

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION OF }
THOMAS P. AND EVANELLE E. EWING FOR }
THE APPROVAL OF A CHANGE IN POINT OF }
DIVERSION OF WATER FROM PUDDING RIVER }

ORDER APPROVING
TRANSFER NO. 3169

On February 14, 1975, Thomas P. and Evanelle E. Ewing filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Pudding River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Leroy A. Esson Estate and recorded at Page 29414, Volume 21, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.23 cubic foot per second of water from Pudding River for the irrigation of 9.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 2.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, and 6.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 6 South, Range 1 West, W.M., with a date of priority of February 27, 1957. These lands are irrigated from a point of diversion located 940 feet North and 650 feet East from the Southwest corner of Section 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 6 South, Range 1 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 2227 feet North and 392 feet East from the Southwest corner of Section 5, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, Township 6 South, Range 1 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 in Salem, Oregon, on May 27, 1975, at 9:30 a.m. The notice was published in the Silverton Appeal-Tribune, a newspaper printed and having general circulation in Marion County, Oregon, for a period of

three weeks in the issues of April 3, 10 and 17, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Keith Palmer, Watermaster of District No. 16, 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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Pudding River, to wit:

From a point located 940 feet North and 650 feet East from the Southwest corner of Section 5, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 6 South, Range 1 West, W.M.

To a point to be located 2227 feet North and 392 feet East from the Southwest corner of Section 5, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 6 South, Range 1 West, W.M.

for the irrigation of 9.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 2.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, and 6.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 6 South, Range 1 West, W.M., with a date of priority of February 27, 1957 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, 1976.

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 0.23 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 Leroy A. Esson Estate and recorded at Page 29414, Volume 21, 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 Thomas P. and Evanelle E. Ewing confirming the change in point of diversion.

Dated at Salem, Oregon, this 28th day of May, 1975.


CHRIS L. WHEELER
State Engineer