

BEFORE THE STATE ENGINEER OF OREGON

Benton County

IN THE MATTER OF THE APPLICATION)
OF WILBUR W. MALTBY FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM ALSEA RIVER)
-----)

ORDER APPROVING
TRANSFER NO. M-206

On April 17, 1969, Wilbur W. Maltby filed an application in the office of the State Engineer for the approval of 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 Chas. W. Maltby and Mae McKinnis and recorded at page 17079, Volume 14, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 0.69 cubic foot per second of water from Alsea River for the irrigation of, among other lands, 17.2 acres in NE¼ SE¼ and 18.2 acres in SE¼ SE¼, Section 8, 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 SE corner of Section 8 being within the SE¼ SE¼ of Section 8, Township 14 South, Range 8 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 580 feet north and 620 feet west from the SE corner of Section 8 being within the SE¼ SE¼ of Section 8, 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 diversion.

Mr. Vestal R. Garner, 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 SE corner of Section 8 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 580 feet north and 620 feet west from the SE corner of Section 8 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 14 South, Range 8 West, W.M.

for the irrigation of 17.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 18.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, 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, 1970.

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 0.44 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.

An order of the State Engineer entered July 10, 1968, approved an application for a change in point of diversion for the balance of the lands described in certificate of water right recorded at page 17079, Volume 14, State Record of Water Right Certificates, not involved in this proceeding, canceled this certificate of water right, and provided for the issuance of a certificate covering the lands involved in this proceeding.

It is FURTHER ORDERED that no new certificate be issued for the lands not involved in the change approved by the State Engineer entered July 10, 1968, and upon receipt of proof satisfactory to the State Engineer of completion of the change in point of diversion authorized herein, a certificate of water right shall be issued to Wilbur W. Maltby confirming the change in point of diversion.

Dated at Salem, Oregon, this 16th day of May, 1969.


CHRIS L. WHEELER
State Engineer