

BEFORE THE STATE ENGINEER OF OREGON

Benton County

IN THE MATTER OF THE APPLICATION)
OF BRUCE L. ENGEL FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM SOUTH FORK ALSEA)
RIVER)

ORDER APPROVING
TRANSFER NO. 2442

On September 4, 1970, Bruce L. Engel filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from South Fork Alsea River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John Newman and recorded at page 24389, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.20 cubic foot per second of water from South Fork Alsea River for the irrigation of 0.5 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 14 South, Range 8 West, W.M., 1.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 26.5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, and 1.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 18, Township 14 South, Range 7 West, W.M., with a date of priority of May 5, 1941.

Certificate of water right issued to John Newman and recorded at page 24390, Volume 17, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.08 cubic foot per second of water from South Fork Alsea River for the irrigation of 1.4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 14 South, Range 8 West, W.M. and 4.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 14 South, Range 7 West, W.M., with a date of priority of September 6, 1946.

These lands are irrigated from a point of diversion located 2225 feet south and 1190 feet east from the NW corner of Section 18 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 14 South, Range 7 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 725 feet south and 355 feet east from the NW corner of Section 18 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 14 South, Range 7 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 Corvallis, Oregon, on February 10, 1971, at 9:30 a.m. The notice was published in the Corvallis Gazette-Times, a newspaper printed and having general circulation in Benton County, Oregon, for a period of three weeks in the issues of December 16, 23, and 30, 1970. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 South Fork Alsea River, to-wit:

From a point located 2225 feet south and 1190 feet east from the NW corner of Section 18 being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 14 South, Range 7 West, W.M.

To a point to be located 725 feet south and 355 feet east from the NW corner of Section 18 being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 14 South, Range 7 West, W.M.

for the irrigation of 0.5 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 14

South, Range 8 West, W.M., 1.2 acres in NW¼ NW¼, 26.5 acres in SW¼ NW¼, and 1.8 acres in NW¼ SW¼, Section 18, Township 14 South, Range 7 West, W.M., with a date of priority of May 5, 1941, 1.4 acres in NE¼ NE¼, Section 13, Township 14 South, Range 8 West, W.M. and 4.6 acres in NW¼ NW¼, Section 18, Township 14 South, Range 7 West, W.M., with a date of priority of September 6, 1946, 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 0.08 cubic foot per second with a date of priority of September 6, 1946, and 0.20 cubic foot per second with a date of priority of May 5, 1941.

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.

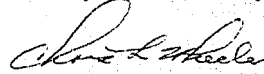
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 certificates of water right heretofore issued to John Newman and recorded at pages 24389 and 24390, Volume 17, State Record of Water Right Certificates, are canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, certificates of water right shall be issued to Bruce L. Engel confirming the change in point

of diversion.

Dated at Salem, Oregon, this 22nd day of February, 1971.



CHRIS L. WHEELER
State Engineer