

BEFORE THE STATE ENGINEER OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION }  
OF LEWIS DAY FOR THE APPROVAL OF }  
A CHANGE IN POINT OF DIVERSION }  
OF WATER FROM TUALATIN RIVER }  
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ORDER APPROVING  
TRANSFER NO. B-150

On April 2, 1965, Lewis Day filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from the Tualatin River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Royal Betts and recorded at page 23120, Volume 16, State Record of Water Right Certificates, confirms a right to the use of the waters of the Tualatin River for the irrigation of 1.8 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 0.4 acre in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 20, Township 2 South, Range 1 East, W.M., with a date of priority of August 5, 1954.

These lands are irrigated from a point of diversion located 110 feet south and 1360 feet east from the west quarter corner of Section 20, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 2 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to a point to be located 1112.3 feet north and 1289 feet west from the south quarter corner of Section 20, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 2 South, Range 1 East, W.M.

Notice by 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. Myron V. Bish, 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 of water 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 Tualatin River, to-wit:

From a point located 110 feet south and 1360 feet east from the west quarter corner of Section 20, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 2 South, Range 1 East, W.M.

To a point to be located 1112.3 feet north and 1189 feet west from the south quarter corner of Section 20, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 2 South, Range 1 East, W.M.

for the irrigation of 1.8 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 0.4 acre in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 20, Township 2 South, Range 1 East, W.M., with a date of priority of August 5, 1954, 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, 1966.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion.

It is FURTHER ORDERED that the following provision 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 a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 Royal Betts and recorded at page 23120, Volume 16, State Record of Water

Right Certificate is canceled, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion of water, a certificate of water right shall be issued to Lewis Day confirming the change in point of diversion.

Dated at Salem, Oregon, this 28th day of March 1966.



CHRIS L. WHEELER  
State Engineer