

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION
OF VIRGINIA SAY AND ELEANOR R. SAY
FOR THE APPROVAL OF A CHANGE IN
POINT OF DIVERSION OF WATER FROM
WILLAMETTE RIVER

ORDER APPROVING
TRANSFER NO. 2799

On April 25, 1973, Virginia Say and Eleanor R. Say filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Willamette River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Harkson Farms, Inc., and recorded at page 38326, Volume 30, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.68 cubic foot per second of water from Willamette River for the irrigation of, among other lands, 1.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 9.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, 24.4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 2.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 1.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 3 South, Range 1 West, W.M., with a date of priority of June 27, 1967. These lands are irrigated from a point of diversion located 1340 feet South and 670 feet West from the Northeast corner of Section 28, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 3 South, Range 1 West, W.M.

The applicants herein, owners of the lands above described, propose to irrigate these lands from a point of diversion to be located 1920 feet South and 2180 feet West from the Northeast corner of Section 28, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, Township 3 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 point of diversion of water, if any there were, namely: at the county courthouse in Oregon City, Oregon on July 17, 1973 at 9:30 a.m. The notice was published in the Enterprise Courier, a newspaper printed and having general circulation in Clackamas County, Oregon, for a period of three weeks in the issues of May 23, 30 and June 6, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the change in point of diversion of water from Willamette River, to wit:

From a point located 1340 feet South and 670 feet West from the Northeast corner of Section 28, being within the $SE\frac{1}{4} NE\frac{1}{4}$ of Section 28, Township 3 South, Range 1 West, W.M.

To a point to be located 1920 feet South and 2180 feet West from the Northeast corner of Section 28, being within the $SW\frac{1}{4} NE\frac{1}{4}$ of Section 28, Township 3 South, Range 1 West, W.M.

for the irrigation of 1.5 acres in $SE\frac{1}{4} SW\frac{1}{4}$, 9.1 acres in $SW\frac{1}{4} SE\frac{1}{4}$, Section 21, 24.4 acres in $NW\frac{1}{4} NE\frac{1}{4}$, 1.0 acre in $SW\frac{1}{4} NE\frac{1}{4}$, 2.5 acres in $NE\frac{1}{4} NW\frac{1}{4}$, and 1.2 acres in $SE\frac{1}{4} NW\frac{1}{4}$, Section 28, Township 3 South, Range 1 West, W.M., with a date of priority of June 27, 1967, 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, 1974.

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 0.50 cubic feet per second.

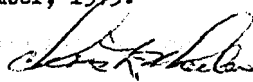
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Harkson Farms, Inc., and recorded at page 38326, Volume 30, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding 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 Virginia Say and Eleanor R. Say confirming the change in point of diversion.

Dated at Salem, Oregon, this 19th day of December, 1973.



CHRIS L. WHEELER
State Engineer