

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION
OF JAMES L. ROLLIER FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION OF
WATER FROM CARPENTER CREEK

ORDER APPROVING
TRANSFER NO. 3194

On April 4, 1975, James L. Rollier filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Carpenter Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Ferdinand Lemcke and recorded at Page 14137, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.05 cubic foot per second of water from Carpenter Creek for the irrigation of, among other lands, 0.4 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 1 South, Range 4 West, W.M., with a date of priority of January 13, 1937. Certificate of water right issued to Estate of Ferdinand Lemcke and recorded at Page 20206, Volume 14, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.325 cubic foot per second of water from Carpenter Creek for the irrigation of, among other lands, 0.5 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1 and 0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 1 South, Range 4 West, W.M., with a date of priority of November 17, 1947. The lands are irrigated from a point of diversion located 70 feet South and 70 feet East from the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 1 South, Range 4 West, W.M.

The applicant herein, owner of a portion and contract purchaser of the balance of the lands above described, proposes to irrigate these lands from a point of diversion to be located 326 feet North and 484 feet West from

the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 1 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.

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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Carpenter Creek, to wit:

From a point located 70 feet South and 70 feet East from the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 1 South, Range 4 West, W.M.

To a point to be located 326 feet North and 484 feet West from the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 1 South, Range 4 West, W.M.

for the irrigation of 0.4 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 1 South, Range 4 West, W.M., with a date of priority of January 13, 1937, and for the irrigation of 0.5 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1 and 0.5 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 1 South, Range 4 West, W.M., with a date of priority of November 17, 1947, 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, 1976.

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 0.018 cubic foot per second.

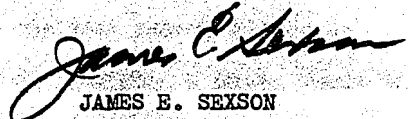
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 certificates of water right heretofore issued to Ferdinand Lemcke and Estate of Ferdinand Lemcke and recorded at Page 14137, Volume 12, and Page 20206, Volume 14, State Record of Water Right Certificates, are canceled; and in lieu thereof two new certificates be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, two certificates of water right shall be issued to James L. Rollier confirming the change in point of diversion.

Dated at Salem, Oregon, this 16th day of December, 1975.


JAMES E. SEXSON
Director