

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION )  
OF W. WILLIAM AND EVA A. LEWIS )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
OWL CREEK )  
----- )

ORDER APPROVING  
TRANSFER NO. 2464

On November 19, 1970, W. William and Eva A. Lewis filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Owl Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Harry T. Rutherford and recorded at page 11978, Volume 11, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.16 cubic foot per second of water from Owl Creek for the irrigation of, among other lands, 1.5 acres in Lot 8 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) and 3.55 acres in Lot 1 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ), Section 32, Township 11 South, Range 4 West, W.M., with a date of priority of February 26, 1935. These lands are irrigated from a point of diversion located 750 feet south and 200 feet east from the SW corner of DLC No. 68 being within Lot 1 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, Township 11 South, Range 4 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 10 feet north and 75 feet east from the SW corner of NW $\frac{1}{4}$  SW $\frac{1}{4}$  being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 32, Township 11 South, Range 4 West, W.M.

Notice of 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. Vestal R. Garner, Watermaster of District No. 2, 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 Owl Creek, to-wit:

From a point located 750 feet south and 200 feet east from the SW corner of DLC No. 68 being within Lot 1 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ), Section 32, Township 11 South, Range 4 West, W.M.

To a point to be located 10 feet north and 75 feet east from the SW corner of NW $\frac{1}{4}$  SW $\frac{1}{4}$  being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 32, Township 11 South, Range 4 West, W.M.

for the irrigation of 1.5 acres in Lot 8 (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) and 3.55 acres in Lot 1 (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ), Section 32, Township 11 South, Range 4 West, W.M., with a date of priority of February 26, 1935, 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, 1971.

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 0.064 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.

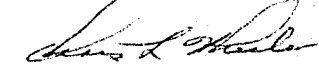
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 certificate of water right heretofore issued to Harry T. Rutherford and recorded at page 11978, Volume 11, 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 W. William and Eva A. Lewis confirming the change in point of diversion.

Dated at Salem, Oregon, this 30<sup>th</sup> day of March, 1971.



CHRIS L. WHEELER  
State Engineer