

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION )  
OF JOHN L. AND EVELYN M. PATTERSON )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
BEAR CREEK )  
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O R D E R

APPROVING APPLICATION

On November 19, 1962, John L. and Evelyn M. Patterson of Canby, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Bear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John L. and Evelyn M. Patterson and recorded at page 22340, Volume 16, State Record of Water Right Certificates, confirms a right under Permit No. 20153 for the use of the waters of Bear Creek for the irrigation of 16.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 1.5 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected in D. L. C. No. 45, in Section 32, Township 4 South, Range 1 East, W. M., with a date of priority of March 26, 1951. These lands are irrigated by means of a pumping plant, the point of diversion of said pumping plant being located 1360 feet South and 590 feet West from the northeast corner of Section 32, and being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected in D.L.C. No. 45, in said Section 32, Township 4 South, Range 1 East, W. M.

The applicants herein, owners of the lands above described, propose to irrigate these lands by means of a pumping plant, the point of diversion of said pumping plant to be located 1020 feet South and 925 feet West from the northeast corner of Section 32, and being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected in D.L.C. No. 45, in said Section 32, Township 4 South, Range 1 East, 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. Myron V. Bish, 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 Bear Creek, to-wit:

From a point located 1360 feet South and 590 feet West from the northeast corner of Section 32, and being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected in D.L.C. No. 45, in said Section 32, Township 4 South, Range 1 East, W. M.

To a point to be located 1020 feet South and 925 feet West from the northeast corner of Section 32, and being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected in D.L.C. No. 45, in said Section 32, Township 4 South, Range 1 East, W. M.

for the irrigation of 16.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 1.5 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , as projected in D. L. C. No. 45, in Section 32, Township 4 South, Range 1 East, W. M., with a date of priority of March 26, 1951, be and the same is hereby 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, 1964, or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

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

That the pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable device be approved by the watermaster of Clackamas County, Oregon, 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 upon receipt of proof satisfactory to the State Engineer of the completion of construction, certificate of water right shall be issued to John L. and Evelyn M. Patterson, or their successor in interest, to the extent to which the water has been applied beneficially, and the certificate of water right heretofore issued to John L. and Evelyn M. Patterson and recorded at page 22340, Volume 16, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 14th day of January, 1963.

*Notaricus made in presence of*  
*App. # 25757*  
*Cert. # 22340*

*Chris L. Wheeler*  
CHRIS L. WHEELER  
State Engineer