

BEFORE THE STATE ENGINEER OF OREGON

Union County

IN THE MATTER OF THE APPLICATION)
OF PETER C. WESTENSKOW FOR THE)
APPROVAL OF A CHANGE IN PLACE OF)
USE AND POINT OF DIVERSION OF)
WATER FROM CLARK'S CREEK)
- - - - -)

ORDER APPROVING
TRANSFER NO. W-114

On February 4, 1966, Peter C. Westenskow filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Clark's Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John Klinghammer and L. J. Furgason and recorded at page 30038, Volume 22, State Record of Water Right Certificates, confirms a right to the use of the waters of Clark's Creek for the irrigation of 30.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, 3.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, 40.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 5.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, and 25.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, all within Township 1 North, Range 39 East, W.M., with a date of priority of August 4, 1909.

The water is conveyed to these lands by means of the Rider Furgason Ditch, the point of diversion being located 1518 feet south and 1287 feet west from the northeast corner of Section 31, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 1 North, Range 40 East, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the place of use for the irrigation of 25.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, to 20.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, and 5.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, and to irrigate these lands and the remainder of the above lands by means of pumping plants to be located 740 feet north and 2270 feet east of the southwest corner of Section 24, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24; 1830 feet north and 670 feet east of the southwest corner of Section 24, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24; and 2240 feet north and 200 feet west of the southwest corner of Section 24, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, all within Township 1 North, Range 39 East, W.M.

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

No objections having been filed and it appearing that the proposed change in place of use and 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 25.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, Township 1 North, Range 39 East, W.M., with a date of priority of August 4, 1909, be severed therefrom and simultaneously and without loss of priority transferred to 20.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, and 5.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 1 North, Range 39 East, W.M.

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

From a point located 1518 feet south and 1287 feet west from the northeast corner of Section 31, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, Township 1 North, Range 40 East, W.M.

To a point to be located 740 feet north and 2270 feet east of the southwest corner of Section 24, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 1 North, Range 39 East, W.M.

To a point to be located 1830 feet north and 670 feet east of the southwest corner of Section 24, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 1 North, Range 39 East, W.M.

To a point to be located 2240 feet north and 200 feet west of the southwest corner of Section 24, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 1 North, Range 39 East, W.M.

for the irrigation of 20.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 30.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, 3.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, 40.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, 5.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 5.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24, Township 1 North, Range 39 East, W.M., with a date of priority of August 4, 1909, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1967.

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 point of diversion.


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

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 John Klinghammer and L. J. Furgason and recorded at page 30038, Volume 22, 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 and place of use, a certificate of water right shall be issued to Peter C. Westenskow confirming the change in point of diversion and the extent to which the water has been applied beneficially.

Dated at Salem, Oregon this 6th day of June 1966.



CHRIS L. WHEELER, State Engineer