

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION )  
OF JOE EVERS FOR THE APPROVAL OF )  
A CHANGE IN POINT OF DIVERSION AND )  
PLACE OF USE OF WATER FROM WEST )  
FORK DAIRY CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2782

On April 2, 1973, Joe Evers 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 West Fork Dairy Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Albert J. Evers and recorded at page 17028, Volume 14, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.64 cubic foot per second of the waters of West Fork of Dairy Creek for irrigation, of, among other lands, 2.0 acres in the NE¼ SW¼, 4.0 acres in the NW¼ SW¼, 9.4 acres in SW¼ SW¼, and 12.0 acres in the SE¼ SW¼, Section 18, Township 1 North, Range 3 West, W.M., with dates of priority of August 15, 1940 and September 13, 1940. The point of diversion is located 2046 feet North and 2244 feet West from the SE corner of Section 18, being within the NW¼ SE¼, of Section 18, Township 1 North, Range 3 West, W.M.

The applicant herein, owner of the lands above described, propose to transfer the water right from 2.0 acres in NE¼ SW¼, 4.0 acres in NW¼ SW¼, 9.4 acres in SW¼ SW¼, and 12.0 acres in SE¼ SW¼, Section 18, Township 1 North, Range 3 West, W.M., without loss of priority to 5.0 acres in NW¼ NE¼, 0.5 acre in SW¼ NE¼, 17.6 acres in NE¼ NW¼, and 4.3 acres in SE¼ NW¼, Section 25, Township 2 North, Range 4 West, W.M., and to irrigate these lands from a point of diversion to be located North 27° West 570' from the SE corner from

the corner of NW¼ NE¼, Section 25, being within the NW¼ NE¼ of Section 25, Township 2 North, Range 4 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 Hillsboro, Oregon, on June 11, 1973, at 9:30 a.m. The notice was published in the Washington County News Times, a newspaper printed and having general circulation in Washington County, Oregon, for a period of three weeks in the issues of April 19, 26 and May 3, 1973. 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.

The contract sellers of the land involved, have submitted written approval of the change in place of use and point of diversion.

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 2.0 acres in NE¼ SW¼, 4.0 acres in NW¼ SW¼, 9.4 acres in SW¼ SW¼ and 12.0 acres in SE¼ SW¼, in Section 18, Township 1 North, Range 3 West, W.M., with dates of priority of August 15, 1940 and September 13, 1940, be severed therefrom and simultaneously and without loss of priority, transferred to 5.0 acres

in NW¼ NE¼, 0.5 acre in SW¼ NE¼, 17.6 acres in NE¼ NW¼ and 4.3 acres in SE¼ NW¼, Section 25, Township 2 North, Range 4 West, W.M.

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

From a point located 2046 feet North and 2244 feet West from the SE corner of Section 18, being within the NW¼ SE¼ of Section 18, Township 1 North, Range 3 West, W.M.

To a point to be located North 27° West 570' from SE corner from the corner of NW¼ NE¼, Section 25, being within the NW¼ NE¼ of Section 25, Township 2 North, Range 4 West, W.M.

for the irrigation of 5.0 acres in NW¼ NE¼, 0.5 acre in SW¼ NE¼, 17.6 acres in NE¼ NW¼, and 4.3 acres in SE¼ NW¼, Section 25, Township 2 North, Range 4 West, W.M., with dates of priority of August 15, 1940 for the appropriation of 0.31 cubic foot per second and September 13, 1940 for the appropriation of 0.03 cubic foot per second, 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, 1973.

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 0.34 cubic foot per second.

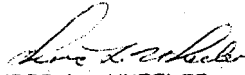
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

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 Albert J. Evers and recorded at page 17028, Volume 14, 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 application of water to beneficial use and completion of the authorized change in point of diversion, a certificate of water right shall be issued to Joe Evers confirming the change in point of diversion and place of use.

Dated at Salem, Oregon, this 25th day of June, 1973.

  
CHRIS L. WHEELER  
State Engineer ✓