not to exceed 3.0 acre-feet per acre  
**Source:** Well No 1  
**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	39 E	WM	28	SE SE	WELL NO 1: 1170' N AND 1150' W FROM SE CORNER SECTION 28

**Authorized Place of Use:**

PRIMARY IRRIGATION						
Twp	Rng	Mer	Sec	QQ	Acres	Proposed Change
3 S	39 E	WM	28	NE SE	8.7	Add Wells 11-16
3 S	39 E	WM	28	SW SE	5.4	Add Wells 11-16

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	QQ	Acres	Lot	Proposed Change
3 S	39 E	WM	27	NW SW	3.6		Add Wells 11-16
3 S	39 E	WM	27	SW SW	4.8		Add Wells 11-16
3 S	39 E	WM	28	NE SE	28.0		Add Wells 11-16
3 S	39 E	WM	28	NW SE	34.1		Add Wells 11-16
3 S	39 E	WM	28	SW SE	36.0		Add Wells 11-16
3 S	39 E	WM	28	SE SE	39.3		Add Wells 11-16
3 S	39 E	WM	33	NE NE	33.6		Add Wells 11-16
3 S	39 E	WM	33	NW NE	40.0		Add Wells 11-16
3 S	39 E	WM	33	SW NE	40.0		Add Wells 11-16
3 S	39 E	WM	33	SE NE	40.0		Add Wells 11-16
3 S	39 E	WM	33	NE SE	33.4		Add Wells 11-16
3 S	39 E	WM	33	NW SE	40.0		Add Wells 11-16
3 S	39 E	WM	33	SW SE	39.8		Add Wells 11-16
3 S	39 E	WM	33	SE SE	38.3		Add Wells 11-16
3 S	39 E	WM	34	NW NW	2.4		Add Wells 11-16
3 S	39 E	WM	34	SW NW	7.3		Add Wells 11-16
3 S	39 E	WM	34	NW SW	0.6		Add Wells 11-16
3 S	39 E	WM	34	SW SW	8.9		Add Wells 11-16
4 S	39 E	WM	3	NW NW	0.6		Add Wells 11-16
4 S	39 E	WM	3	SW NW	3.0		Add Wells 11-16
4 S	39 E	WM	3	NW SW	2.0		Add Wells 11-16
4 S	39 E	WM	4	NE NE	25.4		Add Wells 11-16
4 S	39 E	WM	4	NW NE	20.8	LOT 1	Add Wells 11-16
4 S	39 E	WM	4	SW NE	36.5	LOT 2	Add Wells 11-16
4 S	39 E	WM	4	SE NE	38.2		Add Wells 11-16
4 S	39 E	WM	4	NE SE	33.5		Add Wells 11-16
4 S	39 E	WM	4	NW SE	31.1	LOT 3	Add Wells 11-16

7. The sixth right to be transferred is as follows:

**Certificate:** 80229 in the name WJ Townley

**Use:** Irrigation

**Priority Dates:** 1870 for 39.8 acres and 1884 for 664.8 acres

**Rate/Duty:** 1/40 cfs per acre, not to exceed 3.0 acre-feet per acre

**Source:** Catherine Creek

**Authorized Points of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	3	SW NW	OLD CHANNEL; 2800' N & 4900' W FROM SE COR SEC 3 (1870 only)
4 S	39 E	WM	3	NW NW	PEARLEY DITCH; 4075' N & 5050' W FROM SE COR SEC 3 (1884)

