

BEFORE THE STATE ENGINEER OF OREGON

Benton County

IN THE MATTER OF THE APPLICATION)
OF BRUCE AND BARBARA BRAHS FOR A)
CHANGE IN POINT OF DIVERSION OF)
WATER FROM BEAVER CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. B-153

On March 26, 1965, Bruce and Barbara Brahs of Emmitt, Idaho, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Beaver Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Marie M. Smith and recorded at page 24426, Volume 17, State Record of Water Right Certificates, confirms a right to the use of 0.5 cubic foot per second of water from Beaver Creek for irrigation of 5.1 acres in the SW $\frac{1}{2}$ NW $\frac{1}{2}$, 19.8 acres in the NW $\frac{1}{2}$ SW $\frac{1}{2}$ and 20.0 acres in the SW $\frac{1}{2}$ SW $\frac{1}{2}$, as projected within Herbert DLC No. 41, Section 8, and 0.4 acre in the NW $\frac{1}{2}$ NW $\frac{1}{2}$, as projected within Herbert DLC No. 41, Section 17, Township 13 South, Range 5 West, W.M., with a date of priority of October 26, 1951. These lands are irrigated from a point of diversion located 150 feet south and 1670 feet east from the northwest corner of Herbert DLC No. 41 and being within the SW $\frac{1}{2}$ NW $\frac{1}{2}$, as projected within Herbert DLC No. 41, Section 8, Township 13 South, Range 5 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate said lands from a point of diversion to be located 20 feet south and 1960 feet east from the northwest corner of Herbert DLC No. 41, and being within the SW $\frac{1}{2}$ NW $\frac{1}{2}$, as projected within Herbert DLC No. 41, Section 8, Township 13 South, Range 5 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Floyd L. Siegmund, Watermaster of District No. 2, 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 of water 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 Beaver Creek, to-wit:

From a point located 150 feet south and 1670 feet east from the northwest corner of Herbert DLC No. 41, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Herbert DLC No. 41, Section 8, Township 13 South, Range 5 West, W.M.

To a point to be located 20 feet south and 1960 feet east from the northwest corner of Herbert DLC No. 41, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Herbert DLC No. 41, Section 8, Township 13 South, Range 5 West, W.M.

for the irrigation of 5.1 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 19.8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 20.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected within Herbert DLC No. 41, Section 8, and 0.4 acre in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Herbert DLC No. 41, Section 17, Township 13 South, Range 5 West, W.M., with a date of priority of October 26, 1951, 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, 1966.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion and shall not exceed 0.5 cubic foot per second.

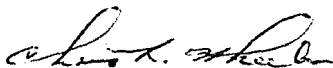
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

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 Marie M. Smith and recorded at page 24426, Volume 17, 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 Bruce and Barbara Brahs confirming said change in point of diversion.

Dated at Salem, Oregon, this 7th day of May, 1965.



CHRIS L. WHEELER
State Engineer