

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION )  
OF ALLEN OBERSINNER FOR THE APPRO- )  
VAL OF A CHANGE IN POINT OF DIVER- )  
SION OF WATER FROM BUTTE CREEK. )  
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O R D E R  
APPROVING APPLICATION

On February 26, 1957, Allen Obersinner of Route 2, Woodburn, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Butte Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Gilbert A. and W. L. Stenger and recorded at page 21225, Volume 15, State Record of Water Right Certificates, confirms a right to the use of water from Butte Creek with a date of priority of November 30, 1950, for the irrigation of 16.9 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 4.4 acres in the W $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23 and 7.7 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 5 South, Range 1 West, W. M., all as projected in T. J. Chase D. L. C. #46. The point of diversion of water for the irrigation of these lands is located 1110 feet north and 500 feet east from the south quarter corner of Section 23, and being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected in T. J. Chase D. L. C. #46, said Section 23, Township 5 South, Range 1 West, W. M.

The applicant herein, owner of 19.2 acres of the land above described, to-wit: 11 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 4.4 acres in the W $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, and 3.8 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 5 South, Range 1 West, W. M., all as projected in T. J. Chase D. L. C. #46, proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 820 feet west and 45 feet north from the southeast corner of Section 23, and being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected in T. J. Chase D. L. C. #46, said Section 23, Township 5 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: in the office of the State Engineer, 303 State Office Building, Salem, Oregon, on May 29, 1957, beginning at 10:00 o'clock a.m. The notice was published in the Capital Press, a newspaper printed and having general circulation in Marion County, Oregon, for a period of three weeks in the issues of April 5, 12 and 19, 1957. The time set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 Butte Creek, to-wit:

From a point located 1110 feet north and 500 feet east from the south quarter corner of Section 23, and being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 23, Township 5 South, Range 1 West, W. M.,

To a point to be located 820 feet west and 45 feet north from the southeast corner of Section 23, and being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 23, Township 5 South, Range 1 West, W. M.,

for the irrigation of 11 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 4.4 acres in the W $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23 and 3.8 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, Township 5 South, Range 1 West, W. M., as projected in T. J. Chase D. L. C. #46, with a date of priority of November 30, 1950, be and the same 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, 1958 or within such extension of time as may be granted by the State Engineer for good cause shown and that upon the completion of such work, satisfactory proof shall be filed with the State Engineer.

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.

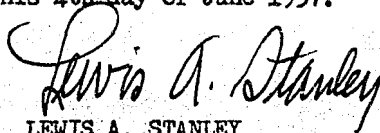
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices.

That the pumping plant and related 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 of Marion County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon this 4th day of June 1957.

*Notation made on  
Cert. 21225*



LEWIS A. STANLEY  
State Engineer