

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION )  
OF RICHARD C. SCHROEDER FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM TUALATIN )  
RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3350

On January 16, 1976, Richard C. Schroeder filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Tualatin River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Ira Muilenburg and recorded at Page 15125, Volume 12, State Record of Water Right Certificates, confirms a right to the use of 0.53 cubic foot per second from Tualatin River for the irrigation of, among other lands, 3.7 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 13, and 0.1 acre in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.9 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 1.2 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14, Township 2 South, Range 2 West, W.M., with a date of priority of March 14, 1941. Certificate of water right issued to Ira Muilenburg and recorded at Page 23594, Volume 17, State Record of Water Right Certificates, confirms a right to the use of 0.67 cubic foot per second from Tualatin River for the irrigation of, among other lands, 13.3 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 2.7 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 13, and 15.4 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 14, Township 2 South, Range 2 West, W.M., with a date of priority of April 21, 1952. Water for this use is diverted from a point located 1100 feet South and 1750 feet East from the Northwest corner of Section 13, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 13, Township 2 South, Range 2 West, W.M.

The applicant herein, owner of the land above described, proposes to irrigate these lands from a point of diversion to be located 2280 feet South and 79 feet East from the Northwest corner of Section 13, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 13, Township 2 South, Range 2 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. The notice was published in the Hillsboro Argus, a newspaper printed and having general circulation in Washington County, Oregon, for a period of three weeks in the issues of January 29, February 5 and 12, 1976. 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.

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

From a point located 1100 feet South and 1750 feet East from the Northwest corner of Section 13, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 13, Township 2 South, Range 2 West, W.M.

To a point to be located 2280 feet South and 79 feet East from the Northwest corner of Section 13, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 13, Township 2 South, Range 2 West, W.M.

for the irrigation of 3.7 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 13, 0.1 acre in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 8.9 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.2 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 14, Township 2 South, Range 2 West, with a date of priority of March 14, 1941, and 13.3 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 2.7 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 13, and 15.4 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 14, Township 2 South, Range 2 West, W.M., with a date of priority of April 21, 1952, 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, 1977.

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 0.17 cubic foot per second with a date of priority of March 14, 1941, and shall not exceed 0.39 cubic foot per second with a date of priority of April 21, 1952.

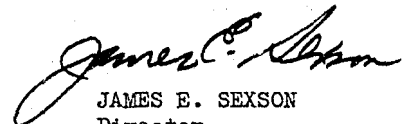
It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

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 certificates of water right heretofore issued to Ira Mullenberg and recorded at Page 15125, Volume 12, and Page 23594, Volume 17, State Record of Water Right Certificates, are canceled, and in lieu thereof new certificates be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Richard C. Schroeder confirming the change in point of diversion.

Dated at Salem, Oregon, this 6th day of April, 1976.

  
JAMES E. SEXSON  
Director