

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION )  
OF MELVIN E. AND IRIS R. HOWELL )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
CLEAR CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2828

On June 5, 1973, Melvin E. and Iris R. Howell filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Clear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Eli W. Howell and recorded at page 14377, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.04 cubic foot per second of water from Clear Creek for the irrigation of, among other lands, 2.75 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, Township 1 North, Range 4 West, W.M., with a date of priority of September 27, 1935. These lands are irrigated from a point of diversion located 1400 feet South and 900 feet West from the Northwest corner of Section 17, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 18, Township 1 North, 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 1360 feet South and 620 feet East from the Northwest corner of Section 17, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, Township 1 North, Range 4 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 Hillsboro, Oregon on June 11, 1974, at 9:30 a.m. The

notice was published in the Washington County News Times, a newspaper printed and having general circulation in Washington County, Oregon, for a period of three weeks in the issues of April 18, 25 and May 2, 1974. 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.

An order of the State Engineer entered April 1, 1974, canceled the right for the use of 0.04 cubic foot per second of water of Clear Creek for the irrigation of 3.0 acres as part of the right evidenced by the certificate recorded at Page 14377.

An order of the State Engineer entered January 3, 1973, authorized a change in point of diversion for irrigation of 3.0 acres, canceled the certificate recorded at Page 14377, and provided a new certificate be issued for the lands not involved in that proceeding.

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

From a point located 1400 feet South and 900 feet West from the Northwest corner of Section 17, being within the  $SE\frac{1}{4} NE\frac{1}{4}$  of Section 18, Township 1 North, Range 4 West, W.M.

To a point to be located 1360 feet South and 620 feet East from the Northwest corner of Section 17, being within the  $SW\frac{1}{4} NW\frac{1}{4}$  of Section 17, Township 1 North, Range 4 West, W.M.

for the irrigation of 2.75 acres in  $SW\frac{1}{4} NW\frac{1}{4}$ , Section 17, Township 1 North, Range 4 West, W.M., with a date of priority of September 27, 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, 1976.

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 0.04 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 no certificate be issued for the lands not involved in the change authorized by the order entered January 3, 1973.

It is FURTHER ORDERED that 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 Melvin E. and Iris R. Howell confirming the change in point of diversion.

Dated at Salem, Oregon, this 2nd day of August, 1974.

  
CHRIS L. WHEELER  
State Engineer