

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF GARY KAUFMAN FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
AND PLACE OF USE OF WATER FROM)
DRIFT CREEK)

ORDER APPROVING
TRANSFER NO. K-61

On April 21, 1969, Gary Kaufman filed an application in the office of the State Engineer for the approval of a change in point of diversion and place of use of water from Drift Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to F. D. Kaser and recorded at page 14517, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.63 cubic foot per second of water from Drift Creek for the irrigation of, among other lands, 15.2 acres in SE¼ NW¼, Section 9, Township 7 South, Range 1 West, W.M., with a date of priority of March 7, 1941. These lands are irrigated from a point of diversion located 850 feet south and 1710 feet east from the W¼ corner of Section 9 being within the NE¼ SW¼ of Section 9, Township 7 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 15.2 acres in NW¼ NW¼, Section 9, Township 7 South, Range 1 West, W.M. and irrigate these lands from a point of diversion to be located 1800 feet north and 1220 feet east from the SW corner of Section 9 being within the NW¼ SW¼ of Section 9, Township 7 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 place of use and point of diversion of water, if any there were, namely: at the county courthouse in Salem, Oregon, on July 14, 1969, at 9:30 a.m. The notice was published in the Statesman newspaper which is printed and has general circulation in Marion County, Oregon, for a period of three weeks in the issues of May 20, 27, and June 3, 1969. 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 place of use and point of diversion of water may be made without injury to existing rights.

Federal Land Bank Association of Salem, mortgagee of the lands involved, has submitted written approval of the change in point of diversion and place of use.

No objections having been filed and it appearing that the proposed change in place of use and 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 place of use of water is approved and the water right hereinbefore described as appurtenant to 15.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 7 South, Range 1 West, W.M., with a date of priority of March 7, 1941, be severed therefrom and simultaneously and without loss of priority transferred to 15.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 7 South, Range 1 West, W.M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Drift Creek, to-wit:

From a point located 850 feet south and 1710 feet east from the W $\frac{1}{4}$ corner of Section 9 being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 7 South, Range 1 West, W.M.

To a point to be located 1800 feet north and 1220 feet east from the SW corner of Section 9 being within the NW¼ SW¼ of Section 9, Township 7 South, Range 1 West, W.M.

for the irrigation of 15.2 acres in NW¼ NW¼, Section 9, Township 7 South, Range 1 West, W.M., with a date of priority of March 7, 1941, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use and the change in point of diversion made on or before October 1, 1970.

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 be limited to 0.19 cubic foot per second.

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 F. D. Kaser and recorded at page 14517, Volume 12, State Record of Water Right Certificates, is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion and place of use, a certificate of water right shall be

issued to Gary Kaufman confirming the extent to which the water has been applied beneficially and the change in point of diversion.

Dated at Salem, Oregon, this 12th day of January, 1970.


CHRIS L. WHEELER
State Engineer