

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION)
OF T. J. HOWARD FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM CALAPOOYA RIVER)

O R D E R

APPROVING APPLICATION

On August 14, 1963, T. J. Howard of Brownsville, Oregon, filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Calapooya River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to J. S. Huffman and recorded at page 27554, Volume 19, State Record of Water Right Certificates, confirms a right to the use of the waters of Calapooya River for the irrigation of 2.1 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, and 0.3 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, all projected within H. H. Spalding D.L.C. No. 41, Township 13 South, Range 2 West, W. M., with a date of priority of April 18, 1951. These lands are irrigated by means of a pumping plant, the point of diversion of said pumping plant being located 820 feet North and 280 feet West from the southeast corner of Section 31, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within H. H. Spalding D.L.C. No. 41, in Section 31, Township 13 South, Range 2 West, W. M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands by means of the Brownsville Ditch, the point of diversion of said ditch being located 1150 feet North and 150 feet East from the northwest corner of William P. Templeton D.L.C. No. 46, and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within William Alford D.L.C. No. 58, in Section 4, Township 14 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, if any there were, namely: at the

county courthouse in Albany, Oregon, on November 5, 1963, at 9:30 o'clock a.m. The notice was published in the Brownsville Times, a newspaper printed and having general circulation in Linn County, Oregon, for a period of three weeks in the issues of September 12, 19 and 26, 1963. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Floyd Siegmund, 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 Calapooya River, to-wit:

From a point located 820 feet North and 280 feet West from the southeast corner of Section 31, and being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within H. H. Spalding D.L.C. No. 41, in Section 31, Township 13 South, Range 2 West, W. M.

To a point located 1150 feet North and 150 feet East from the northwest corner of William P. Templeton D.L.C. No. 46 and being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, as projected within William Alford D.L.C. No. 58, in Section 4, Township 14 South, Range 2 West, W. M.

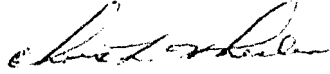
for the irrigation of 2.1 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, and 0.3 acre in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 4.5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, all projected within H. H. Spalding D.L.C. No. 41, Township 13 South, Range 2 West, W. M., with a date of priority of April 18, 1951, is approved.

It is FURTHER ORDERED that no time need be fixed for completion of construction as the ditch is constructed and in operation.

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.

It is FURTHER ORDERED that certificate of water right heretofore issued to J. S. Huffman and recorded at page 27554, Volume 19, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of construction, a certificate of water right shall be issued to T. J. Howard confirming the change in point of diversion.

Dated at Salem, Oregon, this 4th day of December, 1963.



CHRIS L. WHEELER
State Engineer

H. Huffman
App. # 25824
Dist. # 27554