

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION )  
OF EDMUND H. DUYCK FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM DAIRY )  
CREEK )  
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ORDER APPROVING  
TRANSFER NO. D-122

On August 15, 1966, Edmund H. Duyck filed an application in the office of the State engineer for the approval of 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 J. Herman Huntemann and recorded at page 450, Volume 1, State Record of Water Right Certificates, confirms a right for the use of the waters of Dairy Creek for the irrigation of 26.7 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 1, and 3.3 acres in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 2, Township 1 South, Range 3 West, W.M., with a date of priority of April 27, 1909; and certificate of water right issued to Emil H. and Anna H. Duyck and recorded at page 20587, Volume 15, State Record of Water Right Certificates, confirms a right for the use of the waters of Dairy Creek for the irrigation of 9.8 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 21.2 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 19.0 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 12, Township 1 South, Range 3 West, W.M., with a date of priority of July 18, 1941.

The lands described under certificate recorded at page 450, Volume 1, State Record of Water Right Certificates, are irrigated from a point of diversion located 700 feet north and 1610 feet east from the SW corner of Section 1, and the lands described under certificate recorded at page 20587, Volume 15, State Record of Water Right Certificates, are irrigated from a point of diversion located 120 feet north and 2000 feet east from the SW corner of Section 1, both points of diversion being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of section 1, Township 1 South, Range 3 West, W.M.

The applicant herein, owner of the lands described in the second paragraph, proposes to irrigate said lands from a point of diversion to be located 120 feet north and 1915 feet east from the SW corner of Section 1, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1, Township 1 South, Range 3 West, 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. Clayton J. Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion 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 point of diversion of water from Dairy Creek, to-wit:

From a point located 700 feet north and 1610 feet east from the SW corner of Section 1, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1, Township 1 South, Range 3 West, W.M., and

From a point located 120 feet north and 2000 feet east from the SW corner of Section 1, and being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1, Township 1 South, Range 3 West, W.M.

To a point to be located 120 feet north and 1915 feet east from the SW corner of Section 1, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1, Township 1 South, Range 3 West, W.M.

for the irrigation of 26.7 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1, 3.3 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, with a date of priority of April 27, 1909; and 9.8 acres in the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 21.2 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 19.0 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 12, Township 1 South, Range 3 West, W.M., with a date of priority of July 18, 1941, 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, 1967.

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, and shall not exceed 1.0 cubic foot per second of water during the irrigation season.

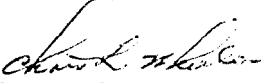
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices.

That the diversion 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 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 issued to J. Herman Huntemann and recorded at page 450, Volume 1, State Record of Water Right Certificates, and certificate issued to Emil H. and Anna H. Duyck and recorded at page 20587, Volume 15, State Record of Water Right Certificates, are canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, certificates of water right be issued to Edmund H. Duyck confirming the changes in points of diversion.

Dated at Salem, Oregon, this 18th day of November, 1966.

  
CHRIS L. WHEELER  
State Engineer