

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF WALTER VON FLUE FOR THE APPRO-)
VAL OF A CHANGE IN PLACE OF USE)
AND POINT OF DIVERSION OF WATER)
FROM DRIFT CREEK)
-----)

O R D E R
APPROVING APPLICATION

On March 1, 1963, Walter Von Flue of Silverton, Oregon, filed an application in the office of the State Engineer for the approval of a change in place of use and point of diversion of water from Drift Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Walter Von Flue and recorded at page 11307, Volume 10, State Record of Water Right Certificates, confirms a right under Permit No. 10395 to the use of the waters of Drift Creek for the irrigation of 9.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, and 7.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 7 South, Range 1 West, W. M., with a date of priority of October 19, 1931. The lands are presently being irrigated by means of a pumping plant, the point of diversion of said pumping plant being located 25 chains North and 18 feet West from the southwest corner of Section 9, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, Township 7 South, Range 1 West, W. M.

The applicant herein, owner of the lands above described, proposes to transfer the water right therefrom without loss of priority to 12.4 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 3.6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 7 South, Range 1 West, W. M., and to irrigate said lands by means of a pumping plant, the point of diversion of said pumping plant being located North 24 degrees 40 minutes East 2310 feet from the southwest corner of Section 9, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 9, Township 7 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 place of use and point of diversion of water, if any there were, namely at the State Engineer's office in Salem, Oregon, on May 7,

1963, 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 14, 21 and 28, 1963. 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 place of use and 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 place of use and 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 place of use of water is approved and that the water right hereinbefore described as appurtenant to 9.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8 and 7.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 7 South, Range 1 West, W. M., with a date of priority of October 19, 1931, be severed therefrom and simultaneously and without loss of priority transferred to 12.4 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 3.6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 7 South, Range 1 West, W. M.

It is FURTHER ORDERED that the proposed change in point of diversion of water from Drift Creek, to-wit:

From a point located 25 chains North and 18 feet West from the southwest corner of Section 9, and being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, Township 7 South, Range 1 West, W. M.

To a point to be located North 34 degrees 40 minutes East 2310 feet from the southwest corner of Section 9, and being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 9, Township 7 South, Range 1 West, W. M.

for the irrigation of 12.4 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 3.6 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Township 7 South, Range 1 West, W. M., with a date of priority of October 19, 1931, is approved.

It is FURTHER ORDERED that the change in place of use and point of diversion of water shall be completed on or before October 1, 1964, 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 pumping plant and related works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

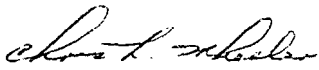
That the plans of the weir or other suitable device be approved by the watermaster of District No. 1 before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Walter Von Flue, or his successor in interest, to the extent to which the water has been applied beneficially and the certificate of water right heretofore issued to Walter Von Flue and recorded at page 11307, Volume 10, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 21st day of May, 1963.

Notations on records

*App. # 14380
Cert. # 11307*


CHRIS L. WHEELER
State Engineer