

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION)
OF HERBERT HUGHES AND LEE SLATER)
FOR THE APPROVAL OF A CHANGE IN)
POINT OF DIVERSION OF WATER FROM)
EAST FORK LEWIS CREEK)
-----)

ORDER APPROVING
TRANSFER NO. 2415

On July 20, 1970, Herbert Hughes and Lee Slater filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from East Fork Lewis Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Herbert Hughes and recorded at page 28007, Volume 20, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.055 cubic foot per second of water from East Fork Lewis Creek and 0.055 cubic foot per second of water from Spring Creek for the irrigation of 8.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.7 acre in Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 19, Township 13 South, Range 2 East, W.M., with a date of priority of June 26, 1953. These lands are irrigated from East Fork Lewis Creek from a point of diversion located 1480 feet north and 310 feet west from the SE corner of Section 13 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 13 South, Range 1 East, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 1552 feet north and 310 feet west from the SE corner of Section 13 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 13 South, Range 1 East, 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. Vestal R. Garner, Watermaster of District No. 2, 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 East Fork Lewis Creek, to-wit:

From a point located 1480 feet north and 310 feet west from the SE corner of Section 13 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 13 South, Range 1 East, W.M.

To a point to be located 1552 feet north and 310 feet west from the SE corner of Section 13 being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 13 South, Range 1 East, W.M.

for the irrigation of 8.3 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 0.7 ac. in Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 19, Township 13 South, Range 2 East, W.M., with a date of priority of June 26, 1953, 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 0.055 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.

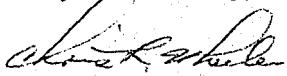
That the diversion works shall include an in-line

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 Herbert Hughes and recorded at page 28007, Volume 20, 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 Herbert Hughes and Lee Slater confirming the change in point of diversion.

Dated at Salem, Oregon, this 10th day of February, 1971.


CHRIS L. WHEELER
State Engineer