

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 PLACE OF)
USE , POINT OF DIVERSION, AND ES-)
TABLISHMENT OF AN ALTERNATE POINT)
OF DIVERSION OF WATER FROM CATHERINE))
CREEK)

ORDER APPROVING
TRANSFER NO. S-206

On May 21, 1968, Forrest Scroggin filed an application in the office of the State Engineer for the approval of a change in place of use, point of diversion, and establishment of an alternate 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 Isabelle Hutchinson for the use of the waters of Catherine Creek for the irrigation of, among other lands, 23.0 acres in NW¼ NE¼, 30.0 acres in NE¼ NW¼, Section 23, Township 4 South, Range 39 East, W.M., with a date of priority of 1867, irrigated by means of the Godley No. 1 Ditch from a point of diversion located 1220 feet east from the NW corner of Section 19 being on the north line of NW¼ NW¼ of Section 19, Township 4 South, Range 40 East, W.M., 20.0 acres in SW¼ SW¼, 20.0 acres in SE¼ SW¼, 4.3 acres in SW¼ SE¼, Section 14, Township 4 South, Range 39 East, W.M., with a date of priority of 1883, irrigated by means of the Hutchinson England Ditch from a point of diversion located 300 feet north and 3900 feet east from the SW corner of Section 14 being within the SW¼ SE¼ of Section 14, Township 4 South, Range 39 East, W.M., and 10.0 acres in SE¼ SW¼ SW¼, 20.0 acres in SE¼ SW¼, 15.1 acres in S½ SW¼

SE $\frac{1}{4}$, Section 14, Township 4 South, Range 39 East, W.M., with a date of priority of 1867, irrigated by means of said Godley No. 1 Ditch and said Hutchinson England Ditch. This right is evidenced by certificate recorded at page 6387, Volume 6, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to transfer the water right appurtenant to 10.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, 15.1 acres in S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 4 South, Range 39 East, W.M., with a date of priority of 1867, to 10.0 acres in S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, 15.1 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 4 South, Range 39 East, W.M. and to irrigate these lands and the balance of the 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. and by means of a pumping plant to be located at an alternate point of diversion 250 feet north and 3950 feet east from the SW corner of Section 14, 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 filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in place of use, point of diversion, and establishment of an alternate 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 place of use, point of

diversion, and establishment of an alternate 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 place of use, point of diversion, and establishment of an alternate point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in place of use of water is approved and the water right hereinbefore described as appurtenant to 10.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 15.1 acres in S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 4 South, Range 39 East, W.M., with a date of priority of 1867, be severed therefrom and simultaneously and without loss of priority transferred to 10.0 acres in S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 15.1 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 4 South, Range 39 East, W.M.

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

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

From a point located 300 feet north and 3900 feet east from the E $\frac{1}{2}$ corner of Section 14 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 4 South, Range 39 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.

and the establishment of an alternate point of diversion to be located as follows:

250 feet north and 3950 feet east from the SW corner of Section 14 being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 4 South, Range 39 East, W.M.

for the irrigation of 10.0 acres in S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, 20.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 15.1 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, 23.0 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 30.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 4 South, Range 39 East, W.M., with a date of priority of 1867, 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 SW¼ SE¼, Section 14, Township 4 South, Range 39 East, W.M., with a date of priority of 1883, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in points of diversion be made on or before October 1, 1970.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water that is available at the old points of diversion and shall be limited to 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.

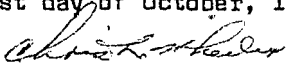
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Isabelle Hutchinson and recorded at page 6387, Volume 6, 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 place of use and points of diversion, a certificate of water right shall be issued to Forrest Scroggin confirming the change in points of diversion and the extent to which water has been applied beneficially.

Dated at Salem, Oregon, this 31st day of October, 1969.


CHRIS L. WHEELER
State Engineer