

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CLACKAMAS COUNTY

IN THE MATTER OF THE APPLICATION )  
OF ROBERT A. ANDERSON FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM BUTTE CREEK )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 2392

On May 28, 1970, an application was filed in the office of the Water Resources Director by Robert A. Anderson for approval of a change in point of diversion from Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 35298, Volume 27, State Record of Water Right Certificates, in the name of Wilfred B. Hatcher, describes a right for the use of not to exceed 0.19 cubic foot per second from Butte Creek for the irrigation of 6.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  and 9.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 31, Township 5 South, 1 East, W.M., with a date of priority of July 15, 1964.

Water for the said right is diverted from a point located 950 feet South and 1240 feet West from the Northeast Corner of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 31, being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 31, Township 5 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 5 feet South and 870 feet West from the Southeast Corner of said Section 31, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 6, Township 6 South, Range 1 East, W.M.

Mr. Keith M. Palmer, Watermaster, has filed a statement 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 requested change in point of diversion, as described herein, without loss of priority, is 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, and shall not exceed 0.19 cubic foot per second.

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:

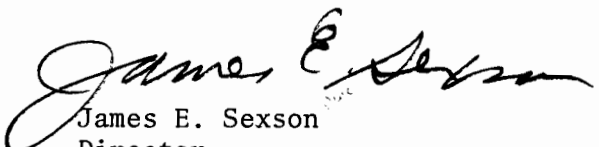
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Wilfred B. Hatcher and recorded at page 35298, Volume 27, State Record of Water Right Certificates, is canceled, 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 9th day of February, 1978.

  
James E. Sexson  
Director