

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION }  
OF JOHN M. THOMAS FOR THE APPROVAL }  
OF A CHANGE IN POINT OF DIVERSION }  
OF WATER FROM TUALATIN RIVER }  
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ORDER APPROVING  
TRANSFER NO. 3294

On August 14, 1975, John M. Thomas filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Tualatin River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Henry S. Mears and recorded at Page 28498, Volume 20, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.12 cubic foot per second of water from Tualatin River for the irrigation of 9.3 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14, Township 2 South, Range 1 West, W.M., with a date of priority of July 7, 1955. These lands are irrigated from a point of diversion located 1940 feet North and 950 feet West from the Southeast corner of Section 14, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 14, Township 2 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 1300 feet North and 10 feet West from the Southeast corner of Section 14, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 14, Township 2 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 Hillsboro, Oregon, on April 28, 1976, at 9:30 a.m. The notice was published in the Tigard Times, a newspaper printed and having general circulation in Washington County, Oregon, for a period of three weeks

in the issues of March 4, 11 and 18, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clayton J. Gardner, Watermaster of District No. 1, 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 objection 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 Tualatin River, to wit:

From a point located 1940 feet North and 950 feet West from the Southeast corner of Section 14, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 14, Township 2 South, Range 1 West, W.M.

To a point to be located 1300 feet North and 10 feet West from the Southeast corner of Section 14, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 14, Township 2 South, Range 1 West, W.M.

for the irrigation of 9.3 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14, Township 2 South, Range 1 West, W.M., with a date of priority of July 7, 1955, 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, 1977.

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 0.12 cubic foot per second.

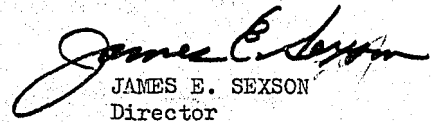
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 the certificate of water right heretofore issued to Henry S. Mears and recorded at Page 28498, Volume 20, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to John M. Thomas confirming the change in point of diversion.

Dated at Salem, Oregon, this 10th day of May, 1976.

  
JAMES E. SEXSON  
Director