**Authorized Place of Use:**

Twp	Rng	Mer	Sec	QQ	Acres	Date	Authorized Pod	Proposed Change
3 S	39 E	WM	27	NW SW	9.0	1884	Pearley Ditch	POD
3 S	39 E	WM	27	SW SW	31.0	1884	Pearley Ditch	POD
3 S	39 E	WM	28	NE SE	28.0	1884	Pearley Ditch	POD
3 S	39 E	WM	28	NW SE	30.8	1884	Pearley Ditch	POD
3 S	39 E	WM	28	NW SE	9.2	1884	Pearley Ditch	POD/POU #1
3 S	39 E	WM	28	SW SE	33.0	1884	Pearley Ditch	POD
3 S	39 E	WM	28	SW SE	3.0	1884	Pearley Ditch	POD/POU #1
3 S	39 E	WM	28	SE SE	40.0	1884	Pearley Ditch	POD
3 S	39 E	WM	33	NE NE	32.4	1884	Pearley Ditch	POD
3 S	39 E	WM	33	NE NE	7.6	1884	Pearley Ditch	POD/POU #1
3 S	39 E	WM	33	NW NE	27.1	1884	Pearley Ditch	POD
3 S	39 E	WM	33	NW NE	12.9	1884	Pearley Ditch	POD/POU #1
3 S	39 E	WM	33	SW NE	40.0	1884	Pearley Ditch	POD
3 S	39 E	WM	33	SE NE	40.0	1884	Pearley Ditch	POD
3 S	39 E	WM	33	NE SE	40.0	1884	Pearley Ditch	POD
3 S	39 E	WM	33	NW SE	40.0	1884	Pearley Ditch	POD

3 S	39 E	WM	33	SW SE	31.8	1870	Old Channel	POD
3 S	39 E	WM	33	SW SE	8.0	1870	Old Channel	POD/POU #2

3 S	39 E	WM	33	SE SE	20.3	1884	Pearley Ditch	POD
3 S	39 E	WM	33	SE SE	18.0	1884	Pearley Ditch	POD/POU #2
3 S	39 E	WM	34	NW NW	36.5	1884	Pearley Ditch	POD
3 S	39 E	WM	34	SW NW	40.0	1884	Pearley Ditch	POD
3 S	39 E	WM	34	SE NW	3.5	1884	Pearley Ditch	POD
3 S	39 E	WM	34	NE SW	26.5	1884	Pearley Ditch	POD
3 S	39 E	WM	34	NW SW	40.0	1884	Pearley Ditch	POD
3 S	39 E	WM	34	SW SW	35.9	1884	Pearley Ditch	POD
3 S	39 E	WM	34	SW SW	4.1	1884	Pearley Ditch	POD/POU #2
3 S	39 E	WM	34	SE SW	16.0	1884	Pearley Ditch	POD

8. Applications T-9477 and T-9478 propose to change the place of use for the lands identified in Finding of Fact #2 as affected by a POU change (Certificate 6167) to:

**Proposed Place of Use**

Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	39 E	WM	33	SE SE	10.0
3 S	39 E	WM	34	SW SW	4.1

9. Applications T-9477 and T-9478 propose to add points of diversion for the lands described in Finding of Fact #8 and the lands identified in Finding of Fact #2 as only affected by a POD change (Certificate 6167) so that water under this right, may be appropriated from any one or any combination of the following additional points of diversion:

**Proposed Additional Points of Diversion**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	3	SE SW	GODLEY NO 2; 1150' N & 2800' W FROM SE COR SEC 3
4 S	39 E	WM	3	SE SW	BENSON BROS.DITCH; 1150' N & 2800' W FROM SE COR SEC 3

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	3	NE SW	MIKE DITCH; 1700' N & 3200' W FROM SE COR SEC 3
4 S	39 E	WM	3	NW SW	RIVER PUMP; 2384' N & 421' E FROM THE SW CORNER, SECTION 3
4 S	39 E	WM	3	SW NW	OLD CHANNEL; 2800' N & 4900' W FROM SE COR SEC 3
4 S	39 E	WM	3	NW NW	PEARLEY DITCH; 4075' N & 5050' W FROM SE COR SEC 3

10. Applications T-9477 and T-9478 propose to add points of diversion for the lands identified in Finding of Fact #3 (Certificate 6455) so that water under this right, may be appropriated from any one or any combination of the following additional points of diversion

