

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION OF)
WELCHES WATER COMPANY FOR THE APPRO-)
VAL OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM AN UNNAMED SPRING STREAM)
- - - - -

ORDER APPROVING
TRANSFER NO. W-111

On October 28, 1964, Welches Water Company of Portland, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from an unnamed spring stream, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to W. E. Welch and recorded at page 7958, Volume 8, State Record of Water Right Certificates, confirms a right to the use of the waters of an unnamed spring stream for domestic use in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 3 South, Range 7 East, W.M., with a date of priority of January 6, 1927. The water is conveyed for this purpose from a point of diversion located south 78 degrees 48 minutes west, 1,315.18 feet from the northeast corner of Section 8, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 8, Township 3 South, Range 7 East, W.M.

The applicant herein proposes to convey the water for domestic purposes by means of two points of diversion as follows: (1) 428.96 feet south and 3,471.32 feet west and (2) 182 feet south and 3,184 feet west, both from the northeast corner of Section 8, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 8, Township 3 South, Range 7 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 Oregon City, Oregon, on February 2, 1965, at 9:30 o'clock a.m. The notice was published in the Sandy Post, a newspaper printed and having general circulation in Clackamas County, Oregon, for a period of three weeks in the issues of December 10, 17 and 24, 1964. 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 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 proposed change in point of diversion of water from an unnamed spring stream, to-wit:

From a point located south 78 degrees 48 minutes west, 1,315.18 feet from the northeast corner of Section 8, and being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 8, Township 3 South, Range 7 East, W.M.

To a point to be located 428.96 feet south and 3,471.32 feet west, and

To a point to be located 182 feet south and 3184 feet west, both from the northeast corner of Section 8, and being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 8, Township 3 South, Range 7 East, W.M.

for domestic use in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 3 South, Range 7 East, W.M., with a date of priority of January 6, 1927, 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, 1965.

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.

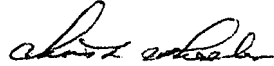
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion 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 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 W. E. Welch and recorded at page 7958, Volume 8, 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 Welches Water Company confirming said change in point of diversion.

Dated at Salem, Oregon, this 15th day of March, 1965.



CHRIS L. WHEELER
State Engineer