

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF ELZA K. CHANCELLOR SPLANE FOR)
THE APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER FROM)
RICKREALL CREEK)

O R D E R
APPROVING APPLICATION

On October 8, 1962, Elza K. Chancellor Splane of King Tower Apt. 512-13, 901 S. W. King Avenue, Portland 5, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Rickreall Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Mrs. Elza K. Chancellor Splane and recorded at page 15825, Volume 13, State Record of Water Right Certificates, confirms a right under Permit No. 15313 for the use of 0.06 cubic foot per second of the waters of Rickreall Creek for the irrigation of 0.6 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Alexander Blevens DLC No. 49, being in Section 27, Township 7 South, Range 4 West, W. M., and 0.06 cubic foot per second from said Rickreall Creek for fire protection in said subdivisions, with a date of priority of October 9, 1941. The water is conveyed for fire protection and irrigation by means of a pumping plant, the point of diversion of said pumping plant being located 930 feet North and 420 feet East from the southwest corner of Section 27, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 7 South, Range 4 West, W. M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion for the irrigation of 0.6 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.1 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and for 0.03 cubic foot per second for fire protection in said subdivisions to a point to be located 525 feet North and 535 feet East from the southwest corner of Section 27, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 27, Township 7 South, 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 said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

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 Rickreall Creek, to-wit:

From a point located 930 feet North and 420 feet East from the southwest corner of Section 27, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 27, Township 7 South, Range 4 West, W. M.

To a point to be located 525 feet North and 535 feet East from the southwest corner of Section 27, and being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 27, Township 7 South, Range 4 West, W. M.

for the irrigation of 0.6 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.1 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Alexander Blevens D. L. C. No. 49, being in Section 27, Township 7 South, Range 4 West, W. M., and for the use of 0.03 cubic foot per second of water for fire protection in said subdivisions, with a date of priority of October 9, 1941, be and the same is hereby 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, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

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 Polk County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

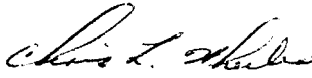
It is FURTHER ORDERED that certificate of water right heretofore issued to Mrs. Elza K. Chancellor Splane and recorded at page 15825, Volume 13, State Record of Water Right Certificates, be and the same hereby is canceled and that in lieu thereof a new certificate be issued to Jack M. and Delia E. Miller for the irrigation of 2.1 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, as projected on Alexander Blevens D. L. C. No. 49, and being in Section 27, Township 7 South, Range 4 West, W. M., and the use of 0.03 cubic foot per second for fire protection in said subdivision and upon receipt of proof satisfactory to the State Engineer of completion of construction of the new point of diversion, a certificate of water right shall be issued to Mrs. Elza K. Chancellor Splane to the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 22nd day of October, 1962.

Noted on records

App. #19522

Cert. #15825


CHRIS L. WHEELER
State Engineer