

3548

3548 HAWKINS

STATUS OF APPLICATION

Change in add'l point of diversion
 Date filed 2-25-77
 Date of hearing ~~6-9-77~~ 7-21-77
 Place of hearing La Grande
 Date of order 9-12-77 Vol. 29, page 283
 Date for application of water 10-1-79
 Proof mailed _____
 Proof received _____
 Certificate issued **JAN 31 1978** Vol. 37, page 45221
DEC 31 1985 48 **53667**

DESCRIPTION OF WATER RIGHT

Name of stream Catherine Creek
 Trib. of _____ County of Union
 Use irrigation
 Quantity of water _____ No. of acres 5
 Name of ditch Sodley No. 2
 Date of priority _____
 In name of _____
Grande Ronde Adjudication, Vol. 8, page 16
 App. No. _____ Per. No. _____ Cert. No. 6151
 Certificate cancelled _____
 Notation made on record by _____

FEES PAID

Date	Amount	Receipt No.
<u>2/25/77</u>	<u>\$25.00</u>	<u>58546</u>
TOTAL . . .		
<u>8-31-77</u>	<u>\$2 Cert. Fee</u>	<u>58546</u>
<u>Pr. The Eastern Oregon Review (46.50) ck. #1467</u>		
<u>6/31/77</u>		

FEES REFUNDED

Date	Amount	Check No.
<u>10/19/77</u>	<u>1.50</u>	<u>1661</u>
Reed		<u>85 -</u>
Exam 20		
POD 15		
Cert 2		
PON 46.50		
		<u>83.50</u>
Refund		<u>1.50</u>

REMARKS

Surveyed 11-19-81 - See G-9465 for FP map
T-9477, T-9478

W.R.I.S.

Assembled 7-9-85 by SRA

Entered _____ by _____

Verified _____ by _____

INDEX CARDS: Entered Checked

_____	Name	<u>lg</u>	_____
_____	Stream	<u>lg</u>	_____
_____	Pt. of Div.	_____	_____
_____	Calendar	<u>lg</u>	_____
CHECKED TO RECORDS:			
<u>o</u>	Twp. & Rge.	_____	_____
<u>✓</u>	Decree-vault	<u>lg</u>	_____
<u>✓</u>	Decree-safe	<u>lg</u>	_____
<u>✓</u>	Cert. of W/R	<u>lg</u>	_____
_____	Per. Folder	_____	_____
_____	Chaindex	_____	_____
_____	Cross Ref.	_____	_____
_____	Power Claim	_____	_____
<u>✓</u>	Abstracts	<u>lg</u>	_____

CCB

7-22-77

Carver phoned E.O. Review newspaper
re affidavit of publ. & bill.

They will check and respond.

T-3548

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

In the Matter of Transfer Application
T-9477 & T-9478 Union County, Oregon

) FINAL ORDER APPROVING CHANGE
) 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:

Twsp	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

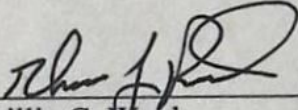
The proposed changes in point of diversion, place of use, and additional points of appropriation in application T-9477 and 9478 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000 and portions of the water rights shall be diminished and cancelled as described 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 26th day of May, 2005.


Phillip C. Ward
Director

Mailing date: JUN 20 2005

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

W J TOWNLEY
UNION OR 97883

confirms the right to use the waters of the LADD CR, CATHERINE CR AND HOT LAKE SPRING, tributaries of the GRANDE RONDE RIVER for IRRIGATION of 1085.00 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Union County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 8, at Page 1. The date of priority is, 1868 for 220.0 acres from Ladd Creek, 1870 for 815.0 acres from Catherine Creek, and 1878 for 50.0 acres from Hot Lake Spring.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
3 S	38 E	WM	36	SE SE	LADD CREEK; PIERCE AND SAWYER DITCHES
4 S	39 E	WM	3	SW NW	CATHERINE CREEK; OLD CHANNEL
4 S	39 E	WM	5	NW SE	HOT LAKE SPRING; HOT LAKE DITCH

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion not to exceed 3.0 acre feet per acre in any irrigation season. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

A description of the place of use to which this right is appurtenant is as follows:

