

BEFORE THE STATE ENGINEER OF OREGON

Union County

IN THE MATTER OF THE APPLICATION)
OF FORREST SCROGGIN FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM CATHERINE)
CREEK)

ORDER APPROVING
TRANSFER NO. S-205

On May 21, 1968, Forrest Scroggin filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Catherine Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Union County, Oregon, entered August 8, 1925, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Grande Ronde River and its Tributaries, a water right was established in the name of J. F. Hutchinson for the use of the waters of Catherine Creek for the irrigation of, among other lands, 8.3 acres in SW¹/₄ SW¹/₄, Section 13, 7.5 acres in SE¹/₄ SE¹/₄, Section 14, Township 4 South, Range 39 East, W.M., with a date of priority of 1876, irrigated by means of the Coffin Ditch from a point of diversion located 660 feet north and 1050 feet west from the S¹/₄ corner of Section 13 being within the SE¹/₄ SW¹/₄ of Section 13, Township 4 South, Range 39 East, W.M. and 2.5 acres in SE¹/₄ SE¹/₄, Section 14, 15.5 acres in NE¹/₄ NE¹/₄, Section 23, and 3.4 acres in NW¹/₄ NW¹/₄, Section 24, Township 4 South, Range 39 East, W.M., with a date of priority of 1867, irrigated by means of Godley No. 1 Ditch from a point of diversion located 1220 feet east from the NW corner of Section 19 being within the NW¹/₄ NW¹/₄ of Section 19, Township 4 South, Range 40 East, W.M. This right is evidenced by certificate recorded at page 35812, Volume 27, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to irrigate these lands by means of the Red Mill Ditch from a point of diversion to be located 766 feet north and 448 feet west from the SE 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.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in La Grande, Oregon, on September 17, 1969, at 9:30 a.m. The notice 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 July 23, 30, and August 7, 1969. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Ward Miller, Watermaster of District No. 6, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in 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 change in point of diversion of water from Catherine Creek, to-wit:

From a point located 660 feet north and 1050 feet west from the SW $\frac{1}{4}$ corner of Section 13 being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 4 South, Range 39 East, W.M.

From a point located 1220 feet east from the NW corner of Section 19 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Township 4 South, Range 40 East, W.M.

To a point to be located 766 feet north and 448 feet west from the SE 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.

for the irrigation of 8.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, 7.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 4 South, Range 39 East, W.M., with a date of priority of 1876, 2.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, 15.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, and 3.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 4 South, Range 39 East, W.M., with a date of priority of 1867, is approved.

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, 1970.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed three acre feet per acre in any irrigation season, diverted at a rate of not to exceed one-fortieth of a cubic foot per second per acre.

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 J. F. Hutchinson and recorded at page 35812, Volume 27, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Forrest

Scroggin confirming said change in point of diversion.

Dated at Salem, Oregon, this 30th day of October, 1969.


CHRIS L. WHEELER
State Engineer