

BEFORE THE STATE ENGINEER OF OREGON

Morrow County

IN THE MATTER OF THE APPLICATION
OF GENE O. PIERCE FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION
OF WATER FROM WILLOW CREEK

ORDER APPROVING
TRANSFER NO. 2733

On November 9, 1973, Gene O. Pierce filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Willow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to James O. Hager and recorded at page 3388, Volume 4, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.06 cubic foot per second of water from Willow Creek, for the irrigation of, among other lands, 2.4 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 2 South, Range 26 East, W.M., with a date of priority of August 23, 1917. The water is conveyed to these lands by means of the Hager Ditch from a point of diversion located 740 feet North and 400 feet West from the Southeast corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 2 South, Range 26 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 780 feet North and 160 feet West from the SE corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 2 South, Range 26 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 at Heppner, Oregon, on September 11, 1973 at 9:30 a.m. The notice was published in the Heppner Gazette Times, a newspaper printed and having general circulation in Morrow County, Oregon, for a period of

three weeks in the issues of July 19, 26 and August 2, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

W. N. Perry, Watermaster Supervisor, 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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Willow Creek, to-wit:

From a point located 740 feet North and 400 feet West from the SE corner of $SE\frac{1}{4}SE\frac{1}{4}$, being within the $SE\frac{1}{4}SE\frac{1}{4}$ of Section 35, Township 2 South, Range 26 East, W.M.

To a point to be located 780 feet North and 160 feet West from the SE corner of $NE\frac{1}{4}SW\frac{1}{4}$, being within the $NE\frac{1}{4}SW\frac{1}{4}$ of Section 35, Township 2 South, Range 26 East, W.M.

for the irrigation of, among other lands, 2.4 acres in the $NE\frac{1}{4}SW\frac{1}{4}$, Section 35, Township 2 South, Range 26 East, W.M., with a date of priority of August 23, 1917, 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, 1974.

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 0.03 cubic foot per second.

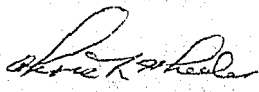
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 James O. Hager and recorded at page 3388, Volume 4, 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 Gene O. Pierce confirming the change in point of diversion.

Dated at Salem, Oregon, this 13th day of December 1973.


CHRIS L. WHEELER
State Engineer