

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF DEAN HELMS FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM NORTH FORK ASH CREEK)

ORDER APPROVING
TRANSFER NO. H-201

On January 2, 1970, Dean Helms filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from North Fork Ash Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Dean Helms and recorded at page 15089, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.06 cubic foot per second of water from North Fork Ash Creek for the irrigation of 2.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 8 South, Range 5 West, W.M., with a date of priority of May 23, 1939. These lands are irrigated from a point of diversion located 550 feet south and 1100 feet west from the NE corner of Section 5 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 8 South, Range 5 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 365 feet north and 862.3 feet west from the SE corner of Isaac Levens DLC being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 8 South, Range 5 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. 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 North Fork Ash Creek, to-wit:

From a point located 550 feet south and 1100 feet west from the NE corner of Section 5 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 8 South, Range 5 West, W.M.

To a point to be located 365 feet north and 862.3 feet west from the SE corner of Isaac Levens DLC being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 8 South, Range 5 West, W.M.

for the irrigation of 2.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 8 South, Range 5 West, W.M., with a date of priority of May 23, 1939, 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 0.06 cubic foot per second.

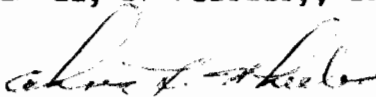
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Dean Helms and recorded at page 15089, Volume 12, State Record of Water Right Certificates, is canceled 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 Dean Helms confirming the change in point of diversion.

Dated at Salem, Oregon, this 20th day of February, 1970.


CHRIS L. WHEELER
State Engineer