

BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION)
OF SYLVESTER VAN LOO FOR THE AP-)
PROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM AN)
UNNAMED CREEK)
-----)

ORDER APPROVING
TRANSFER NO. 2489

On February 17, 1971, Sylvester Van Loo filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from an unnamed creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Sylvester A. Van Loo and recorded at page 23433, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.32 cubic foot per second of water from an unnamed creek for the irrigation of 4.1 acres in NE¼ NW¼, 6.9 acres in NW¼ NW¼, 9.5 acres in SW¼ NW¼ and 8.5 acres in SE¼ NW¼, Section 32, Township 1 North, Range 3 West, W.M., with a date of priority of June 8, 1949. These lands are irrigated from a point of diversion located 470 feet south and 870 feet east from the SE corner of George Beal DLC 77 being within the SW¼ NW¼ of Section 32, Township 1 North, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 480 feet south and 700 feet east from the SE corner of George Beal DLC 77 being within the SW¼ NW¼ of Section 32, Township 1 North, 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 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 an unnamed creek, to-wit:

From a point located 470 feet south and 870 feet east from the SE corner of George Beal DLC 77 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 1 North, Range 3 West, W.M.

To a point to be located 480 feet south and 700 feet east from the SE corner of George Beal DLC 77 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 1 North, Range 3 West, W.M.

for the irrigation of 4.1 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 6.9 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 9.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 8.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32, Township 1 North, Range 3 West, W.M., with a date of priority of June 8, 1949, 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, 1971.

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 0.32 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.

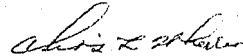
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is

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 Sylvester A. Van Loo and recorded at page 23433, Volume 16, 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 Sylvester Van Loo confirming the change in point of diversion.

Dated at Salem, Oregon, this 22nd day of April, 1971.



CHRIS L. WHEELER
State Engineer