

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION )  
OF MATTHEW S. KEMPER FOR THE )  
APPROVAL OF A CHANGE IN PLACE OF )  
USE OF WATER FROM LITTLE BEAVER )  
CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2663

On June 5, 1972, Matthew S. Kemper filed an application in the office of the State Engineer for the approval of a change in place of use of water from Little Beaver Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John E. Timmerman and recorded at page 5045, Volume 5, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.28 cubic foot per second of waters of Little Beaver Creek, for stock use and irrigation of 4.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 11.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 30, Township 2 North, Range 4 West, W.M., with a date of priority of December 17, 1923.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 15.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 30, Township 2 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 4.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 11.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 30, Township 2 North, Range 4 West, W.M., with a date of priority of December 17, 1923, be severed therefrom and simultaneously and without loss of priority transferred to 15.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 30, Township 2 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.

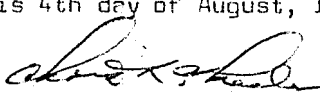
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 John Timmerman and recorded at page 5045, Volume 5, 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 4th day of August, 1972.

  
CHRIS L. WHEELER  
State Engineer