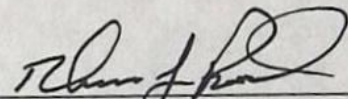
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority	Source
3 S	39 E	WM	29	SE SE	25.00	1870	Catherine Creek
3 S	39 E	WM	32	NE NE	40.00	1870	Catherine Creek
3 S	39 E	WM	32	NW NE	20.00	1870	Catherine Creek
3 S	39 E	WM	32	SW NE	40.00	1870	Catherine Creek
3 S	39 E	WM	32	SE NE	40.00	1870	Catherine Creek
3 S	39 E	WM	32	SW NW	40.00	1868	Ladd Creek
3 S	39 E	WM	32	SE NW	40.00	1868	Ladd Creek
3 S	39 E	WM	32	NE SW	40.00	1868	Ladd Creek
3 S	39 E	WM	32	NW SW	34.00	1868	Ladd Creek
3 S	39 E	WM	32	SW SW	26.00	1868	Ladd Creek
3 S	39 E	WM	32	SE SW	40.00	1868	Ladd Creek
3 S	39 E	WM	32	NE SE	40.00	1870	Catherine Creek

Twp	Rng	Mer	Sec	Q-Q	Acres	Priority	Source
3 S	39 E	WM	32	NW SE	40.00	1870	Catherine Creek
3 S	39 E	WM	32	SW SE	40.00	1870	Catherine Creek
3 S	39 E	WM	32	SE SE	40.00	1870	Catherine Creek
3 S	39 E	WM	33	NE NW	40.00	1870	Catherine Creek
3 S	39 E	WM	33	NW NW	40.00	1870	Catherine Creek
3 S	39 E	WM	33	SW NW	40.00	1870	Catherine Creek
3 S	39 E	WM	33	SE NW	40.00	1870	Catherine Creek
3 S	39 E	WM	33	NE SW	40.00	1870	Catherine Creek
3 S	39 E	WM	33	NW SW	40.00	1870	Catherine Creek
3 S	39 E	WM	33	SW SW	40.00	1870	Catherine Creek
3 S	39 E	WM	33	SE SW	40.00	1870	Catherine Creek
4 S	39 E	WM	4	NE NW	40.00	1870	Catherine Creek
4 S	39 E	WM	4	NW NW	40.00	1870	Catherine Creek
4 S	39 E	WM	4	SE NW	40.00	1870	Catherine Creek
4 S	39 E	WM	5	NE NE	40.00	1870	Catherine Creek
4 S	39 E	WM	5	NW NE	10.00	1870	Catherine Creek
4 S	39 E	WM	5	NW NE	30.00	1878	Hot Spring Lake
4 S	39 E	WM	5	NE NW	20.00	1878	Hot Spring Lake

This certificate describes that portion of the water right confirmed by Certificate 80229, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 26 2005, approving Transfer Application T-9477 and T-9478.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MAY 26, 2005.


 For Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81468

STATE OF OREGON

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

AMALGAMATED SUGAR CO.
OGDEN UT 84401

confirms the right to use the waters of the CATHERINE CR, a tributary of the GRANDE RONDE R for IRRIGATION of 1081.74 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Union County. The decree is of record at Salem, in the Order Record of the Water Resources Director in Volume 8, at Page 1. The dates of priority are NOVEMBER 1903 and JUNE, 1905.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 S	39 E	WM	15	SE NE	SUGAR BEET IRR CO DITCH
4 S	39 E	WM	3	SE SW	GODLEY 2, STODDARD A & B DITCHES
4 S	39 E	WM	10	NW NE	PUMP

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed ONE-FORTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion not to exceed 3.0 acre feet per acre in any irrigation season. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

A description of the place of use to which this right is appurtenant is as follows:

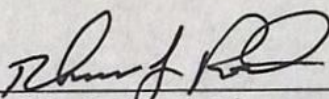
IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority	Diversion
3 S	39 E	WM	34	SW NE	30.00	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	SE NE	40.00	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	SE NW	36.50	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	NE SW	13.50	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	SE SW	24.00	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	NE SE	40.00	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	NW SE	40.00	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	SW SE	40.00	6/1905	Godley No 2, Stoddard A & B
3 S	39 E	WM	34	SE SE	40.00	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	2	NW NW	40.00	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	2	SW NW	40.00	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	2	NW SW	40.00	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	2	SW SW	40.00	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	NE NE	40.00	6/1905	Godley No 2, Stoddard A & B

