

BEFORE THE STATE ENGINEER OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF K. W. NOTEBOOM FOR THE APPROVAL)
OF A CHANGE IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER FROM)
AN UNNAMED STREAM, TRIBUTARY OF)
WILLAMETTE RIVER.)

O R D E R

APPROVING APPLICATION

On December 30, 1957, K. W. Noteboom of Route 1, Box 774, Salem, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from an unnamed stream, tributary of Willamette River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to K. W. Noteboom and recorded at page 23553, Volume 17, State Record of Water Right Certificates, confirms a right under Permit No. 19692 to the use of water of an unnamed stream for the irrigation of, among other lands, 6.3 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Township 7 South, Range 4 West, W. M., as projected in D. L. C. #57, with a date of priority of June 30, 1950. These lands are irrigated by means of a pumping plant, the point of diversion of said pumping plant being located 1260 feet south and 320 feet east from the northwest corner of Section 6, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 6, Township 7 South, Range 3 West, W. M., as projected in D. L. C. #62.

The applicant herein, owner of 5 acres of the land above described, proposes to transfer the water right therefrom, without loss of priority, to 5 acres in Lot 7, Pioneer Park Subdivision, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 7 South, Range 4 West, W. M., as projected in D. L. C. #57, and to irrigate said land by means of a pumping plant, the point of diversion of said pumping plant to be located 320 feet north and 860 feet east from the southwest corner of D. L. C. #57, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 7 South, Range 4 West, W. M., as projected in said D. L. C. #57.

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 place of use and point of diversion of water, if any there were, namely: at the county courthouse in Dallas, Oregon, on April 2, 1958 beginning at 9:30 o'clock a.m. The notice was published in the Polk County Itemizer-Observer, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of February 6, 13 and 20, 1958. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

The Prudential Insurance Company of America, holder of a mortgage on the lands from which the water is being transferred, has filed written approval of the change in place of use and point of diversion of water.

No objections having been filed and it appearing that the proposed change in place of use and 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 place of use of water be and the same is approved and that the water right hereinbefore described as appurtenant to 5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Township 7 South, Range 4 West, W. M., as projected in D. L. C. #57, with a date of priority of June 30, 1950, be severed therefrom and simultaneously and without loss of priority transferred to 5 acres in Lot 7, Pioneer Park Subdivision, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 7 South, Range 4 West, W. M., as projected in said D. L. C. #57.

It is FURTHER ORDERED that the proposed change in point of diversion of water from an unnamed stream, tributary of Willamette River, to-wit:

From a point located 1260 feet south and 320 feet east from the northwest corner of Section 6, and being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 6, Township 7 South, Range 3 West, W. M., as projected in D. L. C. #62,

To a point to be located 320 feet north and 360 feet east from the southwest corner of D. L. C. #57, and being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 7 South, Range 4 West, W. M., as projected in D. L. C. #57.

for the irrigation of 5 acres in Lot 7, Pioneer Park Subdivision, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 7 South, Range 4 West, W. M., as projected in D. L. C. #57, with a date of priority of June 30, 1950, be and the same is approved.

It is FURTHER ORDERED that the construction work shall be done and the change in place of use and point of diversion of water made on or before October 1, 1959, 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.

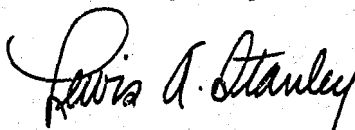
That the plans of the weir or other suitable device be approved by the watermaster of Polk County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to M. W. Noteboom or his successor in interest, to the extent to which the water has been applied beneficially and the certificate of water

right heretofore issued to K. W. Noteboom and recorded at page 23553,
Volume 17, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon this 7th day of April 1958.

*Noted on App. #24947
and Cert. #23553*



LEWIS A. STANLEY
State Engineer

*Superseded by Cert's.
#26068 and 26069
which confirm this Order*