

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION)
OF ALBERT JESSE FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM EILER CREEK)

ORDER APPROVING
TRANSFER NO. 2550

On July 27, 1971, Albert Jesse filed an application in the office of the State Engineer for the approval of a change in place of use of water from Eiler Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Albert Jesse and recorded at page 14235, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.20 cubic foot per second of the waters of Eiler Creek for irrigation of, 11.1 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, and 4.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 1 North, Range 4 West, W.M., with a date of priority of June 2, 1939.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 2.25 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, and 13.75 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Township 1 North, Range 4 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use 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 place of use of water is approved and the water right hereinbefore described as appurtenant to 11.1 acres in SE¼ SW¼, Section 6, 4.9 acres in NE¼ NW¼, Section 7, Township 1 North, Range 4 West, W.M., with a date of priority of June 2, 1939, be severed therefrom and simultaneously and without loss of priority transferred to 2.25 acres in SE¼ SW¼, Section 6, and 13.75 acres in NE¼ NW¼, Section 7, Township 1 North, Range 4 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1973.

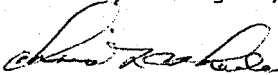
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Albert Jesse and recorded at page 14235, Volume 12, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use, a certificate of water right shall be issued to Albert Jesse confirming the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 3rd day of August, 1972.


CHRIS L. WHEELER
State Engineer