

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION )  
OF M. S. EAKIN FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
AND PLACE OF USE OF WATER FROM )  
PEEDEE CREEK )  
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ORDER APPROVING  
TRANSFER NO. E-46

On March 31, 1967, M. S. Eakin filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Peedee Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to M. S. Eakin and recorded at page 30829, Volume 22, State Record of Water Right Certificates, confirms a right to the use of the waters of Peedee Creek for the irrigation of 3.6 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 17, Township 9 South, Range 6 West, W.M., with a date of priority of June 11, 1958. These lands are irrigated from a point of diversion located 1610 feet north and 1820 feet east from the SW corner of Section 17, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17, Township 9 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom without loss of priority to 3.6 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 17, Township 9 South, Range 6 West, W.M., and to irrigate this land from a point of diversion to be located north 69° 18' west, 1085 feet from the  $\frac{1}{4}$  corner of Sections 17 and 20, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 17, Township 9 South, Range 6 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, and for a change in place of use of water.

Mr. Ralph H. Jackson, Watermaster of District No. 2, 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.

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 3.6 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 17, Township 9 South, Range 6 West, W.M., with a date of priority of June 11, 1958, be severed therefrom and simultaneously and without loss of priority transferred to 3.6 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 17, Township 9 South, Range 6 West, W.M.

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

From a point located 1610 feet north and 1820 feet east from the SW corner of Section 17, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17, Township 9 South, Range 6 West, W.M.

To a point to be located north 69° 18' west, 1085 feet from the N corner of Sections 17 and 20, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17, Township 9 South, Range 6 West, W.M.

for the irrigation of 3.6 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 17, Township 9 South, Range 6 West, W.M., with a date of priority of June 11, 1958, 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, 1958.

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 0.04 cubic foot per second.

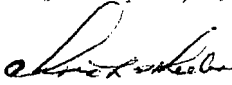
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include 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 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 M. S. Wakin and recorded at page 30829, Volume 22, State Record of Water Right Certificates, is canceled 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 M. S. Wakin confirming the change in point of diversion of water and the extent to which the water has been applied beneficially.

Dated at Salem, Oregon, this 19th day of April, 1967.

  
CHRIS L. WHEELER  
State Engineer