**Proposed Additional Points of Diversion**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	3	SE SW	GODLEY NO 2; 1150' N & 2800' W FROM SE COR SEC 3
4 S	39 E	WM	3	SE SW	BENSON BROS.DITCH; 1150' N & 2800' W FROM SE COR SEC 3
4 S	39 E	WM	3	NE SW	MIKE DITCH; 1700' N & 3200' W FROM SE COR SEC 3
4 S	39 E	WM	3	NW SW	RIVER PUMP; 2384' N & 421' E FROM THE SW CORNER, SECTION 3
4 S	39 E	WM	3	SW NW	OLD CHANNEL; 2800' N & 4900' W FROM SE COR SEC 3
4 S	39 E	WM	3	NW NW	PEARLEY; 4075' N & 5050' W FROM SE COR SEC 3

11. Applications T-9477 and T-9478 propose to add points of diversion as described below (the portion Certificate 45221 described in Finding of Fact #4) so that water under the portions of the right listed, may be appropriated from any one or any combination of the associated additional points of diversion:

**Place of use**

Twp	Rng	Mer	Sec	QQ	Acres	Priority	Authorized POD
3 S	39 E	WM	34	NE NE	40.0	JUNE 1905	Godley 2
3 S	39 E	WM	34	NW NE	39.8	JUNE 1905	Godley 2
3 S	39 E	WM	34	SW NE	10.0	JUNE 1905	Godley 2

**Proposed Additional Point of Diversion for Above Described Lands**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	3	NW SW	RIVER PUMP; 2384' N & 421' E FROM THE SW CORNER, SECTION 3

**Place of Use:**

Twp	Rng	Mer	Sec	QQ	Acres	Priority	Authorized POD
4 S	39 E	WM	3	NE NW	33.0	1904	Mike Ditch
4 S	39 E	WM	3	NE NW	7.0	JUNE 1905	Godley 2
4 S	39 E	WM	3	NW NW	16.0	1904	Mike Ditch
4 S	39 E	WM	3	SW NW	32.0	1904	Mike Ditch
4 S	39 E	WM	3	SE NW	40.0	1904	Mike Ditch
4 S	39 E	WM	3	NE SW	26.0	1904	Mike Ditch
4 S	39 E	WM	3	NE SW	8.0	JUNE 1905	Godley 2
4 S	39 E	WM	3	NW SW	15.5	1904	Mike Ditch

**Proposed Additional Points of Diversion for Above Described Lands**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	3	SE SW	GODLEY NO 2; 1150' N & 2800' W FROM SE COR SEC 3
4 S	39 E	WM	3	SE SW	BENSON BROS.DITCH; 1150' N & 2800' W FROM SE COR SEC 3
4 S	39 E	WM	3	NE SW	MIKE DITCH; 1700' N & 3200' W FROM SE COR SEC 3
4 S	39 E	WM	3	NW SW	RIVER PUMP; 2384' N & 421' E FROM THE SW CORNER, SECTION 3
4 S	39 E	WM	3	SW NW	OLD CHANNEL; 2800' N & 4900' W FROM SE COR SEC 3
4 S	39 E	WM	3	NW NW	PEARLEY; 4075' N & 5050' W FROM SE COR SEC 3

12. Applications T-9477 and T-9478 propose to change the place of use for the lands identified in Finding of Fact #5 as affected by a POU change (Certificate 53667) to:

**Proposed Place of Use**

Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	39 E	WM	28	NW SE	9.2
3 S	39 E	WM	28	SW SE	3.0
3 S	39 E	WM	33	NE NE	7.6
3 S	39 E	WM	33	NW NE	12.9

13. Applications T-9477 and T-9478 propose to add points of diversion for the lands described in Finding of Fact #12 (Certificate 53667) so that water under this right, may be appropriated from any one or any combination of the following additional points of diversion:

**Proposed Points of Diversion**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	3	SE SW	BENSON BROS DITCH; 1150' N & 2800' W FROM S3 COR SEC 3
4 S	39 E	WM	3	NE NW	MIKE DITCH; 1700' N & 3200' W FROM SE COR SEC 3
4 S	39 E	WM	3	NW SW	RIVER PUMP; 2384' N & 421' E FROM THE SW CORNER, SECTION 3
4 S	39 E	WM	3	SW NW	OLD CHANNEL; 2800' N & 4900' W FROM SE COR SEC 3
4 S	39 E	WM	3	SW NW	PEARLEY DITCH; 4075' N & 5050' W FROM SE COR SEC 3

