

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION)
OF CECIL N. KINDEL FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM DAIRY CREEK)

ORDER APPROVING
TRANSFER NO. K-53

On April 24, 1968, Cecil N. Kindel filed an application in the office of the State Engineer for a change in point of diversion of water from Dairy Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Cecil N. Kindel and recorded at page 26874, Volume 19, State Record of Water Right Certificates, confirms a right to the use of 0.28 cubic foot per second of water from Dairy Creek for the irrigation of 4.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 10.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 1 North, Range 3 West, W.M., with a date of priority of August 17, 1956. Water for this use is diverted through two pumps being located 800 feet north and 550 feet west from the SW corner of Section 26 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 1 North, Range 3 West, W.M. and the second being located 970 feet north and 1910 feet east from the SW corner of Section 26, Township 1 North, Range 3 West, W.M. being located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26.

The applicant herein, owner of the lands above described, proposes to divert the water for irrigation from a point located 220 feet north and 720 feet east from the SW corner of Section 26 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 1 North, Range 3 West, 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 at Hillsboro, Oregon, on July 17, 1968, at 9:30 a.m. The notice was published in the Hillsboro Argus, a newspaper printed and having general circulation in Washington County, Oregon, for a period of three weeks in the issues of May 23, 30, and June 6, 1968. 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 Dairy Creek, to-wit:

From a point located 800 feet north and 550 feet west from the SW corner of Section 26 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, Township 1 North, Range 3 West, W.M.

From a point located 970 feet north and 1910 feet east from the SW corner of Section 26, Township 1 North, Range 3 West, W.M.

To a point to be located 220 feet north and 720 feet east from the SW corner of Section 26, Township 1 North, Range 3 West, W.M.

for the irrigation of 4.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 10.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 7.6 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 1 North, Range 3 West, W.M., with a date of priority of August 17, 1956, 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, 1969.

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 0.28 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 Cecil N. Kindel and recorded at page 26874, Volume 19, 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 Cecil N. Kindel confirming the change in point of diversion.

Dated at Salem, Oregon, this 21st day of August, 1968.


CHRIS L. WHEELER
State Engineer