

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF ALFRED VON FLUE FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE OF WATER)
FROM DRIFT CREEK)

ORDER APPROVING
TRANSFER NO. V-34

On March 26, 1969, Alfred Von Flue filed an application in the office of the State Engineer for the approval of a change in place of use of water from Drift Creek, pursuant to the provisions of ORS 540.510 to 540.530.

On June 30, 1966, the State Engineer entered an order approving a change in place of use of 0.2 cubic foot per second of the waters of Drift Creek to the irrigation of 16.0 acres in the S½ NW¼ NW¼, Section 9, Township 7 South, Range 1 West, W.M. The certificate of water right recorded at page 11307, Volume 10, State Record of Water Right Certificates was issued confirming the right prior to changes in place of use. These lands have been inspected by a representative of the State Engineer and it was found that beneficial use of water has been made for the irrigation of 16.0 acres in the S½ NW¼ NW¼ as approved by the order.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom, without loss of priority, to 16.0 acres in the W½ NE¼ NW¼, Section 9, Township 7 South, Range 1 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a statement to the effect that the proposed change in place of use of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water is approved and the water right hereinbefore described as appurtenant to 16.0 acres in S½ NW¼ NW¼, Section 9, Township 7 South, Range 1 West, W.M., with a date of priority of October 19, 1931, be severed therefrom and simultaneously and without loss of priority transferred to 16.0 acres in W½ NE¼ NW¼, Section 9, Township 7 South, Range 1 West, W.M.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1970.

It is FURTHER ORDERED that no new certificate be issued confirming the change in place of use approved by an order of the State Engineer entered June 30, 1966, and upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use for the change in place of use authorized herein, a certificate of water right shall be issued confirming the extent to which the water has been applied beneficially.

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


CHRIS L. WHEELER
State Engineer