

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION )  
OF ALMA MEDACK FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM BUTTE CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. M-171

On December 22, 1966, Alma Medack filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Alma Medack and recorded at page 31204, Volume 23, State Record of Water Right Certificates, confirms a right to the use of the waters of Butte Creek for the irrigation of 36.8 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 6, Township 6 South, Range 1 East, W.M., with a date of priority of February 27, 1961.

These lands are irrigated from a point of diversion located 3870 feet north and 10 feet west from the SE corner of Section 36, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 36, Township 5 South, Range 1 West, W.M.

The applicant herein, owner of the land above described, proposes to irrigate said lands by a point of diversion located 3010 feet north and 1060 feet east from the SW corner of Section 31, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 31, Township 5 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. Clayton J. Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of diversion of water 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 Butte Creek, to-wit:

From a point located 3870 feet north and 10 feet west from the SE corner of Section 36, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 36, Township 5 South, Range 1 East, W. M.

To a point located 3010 feet north and 1060 feet east from the SW corner of Section 31, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 31, Township 5 South, Range 1 East, W. M.

for the irrigation of 36.8 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 6, Township 6 South, Range 1 East, W.M., with a date of priority of February 27, 1961, is approved.

It is FURTHER ORDERED that no time need be fixed for completion as the change in point of diversion is constructed and in operation.

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, and shall not exceed 0.46 cubic foot per second of water.

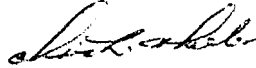
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include 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 general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Alma Medack, and recorded at page 31804, Volume 25, 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 Alma Medack confirming the change in point of diversion.

Dated at Salem, Oregon, this 10<sup>th</sup> day of February, 1967.



CHRIS L. WHEELER  
State Engineer