

Washington County

IN THE MATTER OF THE APPLICATION)
 OF THEODORE J. SPIDAL FOR THE)
 APPROVAL OF A CHANGE IN POINT OF)
 DIVERSION OF WATER FROM CLEAR CREEK)

ORDER APPROVING
TRANSFER NO. 2677

On July 20, 1972, Theodore J. Spidal filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Clear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Eli W. Howell and recorded at page 14377, Volume 12, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 0.12 cubic foot per second of water from Clear Creek for the irrigation of, among other lands, 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, Township 1 North, Range 4 West, W.M., with a date of priority of September 27, 1935. These lands are irrigated from a point of diversion located 1400 feet South and 900 feet West from the NE corner of Section 18 being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 1 North, Range 4 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 1400 feet South and 400 feet East from the NW corner of Section 17 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 1 North, Range 4 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 Clear Creek, to-wit:

From a point located 1400 feet South and 900 feet West from the NE corner of Section 18, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 1 North, Range 4 West, W.M.

To a point to be located 1400 feet South and 400 feet East from the NW corner of Section 17, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Township 1 North, Range 4 West, W.M.

for the irrigation of 3.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, Township 1 North, Range 4 West, W.M., with a date of priority of September 27, 1935, 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, 1973.

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 0.04 cubic foot per second.

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.

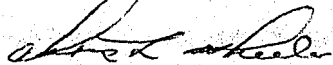
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 certificate of water right heretofore issued to Eli W. Howell and recorded at page 14377, Volume 12, State Record

of Water Right Certificate is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding 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 Theodore J. Spidal confirming the change in point of diversion.

Dated at Salem, Oregon, this 3rd day of January, 1973.



CHRIS L. WHEELER
State Engineer