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	Acres	Priority	Diversion
4 S	39 E	WM	3	NW NE	40.00	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	SW NE	40.00	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	SE NE	40.00	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	SW SW	40.00	11/1903	Pump: NW¼ NE¼, Sec 10, 4 S, 39 E
4 S	39 E	WM	3	SE SW	1.50	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	SE SW	20.00	11/1903	Pump: NW¼ NE¼, Sec 10, 4 S, 39 E.
4 S	39 E	WM	3	SE SW	2.57	11/1903	Sugar Beet Irrigation Co
4 S	39 E	WM	3	NE SE	40.00	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	NW SE	40.00	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	SW SE	0.90	11/1903	Sugar Beet Irrigation Co
4 S	39 E	WM	3	SW SE	35.50	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	3	SE SE	40.00	6/1905	Godley No 2, Stoddard A & B
4 S	39 E	WM	4	SE SE	40.00	11/1903	Sugar Beet Irrigation Co
4 S	39 E	WM	10	NE NW	2.27	11/1903	Sugar Beet Irrigation Co
4 S	39 E	WM	10	NE NW	20.00	11/1903	Pump: NW¼ NE¼, Sec 10, 4 S, 39 E
4 S	39 E	WM	10	NW NW	40.00	11/1903	Pump: NW¼ NE¼, Sec 10, 4 S, 39 E
4 S	39 E	WM	10	SW NW	40.00	11/1903	Pump: NW¼ NE¼, Sec 10, 4 S, 39 E
4 S	39 E	WM	10	SE NW	40.00	11/1903	Sugar Beet Irrigation Co
4 S	39 E	WM	10	NE SW	40.00	11/1903	Sugar Beet Irrigation Co
4 S	39 E	WM	10	SE SW	15.00	11/1903	Sugar Beet Irrigation Co

This certificate describes that portion of the water right confirmed by Certificate 45221, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 26 2005, approving Transfer Application T-9477 and T-9478.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director, affixed MAY 26, 2005.


 For Phillip C. Ward, Director

Recorded in State Record of Water Right Certificates numbered 81467

STATE OF OREGON

75747

COUNTY OF UNION

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

AMALGAMATED SUGAR COMPANY

of Ogden, State of Utah, 84401, has a right to the use of the waters of Catherine Creek

a tributary of Grande Ronde River for the purpose of the irrigation of 1349.24 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Union County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 8, at page 1; that the priority of the right thereby confirmed dates from (See Below)

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, 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

The point of diversion is located in the

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

DATE OF PRIORITY	NO. OF ACRES	USE	NAME OF DITCH	STREAM	DESCRIPTION OF LAND
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Nov. 1903	300.74	Irrigation	Sugar Beet Irr. Co.	Catherine Creek	2.57 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
					0.90 acre SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3
					40.00 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4
					2.27 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
					40.00 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
					40.00 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
					15.00 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10
					T. 4 S., R. 39 E., W. M.
					Pump: NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10
					T. 4 S., R. 39 E., W. M.
					20.00 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
					40.00 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3
					20.00 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
1904	162.5	Irrigation	Mike	Catherine Creek	40.00 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
					40.00 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10
					T. 4 S., R. 39 E., W. M.
					33.00 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
					16.00 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
					32.00 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
					40.00 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
					26.00 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
					15.50 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3
					T. 4 S., R. 39 E., W. M.

DATE OF PRIORITY	NO. OF ACRES	USE	NAME OF DITCH	STREAM	DESCRIPTION OF LAND
June 1905	886.0	Irrigation	Godley No. 2 Stoddard A and B	Catherine Creek	40.00 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.00 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.00 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.00 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.00 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.00 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.00 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.00 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ 36.50 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.50 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ 24.00 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34 T. 3 S., R. 39 E., W. M. 40.00 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.00 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.00 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.00 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2 40.00 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.00 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.00 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.00 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ 7.00 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ 8.00 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.50 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.00 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.00 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.50 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.00 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3 T. 4 S., R. 39 E., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 6151, Volume 6, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on September 12, 1977, approving transfer application No. 3548.

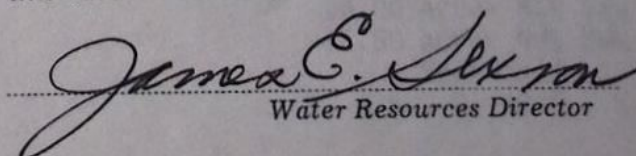
The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree.

And said right shall be subject to all other conditions and limitations contained in said decree.
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date January 31, 1978.


Water Resources Director

75747

CERTIFICATE OF WATER RIGHT

STATE OF OREGON

to

Amalgamated Sugar Co.

STATE OF OREGON,

County of Union

ss.

I CERTIFY, that the within was received
and duly recorded by me in Volume _____
of Record of Water Right Certificates, at
Page _____, on the 22nd day
of March, 1978.

SHIRLEY E. HOLLY

By: Judy Evers, Deputy
County Clerk.