14. Applications T-9477 and T-9478 propose to add a point of diversion for the lands identified in Finding of Fact #5 as only affected by a POD change (Certificate 53667) at:

**Additional Point of Diversion**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	3	NW SW	RIVER PUMP; 2384' N & 421' E FROM THE SW CORNER, SECTION 3

15. Application T-9477 and T-9478 proposes to diminish the Primary Irrigation under Certificate 53751 to Supplemental Irrigation located at:

Twp	Rng	Mer	Sec	QQ	Acres
3 S	39 E	WM	28	NE SE	8.7

Twp	Rng	Mer	Sec	QQ	Acres
3 S	39 E	WM	28	SW SE	5.4

16. Applications T-9477 and T-9478 propose to add additional points of appropriation for all the lands identified in Finding of Fact #6 (Certificate 53751), so that water may be appropriated from any one or any combination of the following wells:

**Proposed Additional Points of Appropriation**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	39 E	WM	27	NW SE	WELL NO 11; 2010' N & 40' E FROM S¼ COR, SEC 27
3 S	39 E	WM	27	SW SE	WELL NO 12; 650' N & 50' E FROM S¼ CORNER, SECTION 27
3 S	39 E	WM	34	NW NE	WELL NO 13; 710' S & 50' E FROM N¼ CORNER, SECTION 34
3 S	39 E	WM	34	NW SE	WELL NO 14; 2710' S & 2580' W FROM NE CORNER, SECTION 34
3 S	39 E	WM	34	NW SE	WELL NO 15; 3910' S & 2570' W FROM NE CORNER SECTION 34
4 S	39 E	WM	3	SE NW	WELL NO 16; 1630' S & 40' W FROM N¼ CORNER SECTION 3

17. Applications T-9477 and T-9478 proposes to change the place of use for the portion of the lands identified in Finding of Fact #7 as affected by POU change #1 (Certificate 80229) to:

**Proposed Place of Use**

Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
4 S	39 E	WM	34	NE NW	32.7	1884

18. Applications T-9477 and T-9478 propose to change the points of diversion for the lands described in Finding of Fact #17 so that water under this right, may be appropriated from any one or any combination of the following points of diversion

**Proposed Points of Diversion**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	3	SE SW	GODLEY NO 2; 1150' N & 2750' W FROM SE CORNER SECTION 3
3 S	39 E	WM	27	SW SW	PUMP 2; 660' N & 1100' E FROM SW CORNER SECTION 27
4 S	39 E	WM	3	NW SW	RIVER PUMP; 2384' N & 421' E FROM THE SW CORNER, SECTION 3

19. Applications T-9477 and T-9478 propose to change the place of use for the portion of the lands identified in Finding of Fact #7 as affected by POU change #2(Certificate 80229) to:

**Proposed Place of Use**

Twp	Rng	Mer	Sec	Q-Q	Acres	Priority Date
3 S	39 E	WM	28	NE SE	8.7	1884
3 S	39 E	WM	28	SW SE	5.4	1884
4 S	39 E	WM	33	SW SE	8.0	1884
4 S	39 E	WM	33	SE SE	8.0	1870



20. Applications T-9477 and T-9478 propose to add points of diversion for the lands described in Finding of Fact #19 and the lands identified in Finding of Fact #4 as only affected by a POD change (Certificate 80229) so that water under this right, may be appropriated from any one or any combination of the following additional points of diversion:

**Proposed Additional Points of Diversion**

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	3	SE SW	GODLEY NO 2; 1150' N & 2800' W FROM SE COR SEC 3
4 S	39 E	WM	3	SE SW	BENSON BROS DITCH; 1150' N & 2800' W FROM SE COR SEC 3
4 S	39 E	WM	3	NE SW	MIKE DITCH; 1700' N & 3200' W FROM SE COR SEC 3
4 S	39 E	WM	3	NW SW	RIVER PUMP; 2384' N & 421' E FROM THE SW CORNER, SECTION 3
4 S	39 E	WM	3	SW NW	OLD CHANNEL; 2800' N & 4900' W FROM SE COR SEC 3
4 S	39 E	WM	3	NW NW	PEARLEY DITCH; 4075' N & 5050' W FROM SE COR SEC 3

