

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CLACKAMAS COUNTY

IN THE MATTER OF THE APPLICATION )  
OF ELLIS HESTER FOR APPROVAL OF )  
A CHANGE IN POINT OF APPROPRIATION )  
FROM GROUND WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3896

On March 9, 1978, an application was filed in the office of the Water Resources Director by Ellis Hester for approval of a change in point of appropriation from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 31738, Volume 23, State Record of Water Right Certificates, in the name of Clyde C. Backsen, describes a right which includes the use of not to exceed 0.24 cubic foot per second from a certain ground water aquifer for irrigation of a certain 17.6 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 0.4 acre in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 0.2 acre in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 10.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 28, Township 4 South, Range 1 East, W.M., with a date of priority of May 21, 1962.

Water for the said right is diverted from a well located 10.75 chains South and 0.5 chain West from the Northwest Corner of Whealdon D.L.C. No. 43, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 28, Township 4 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation therefrom, without loss of priority, to a well located 510 feet North and 1610 feet East from the Southeast Corner of Fish D.L.C. No. 40, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 28, Township 4 South, Range 1 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Canby Herald, a newspaper printed and having general circulation in Clackamas County, Oregon, for a period of three weeks in the issues of August 9, 16 and 23, 1978.

Mr. Robert B. Almy, Hydrogeologist, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

Mr. Clifton R. King, Watermaster, has filed a statement that the proposed change in point of appropriation may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of appropriation, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of appropriation shall not exceed the quantity of water available at the old point of appropriation under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install 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 the construction work shall be completed and the change in point of appropriation from ground water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 31738, Volume 23, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 29th day of September, 1978.

  
James E. Sexson  
Director