

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION }
OF LEROY E. BEALS FOR THE APPROVAL }
OF A CHANGE IN POINT OF DIVERSION }
OF WATER FROM SILVER CREEK }

ORDER APPROVING
TRANSFER NO. 3021

On April 18, 1974, LeRoy E. Beals filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Silver Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Merle Bowen and recorded at page 31805, Volume 23, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.50 cubic foot per second of water from Silver Creek for the irrigation of 14.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 19.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 4.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, Township 6 South, Range 1 West, W.M., with a date of priority of May 5, 1961. These lands are irrigated from a point of diversion located 620 feet South and 1780 feet West from the Northeast corner of S. Cox DIC #45, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Township 6 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 338 feet South from the Northeast corner of S. Cox DIC #45, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, Township 6 South, Range 1 West, 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 Salem, Oregon, on June 18, 1974, at 9:30 a.m. The notice was published in the Oregon Statesman, a newspaper printed and having general circulation in Marion County, Oregon, for a period of three weeks in the issues of April 25, May 2 and 9, 1974. The date set for hearing in said

notice was not less than thirty days after the last publication of the notice.

Mr. E. Michael Ricks, Watermaster of District No. 16, 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 change in point of diversion of water from Silver Creek, to wit:

From a point located 620 feet South and 1780 feet West from the Northeast corner of S. Cox DIC #45, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 6 South, Range 1 West, W.M.

To a point to be located 338 feet South from the Northeast corner of S. Cox DIC #45, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 6 South, Range 1 West, W.M.

for the irrigation of 14.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 19.4 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 4.3 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, Township 6 South, Range 1 West, W.M., with a date of priority of May 5, 1961, 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, 1975.

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 0.50 cubic foot per second.

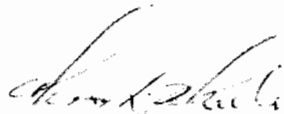
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Merle Bowen and recorded at page 31805, Volume 23, State Record of Water Right Certificates, is canceled, 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 LeRoy E. Beals confirming the change in point of diversion.

Dated at Salem, Oregon, this 25th day of June, 1974.


CHRIS L. WHEELER
State Engineer