

BEFORE THE STATE ENGINEER OF OREGON

Tillamook County

IN THE MATTER OF THE APPLICATION)
OF NELLIE M. REEHER FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM HATCHERY CREEK)
- - - - -

O R D E R
APPROVING APPLICATION

On December 4, 1961, Nellie M. Reeher of Salem, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Hatchery Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Estate of G. A. Reeher and recorded at page 24388, Volume 17, State Record of Water Right Certificates, confirms a right under Permit No. 13692 for the use of the waters of Hatchery Creek for domestic use of 6 families in Lots 5, 7, 21, 22, 24 and 25, Reeher's Tracts, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 1 South, Range 8 West, W. M., with a date of priority of May 11, 1939. The point of diversion for the pipeline to convey the water to these lands for domestic use is located 510 feet North and 935 feet East from the S $\frac{1}{4}$ corner of Section 7, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 1 South, Range 8 West, W.M.

The applicant herein proposes to change the point of diversion for domestic use within Lots 7, 21 and 22, Reeher's Tracts, to a point downstream to be located 405 feet South and 860 feet East from the N $\frac{1}{4}$ corner of Section 18, and being in Lot 11, Reeher's Tracts, within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 18, Township 1 South, Range 8 West, W.M. Lot 21 is owned by the applicant. M. L. and Beatrice Schmidt and Sylvester and Pearl Siskey, owners of Lots 7 and 22, respectively, consent to and join in the application for the proposed change in point of diversion of water.

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.

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 Hatchery Creek, to-wit:

From a point located 510 feet North and 935 feet East from the S $\frac{1}{2}$ corner of Section 7, and being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 1 South, Range 8 West, W.M.

To a point to be located 405 feet South and 860 feet East from the N $\frac{1}{2}$ corner of Section 18, and being in Lot 11, Reeher's Tracts, within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 18, Township 1 South, Range 8 West, W.M.

for domestic use in Lots 7, 21 and 22, Reeher's Tracts, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 1 South, Range 8 West, W.M., with a date of priority of May 11, 1939, be and the same hereby 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, 1963, 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 Tillamook County, Oregon, before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

Dated at Salem, Oregon, this 11th day of December, 1961.

Notation made on Records

App. # 18022

Cert. # 24388

Trsf. "R-64"

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer