

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION)
OF C. E. BRISBIN FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM BEAVER CREEK)

ORDER APPROVING
TRANSFER NO. B-202

On September 8, 1969, C. E. Brisbin filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Beaver Creek, pursuant to the provisions of QRS 540.510 to 540.530.

Certificate of water right issued to George F. Gould and recorded at page 22525, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.67 cubic foot per second of water from Beaver Creek for the irrigation of, among other lands, 0.10 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.41 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, 1.24 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.81 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 3 South, Range 1 East, W.M., with a date of priority of March 18, 1952. These lands are irrigated from a point of diversion located 390 feet south and 300 feet west from the NE corner of Section 23 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 3 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 940 feet north and 540 feet east from the SW corner of Section 13 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 3 South, Range 1 East, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Oregon City, Oregon, on

August 26, 1970, at 9:30 a.m. The notice was published in the Enterprise Courier, a newspaper printed and having general circulation in Clackamas County, Oregon, for a period of three weeks in the issues of July 1, 8, and 15, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Clayton J. Gardner, Watermaster of District No. 1, 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 Beaver Creek, to-wit:

From a point located 390 feet south and 300 feet west from the NE corner of Section 23 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 3 South, Range 1 East, W.M.

To a point to be located 940 feet north and 540 feet east from the SW corner of Section 13 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Township 3 South, Range 1 East, W.M.

for the irrigation of 0.10 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 0.41 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, 1.24 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.81 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 3 South, Range 1 East, W.M., with a date of priority of March 18, 1952, 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, 1971.

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 0.057 cubic foot per second.

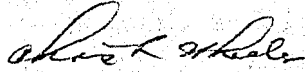
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 George F. Gould and recorded at page 22525, Volume 16, 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 C. E. Brisbin confirming the change in point of diversion.

Dated at Salem, Oregon, this 31st day of August, 1970.


CHRIS L. WHEELER
State Engineer 7