

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF WILLIAM GIEBER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM ABIQUA CREEK)

ORDER APPROVING
TRANSFER NO. G-77

On May 29, 1968, William Gieber filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Abiqua Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John Morley and recorded at page 14305, Volume 12, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 0.42 cubic foot per second of water from Abiqua Creek for the irrigation of, among other lands, 2.3 acres in NW¼ NW¼, Section 29, Township 6 South, Range 1 East, W.M., being within Lot 8 B, River Bend Park Subdivision, with a date of priority of June 24, 1940. These lands are irrigated from a point of diversion located 1100 feet south and 600 feet east from the NW corner of Section 29 being within the NW¼ NW¼ of Section 29, Township 6 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located S 51° 30' E 1647 feet from the NW corner of Section 29 being within the NW¼ NW¼ of Section 29, Township 6 South, Range 1 East, 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 Salem, Oregon, on August 22, 1969, at 9:30 a.m. The notice was published in the Capital Press,

a newspaper printed and having general circulation in Marion County, Oregon, for a period of three weeks in the issues of June 27 and July 4 and 11, 1969. 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 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 Abiqua Creek, to-wit:
From a point located 1100 feet south and 600 feet east from the NW corner of Section 29 being within the NW¼ NW¼ of Section 29, Township 6 South, Range 1 East, W.M.

To a point to be located S 51° 30' E 1647 feet from the NW corner of Section 29 being within the NW¼ NW¼ of Section 29, Township 6 South, Range 1 East, W.M.

for the irrigation of 2.3 acres in NW¼ NW¼, Section 29, Township 6 South, Range 1 East, W.M., being within Lot 8 B, River Bend Park Subdivision, with a date of priority of June 24, 1940, 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, 1970.

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 0.03 cubic foot 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.

An order dated August 21, 1968, canceled certificate of water right recorded at page 14304, Volume 12, State Record of Water Right Certificates, and provided for a new certificate to include lands not involved in that proceeding.

It is FURTHER ORDERED that the lands herein described not be included in the certificate of water right as provided by the order entered August 21, 1968, 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 William Gieber confirming the change in point of diversion.

Dated at Salem, Oregon, this 27th day of August, 1969.


CHRIS L. WHEELER
State Engineer