

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION)
OF EVAN N. HALE FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM BEAVER CREEK)

ORDER APPROVING
TRANSFER NO. 3375

On March 19, 1976, Evan N. Hale filed an application in the office of the water Resources Director for the approval of a change in point of diversion of water from Beaver Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to George F. Gould and recorded at Page 37358, Volume 26, State Record of Water Right Certificates, confirms a right which includes the use of 0.051 cubic foot per second from Beaver Creek for the irrigation of, among other lands, 0.19 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13 and 3.9 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 3 South, Range 1 East, W.M., with a date of priority of March 18, 1952.

These lands are irrigated from a point of diversion located 400 feet South and 300 feet West from the Northeast corner of Section 23, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 3 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion to a point located 750 feet North and 550 feet East from the Southwest corner of Section 13, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 3 South, Range 1 East, W.M.

Notice of the application, pursuant to ORS 540.510 was published in the Oregon City Enterprise Courier, a newspaper printed and having general circulation in Clackamas County, Oregon, for a period of three weeks in the issues of October 13, 20 and 27, 1976.

Mr. Keith Palmer, Watermaster of District No. 16, has filed a statement to the effect that the proposed change in point of diversion 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 requested change in point of diversion from Beaver Creek as described herein, without loss of priority, is approved.

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 0.051 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;

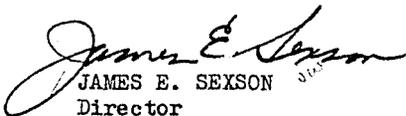
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that 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 certificate of water right heretofore issued to George F. Gould and recorded at Page 37358, Volume 29, 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 proof satisfactory to the Water Resources Director of completion of

works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to Evan N. Hale.

Dated at Salem, Oregon, this 16th day of December, 1976.



JAMES E. SEXSON
Director