

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION )  
OF JOE W. OPPEK FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM A WELL )  
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ORDER APPROVING  
TRANSFER NO. 0-58

On April 28, 1969, Joe W. Oppek filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from a well, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Joe W. Oppek and recorded at page 32149, Volume 24, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.09 cubic foot per second of water from a well for the irrigation of, among other lands, 4.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, Township 6 South, Range 3 West, W.M., with a date of priority of December 27, 1961. These lands are irrigated from a point of diversion located 375 feet north and 825 feet west from the SE corner of Section 23 being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 23, Township 6 South, Range 3 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 580 feet north and 60 feet east from the SW corner of SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 23 being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 23, Township 6 South, Range 3 West, 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. William B. McCall, geologist for the State Engineer's office, 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 if the new well will be developing water from the same ground water reservoir.

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 a well, to-wit:

From a point located 375 feet north and 825 feet west from the SE corner of Section 23 being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 23, Township 6 South, Range 3 West, W.M.

To a point to be located 580 feet north and 60 feet east from the SW corner of SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 23 being within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 23, Township 6 South, Range 3 West, W.M.

for the irrigation of 4.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 23, Township 6 South, Range 3 West, W.M., with a date of priority of December 27, 1961, 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 0.05 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.

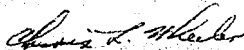
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the new well shall be so constructed that water will be withdrawn only from the ground water reservoir which supplied the old well.

An order of the State Engineer entered August 7, 1969, canceled the balance of the right to the use of water evidenced by certificate of water right recorded at page 32149, Volume 24, State Record of Water Right Certificates, not involved in this proceeding.

It is FURTHER ORDERED that certificate of water right heretofore issued to Joe W. Oppek and recorded at page 32149, Volume 24, 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 Joe W. Oppek confirming the change in point of diversion.

Dated at Salem, Oregon, this 29<sup>th</sup> day of August, 1969.

  
CHRIS L. WHEELER  
State Engineer