

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION OF)
JOHN MULHOLLAND FOR APPROVAL OF)
CHANGES IN PLACE OF USE, POINT OF)
DIVERSION & USE OF WATER)

ORDER APPROVING
TRANSFER NO. 4197

On April 12, 1979, an application was filed in the office of the Water Resources Director by John Mulholland for approval of changes in place of use, point of diversion and use heretofore made of water from Black Jack Creek and change in place of use of water from Tualatin River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 32026, Volume 24, State Record of Water Right Certificates, in the name of Oberg Brothers, describes a right which includes the use of not to exceed 0.09 cubic foot per second from Black Jack Creek for irrigation of a certain 6.0 acres in Lot 3 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 1.2 acres in Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 34, Township 1 South, Range 4 West, W.M., and 0.03 cubic foot per second from Tualatin River for irrigation of a certain 7.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 1 South, Range 4 West, W.M., with a date of priority of July 19, 1960.

Water for the said right from Black Jack Creek is diverted from a point located 1280 feet North and 2520 feet East from the Southeast Corner of D.L.C. No. 50, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 1 South, Range 4 West, W.M.

The applicant herein proposes to change the place of use and use heretofore made of the aforesaid 0.09 cubic foot per second from Black Jack Creek, without loss of priority, to hereafter use said 0.09 cubic foot per second, during the irrigation season only, for stock supplies and operation of a dairy barn located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, and to change the point of diversion to a point on Black Jack Creek located 1360 feet North and 1050 feet East from the Southeast Corner of D.L.C. No. 50, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 1 South, Range 4 West, W.M.

Said applicant also proposes to change the place of use of the aforesaid 7.2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34 irrigated from Tualatin River and, without loss of priority, to irrigate a certain 6.0 acres in Lot 3 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and 1.2 acres in Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 34, Township 1 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), 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 June 28; July 5 and 12, 1979.

Mr. Clayton Gardner, Watermaster, has filed a statement to the effect that the proposed changes in place of use, point of diversion and use heretofore made may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use, point of diversion and use heretofore made of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use, point of diversion and use heretofore made of water, as described herein, without loss of priority, are approved.

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 under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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 the construction work shall be completed and the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate recorded at page 32026, Volume 24, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 31st day of August, 1979.


James E. Sexson
Director