

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION)
OF DANIEL B. MOORE FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM WEST FORK)
DAIRY CREEK)

ORDER APPROVING
TRANSFER NO. M-176

On April 26, 1967, Daniel B. Moore filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from West Fork Dairy Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Edward Kindel and recorded at page 27612, Volume 19, State Record of Water Right Certificates, confirms a right to the use of the waters of West Fork Dairy Creek for the irrigation of, among other lands, 3.6 acres in the NE¼ NE¼, Section 18, Township 1 North, Range 3 West, W.M., with a date of priority of February 5, 1946. These lands are irrigated from a point of diversion located 710 feet south and 260 feet east from the NW corner of Section 17, being within the NW¼ NW¼ of Section 17, Township 1 North, Range 3 West, W.M.

The applicant herein, owner of the land above described, proposes to irrigate the land from a point of diversion to be located 1140 feet south and 365 feet west from the NW corner of Section 17, being within the NE¼ NE¼ of Section 18, Township 1 North, Range 3 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.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in 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 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 West Fork Dairy Creek, to-wit:

From a point located 710 feet south and 260 feet east from the NW corner of Section 17, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 1 North, Range 3 West, W.M.

To a point to be located 1140 feet south and 365 feet west from the NW corner of Section 17, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 1 North, Range 3 West, W.M.

for the irrigation of 3.6 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 1 North, Range 3 West, W.M., with a date of priority of February 5, 1946, 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, 1968.

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 not exceed 0.045 cubic foot per second.

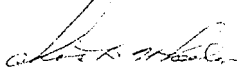
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Edward Kindel and recorded at page 27612, Volume 19, 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 of water, a certificate of water right shall be issued to Daniel B. Moore confirming the change in point of diversion.

Dated at Salem, Oregon, this 1st day of August, 1967.


CHRIS L. WHEELER
State Engineer