

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF ROBERT C. BROBERG FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM ABIQUA CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. B-144

On March 18, 1964, Robert C. Broberg of Mt. Angel, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Abiqua Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Joe J. Walker and recorded at page 15403, Volume 13, State Record of Water Right Certificates, confirms a right to the use of the waters of Abiqua Creek for the irrigation of 15.4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13 and 2.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 2.1 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 14.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 36.8 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14 and 39.5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 11.7 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 14.6 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 25.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23 and 20.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.7 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, all being in Township 6 South, Range 1 West, W. M., with a date of priority of April 25, 1939. These lands are irrigated through the Walker Ditch, the point of diversion of said ditch being located 53.5 chains south and 33 chains east from the northwest corner of S. Allen DLC No. 50, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 6 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant to be located 4100 feet south and 600 feet east from the northwest corner of S. Allen DLC No. 50, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, 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 21, 1964, at 9:30 o'clock 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 March 26, April 2 and 9, 1964. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Myron V. Bish, 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 Abiqua Creek, to-wit:

From a point located 53.5 chains south and 33 chains east from the northwest corner of S. Allen DLC No. 50, and being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 6 South, Range 1 West, W. M.

To a point to be located 4100 feet south and 600 feet east from the northwest corner of S. Allen DLC No. 50, and being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 6 South, Range 1 West, W.M.

for the irrigation of 15.4 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13 and 2.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 2.1 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, 14.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 36.8 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14 and 39.5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 11.7 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, 14.6 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 25.5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23 and 20.6 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.7 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, all being in Township 6 South, Range 1 West, W.M., with a date of priority of April 25, 1939, 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, 1965, 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 diversion 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 before the beginning of construction work and that the weir or measuring device be installed under the supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Joe J. Walker and recorded at page 15403, Volume 13, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of point of diversion, a certificate of water right shall be issued to Robert C. Broberg confirming said change in point of diversion.

Dated at Salem, Oregon, this 26th day of June, 1964.

Noted on records

*App. # 17937
Cert. # 15403*



CHRIS L. WHEELER
State Engineer