

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION
OF ARTHUR ROSENBLAD FOR THE APPROVAL
OF A CHANGE IN POINT OF DIVERSION
OF WATER FROM BUTTE CREEK

ORDER APPROVING
TRANSFER NO. 2898

On September 11, 1973, Arthur Rosenblad filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Butte Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Arthur Rosenblad and recorded at page 33473, Volume 25, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.25 cubic foot per second of water from Butte Creek for the irrigation of, among other lands, 10.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 6 South, Range 1 East, W.M., with a date of priority of July 31, 1962. These lands are irrigated from a point of diversion located 1600 feet North and 1300 feet East from the Southwest corner of Section 15, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 6 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1800 feet North and 2600 feet East from the Southwest corner of Section 15, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 6 South, Range 1 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 Salem, Oregon on January 23, 1974 at 9:30 a.m.

The notice was published in the Silverton Appeal Tribune, a newspaper printed and having general circulation in Marion County, Oregon, for a period of three weeks in the issues of December 13, 20 and 27, 1973. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. E. Michael Ricks, Watermaster of District No. 16, 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 Butte Creek, to wit:

From a point located 1600 feet North and 1300 feet East from the Southwest corner of Section 15, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 6 South, Range 1 East, W.M.

To a point to be located 1800 feet North and 2600 feet East from the Southwest corner of Section 15, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 6 South, Range 1 East, W.M.

for the irrigation of 10.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, and 0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 6 South, Range 1 East, W.M., with a date of priority of July 31, 1962, 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, 1974.

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 0.14 cubic foot per second.

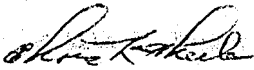
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 Arthur Rosenblad and recorded at page 33473, Volume 25, 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 Arthur Rosenblad confirming the change in point of diversion.

Dated at Salem, Oregon, this 30th day of January, 1974.


CHRIS L. WHEELER
State Engineer