

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION  
OF APTCO, INC. FOR THE APPROVAL  
OF A CHANGE IN USE OF WATER FROM  
BRONSON CREEK

ORDER APPROVING  
TRANSFER NO - 2695

On September 1, 1972, APTCO, Inc., filed an application in the office of the State Engineer for the approval of a change in use of water from Bronson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to the Estate of Mark P. Miller and recorded at page 23371, Volume 16, State Record of Water Right Certificates, confirms a right to the use of the waters of Bronson Creek and a reservoir for the irrigation of 5.3 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.9 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 30, and 1.8 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 15.5 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31, Township 1 North, Range 1 West, W.M., with a date of priority of March 11, 1955. These lands are irrigated from a point of diversion located 750 feet South and 50 feet East from the NW corner of Section 31, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31, Township 1 North, Range 1 West, W.M.

Certificate of water right issued to the Estate of Mark P. Miller and recorded at page 23372, Volume 16, State Record of Water Right Certificates, confirms a right to storage of 7.0 acre feet of the waters of Bronson Creek in a reservoir in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31, Township 1 North, Range 1 West, W.M., with a date of priority of March 11, 1955.

The applicant herein, owners of the rights above described, propose to change the use heretofore made of water to recreational purposes within the Aptco, Inc. reservoirs and to transfer the 7.0 acre feet of storage in said reservoirs to recreation purposes.

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 use, if any there were, namely: at the County Courthouse in Hillsboro, Oregon, on February 13, 1973, 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 December 21, 28, 1972 and January 4, 1973. 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 use of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the change in use of water is approved and the water right hereinbefore described as appurtenant to 5.3 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 1.9 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 30, and 1.8 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 15.5 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31, Township 1 North, Range 1 West, W.M., for irrigation, with a date of priority of March 11, 1955, be severed therefrom and simultaneously and without loss of priority transferred to recreation purposes within the APTCO, Inc. reservoirs within the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 30, the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 31, Township 1 North, Range 1 West, W.M.

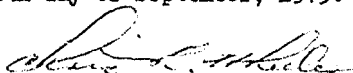
It is FURTHER ORDERED that the water right hereinbefore described for storage of 7.0 acre feet of the waters of Bronson Creek, for irrigation with a date of priority of March 11, 1955, be severed therefrom and simultaneously and without loss of priority transferred to the storage of 7.0 acre feet of water within APTCO, Inc., reservoirs for recreational purposes.

It is FURTHER ORDERED that the construction work shall be completed and the change in use made on or before October 1, 1974.

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 0.20 cubic foot per second.

It is FURTHER ORDERED that certificates of water right heretofore issued to Estate of Mark P. Miller and recorded at page 23371, and 23372, Volume 16, 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 use certificates of water right shall be issued to APTCO, Inc., confirming the change in use.

Dated at Salem, Oregon, this 18th day of September, 1973.



CHRIS L. WHEELER  
STATE ENGINEER