SP*32936-690

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UNION COUNTY

IN THE MATTER OF THE APPLICATION)
 OF SHERMAN E. AND M. HAZEL HAWKINS)
 FOR APPROVAL OF AN ADDITIONAL POINT)
 OF DIVERSION OF WATER FROM)
 CATHERINE CREEK)

ORDER APPROVING
 TRANSFER NO. 3548

On February 25, 1977, an application was filed in the office of the Water Resources Director by Sherman E. and M. Hazel Hawkins for an additional point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 6151, Volume 6, State Record of Water Right Certificates, in the name of Amalgamated Sugar Co., describes a right which includes the use of water from Catherine Creek for irrigation of 40.0 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 31.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 9.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 40.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27; 40.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 3.5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 3 South, Range 39 East, W.M., with a date of priority of June, 1905.

Water for the said right is diverted, through the Godley No. 2 Ditch, from a point located 1150 feet North and 2750 feet West from the Southeast corner of Section 3, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 4 South, Range 39 East, W.M.

The applicants herein, owners of the lands above described, propose to establish, without loss of priority, an additional point of diversion from Catherine Creek for irrigation of said lands at a point located 1980 feet South and 1617 feet West from the center of Section 27, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 3 South, Range 39 East, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the

027
 2283-285

Eastern Oregon Review, a newspaper printed and having general circulation in Union County, Oregon, for a period of three weeks in the issues of May 26, June 2 and 9, 1977.

2 Mr. H. Boyd Hadden, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested additional point of diversion as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right.

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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Amalgamated Sugar Company and recorded at page 6151, Volume 6, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 12th day of September, 1977.

/s/ James E. Sexson
Director

**NOTICE OF WATER RIGHT
TRANSFER APPLICATION
NO. 3548**

Notice is given hereby that Sherman E. and Hazel Hawkins have filed an application in the office of the Water Resources Director for the approval of an additional point of diversion from Catherine Creek.

The certificate recorded at Page 6151, Vol. 6, State Record of Water Right Certificates, in the name of Amalgamated Sugar Co., describes a right which includes the use of water from Catherine Creek for irrigation to 40.0 acres in NE 1/4 SW 1/4, 31.0 acres in NW 1/4 SW 1/4, 9.0 acres in SW 1/4 SW 1/4 and 40.0 acres in SE 1/4 SW 1/4 of Sec. 27; 40.0 acres in NE 1/4 NW 1/4 and 3.5 acres in NW 1/4 NW 1/4 of Sec. 35, T. 3 S., R. 39 E., W.M., with a date of priority of June 1905.

Water for the said right is diverted through the Godley No. 2 ditch from a point located 1150 ft. N. and 2750 ft. W. from the SE corner of Sec. 3, being within the SE 1/4 SW 1/4 of Sec. 3, T. 4 S., R. 39 E., W.M.

The applicants herein, owners of the lands above described, propose to establish, without loss of priority, an additional point of diversion from Catherine Creek for

irrigation of said lands at a point located 1980 ft. S. and

1617 ft. W. from the center of Sec. 27, being within the SW 1/4 SW 1/4 of Sec. 27, T. 3 S., R. 39 E., W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at La Grande, Oregon, on July 21, 1977, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Sherman E. and Hazel Hawkins, Route 2, Box 2260, La Grande, Oregon 97850, and one copy filed with the Water Resources Department, Salem, Oregon 97310, together with a \$10 filing fee, at least 10 days prior to the date set for hearing. IF NO OBJECTION IS FILED, THE IF NO OBJECTION IS FILED, THE APPLICATION MAY BE APPROVED BY THE WATER RESOURCES DIRECTOR WITHOUT A HEARING. Administrative rules pertaining to the filing of a protest will be furnished by the Water Resources Department upon request.

Dated at Salem, Oregon, this 1st day of April, 1977.
JAMES E. SEXSON
Director.
5-26, 6-2, 6-9

Publisher's Affidavit

County of Union }
State of Oregon } ss.

I, Gary Eisler, being first duly sworn, depose

and say that I am the Publisher of the Eastern Oregon Review, a weekly newspaper of general circulation, made up of four or more pages of five columns each; and said newspaper has more than 200 bona fide subscribers living in Union County, Oregon, and that said newspaper has been published uninterruptedly in Union County, Oregon, at least once a week during a period of more than one year immediately

preceding the first publication of the Water Right Trans. App. a printed copy of which is hereto attached, was published in the entire

issue of said newspaper for three (3) successive and consecutive weeks in the following issues:

Issue of <u>May 26</u> , 19 <u>77</u>	Issue of _____, 19____
Issue of <u>June 2</u> , 19 <u>77</u>	Issue of _____, 19____
Issue of <u>June 9</u> , 19 <u>77</u>	Issue of _____, 19____

Signed _____

Subscribed and sworn to before me this 3rd day of August, 1977

1977

James E. Sexson
Notary Public for Oregon

My Commission expires 1-3-79

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WATER RESOURCES DEPT
SALEM, OREGON