21. Notice of the application for transfer was published pursuant to ORS 540.520 and OAR 690-380-4000. No comments were filed in response to the notice.
22. Water has been used within the last five years according to the terms and conditions of the right and no evidence is available that would demonstrate that the right is subject to forfeiture under ORS 540.610.
23. Diversion structures, ditches pumps, pipelines, and sprinkler systems sufficient to use the full amount of water allowed under the existing rights are present.
24. The proposed change would not result in enlargement of the right.
25. The proposed change would not result in injury to other water rights.
26. Affidavits were received from Sherman E. and M. Hazel Hawkins officers of S. Hawkins Inc. which is the, owner of certain land and the water rights appurtenant to it. A portion of Certificates 45221, 53667 and 80229 have been abandoned and are requested to be canceled
27. The portion of the first right to be cancelled is as follows:

**Certificate:** 45221 in the name of AMALGAMATED SUGAR COMPANY  
**Use:** IRRIGATION  
**Priority Dates:** JUNE, 1905  
**Rate/Duty:** 1/40 cfs per acre  
**Acres:** 0.20  
**Source:** CATHERINE CREEK, tributary to the GRANDE RONDE RIVER  
**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acre
3 S	39 E	WM	34	NW NE	0.2

28. The portion of the second right to be cancelled is as follows:

**Certificate:** 53667 in the name of SHERMAN E. AND HAZEL HAWKINS  
**Use:** IRRIGATION  
**Priority Dates:** JUNE, 1905  
**Rate/Duty:** 1/40 cfs per acre  
**Acres:** 3.3  
**Source:** CATHERINE CREEK, tributary to the GRANDE RONDE RIVER  
**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acre
3 S	39 E	WM	34	NE NW	3.3

29. The portion of the third right to be cancelled is as follows:

**Certificate:** 80229 in the name of W J TOWNLEY  
**Use:** IRRIGATION  
**Priority Dates:** 1884  
**Rate/Duty:** 3.0 acre feet per acre  
**Acres:** 1.90  
**Source:** CATHERINE CREEK, tributary to the GRANDE RONDE RIVER  
**Authorized Place of Use:**

Twp	Rng	Mer	Sec	Q-Q	Acre	Priority Date
3 S	39 E	WM	33	SW SE	0.2	1870
3 S	39 E	WM	33	SE SE	1.7	1884

### Conclusions of Law

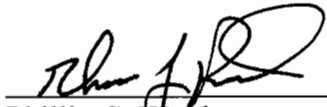
The proposed changes in point of diversion, place of use, and additional points of appropriation in application T-9477 and 9478 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and portions of the water rights shall be diminished and cancelled as described in the findings of fact.

### Now, therefore, it is ORDERED:

1. The change in points of diversion, points of appropriation, and place of use proposed in applications T-9477 and T-9478 are approved.
2. Water right certificates 6167, 6455, 45221, 53667, 53751, and 80229 are cancelled. New certificates will be issued describing the portions of the rights not involved in this transfer and not abandoned or diminished under this order.
3. The right to the use of the water is restricted to beneficial use at the place of use described and is subject to all other conditions and limitations contained in Certificates 6167, 6455, 45221, 53667, 53751 and 80229 and any related decree.
4. Water shall be acquired from the same surface water source as the original points of diversion.
5. The proposed change shall be completed on or before October 1, 2006.

6. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department by October 1, 2007.
7. The quantity of water diverted at the additional point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water lawfully available at the original point of diversion.
8. When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
9. The water user shall install and maintain a fish screen or fish by-pass device, at the new points of diversion. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction, and shall be installed under the supervision of the Department of Fish and Wildlife. The water user may participate in the Department of Fish and Wildlife's cost-sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.
10. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 26<sup>th</sup> day of May, 2005.

  
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Phillip C. Ward  
Director

Mailing date: JUN 20 2005