

BEFORE THE STATE ENGINEER OF OREGON

Benton County

IN THE MATTER OF THE APPLICATION)
OF IRENE MALTBY FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM ALSEA RIVER)

ORDER APPROVING
TRANSFER NO. M-193

On June 25, 1968, Irene Maltby filed an application in the office of the State Engineer for a change in point of diversion of water from Alsea River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Charles W. Maltby and Mae McKinnis and recorded at page 17079, Volume 14, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.24 cubic foot per second of water from Alsea River for the irrigation of, among other lands, 10.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 9.2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 14 South, Range 8 West, W.M., with a date of priority of May 1, 1941. These lands are irrigated from a point of diversion located 710 feet North and 720 feet West from the common corner of Sections 8, 9, 16, and 17 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 14 South, Range 8 West, W.M.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation from a point located 50 feet North and 10 feet East from the common corner of Sections 8, 9, 16, and 17 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 14 South, Range 8 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. Ralph H. Jackson, Watermaster of District No. 2, has filed a report to the effect that the proposed change in point of diversion 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 proposed change in point of diversion of water from Alsea River, to-wit:

From a point located 710 feet North and 720 feet West from the common corner of Sections 8, 9, 16, and 17 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 14 South, Range 8 West, W.M.

To a point to be located 50 feet North and 10 feet East from the common corner of Sections 8, 9, 16, and 17 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 14 South, Range 8 West, W.M.

for the irrigation of 10.4 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 9.2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, Township 14 South, Range 8 West, W.M., with a date of priority of May 1, 1941, 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, 1969.

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 0.24 cubic foot per second.

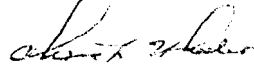
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 certificate of water right heretofore issued to Charles W. Maltby and Mae McKinnis and recorded at page 17079, 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 completion of the authorized change in point of diversion, a certificate of water right shall be issued to Irene A. Maltby confirming the change in point of diversion.

Dated at Salem, Oregon, this 10th day of July, 1968.



CHRIS L. WHEELER
State Engineer