

2565 Mrs Charles Ertelt
Rt. 2, Box 267
Woodburn, Ore 97071
634-2497 (Monitor)
before

STATUS OF APPLICATION

Change in Point of Diversion
Date filed August 27, 1971
Date of hearing _____
Place of hearing _____
Date of order Jan 27, 1972 Vol. 21, page 394
Date for application of water _____
Proof mailed _____
Proof received _____
Certificate issued FEB 26 1974 Vol. 31, page 39844

To Survey 2/22/72

DESCRIPTION OF WATER RIGHT

Name of stream a well
Trib. of _____ County of Marion
Use Irrigation
Quantity of water _____ No. of acres 73²
Name of ditch _____
Date of priority August 6, 1963
In name of Carl Ertelt
Adjudication, Vol. _____, page _____
App. No. G-2675 Per. No. G-2479 Cert. No. 34794
Certificate cancelled _____
Notation made on record by slu

(G-4895)

REMARKS

FEES PAID

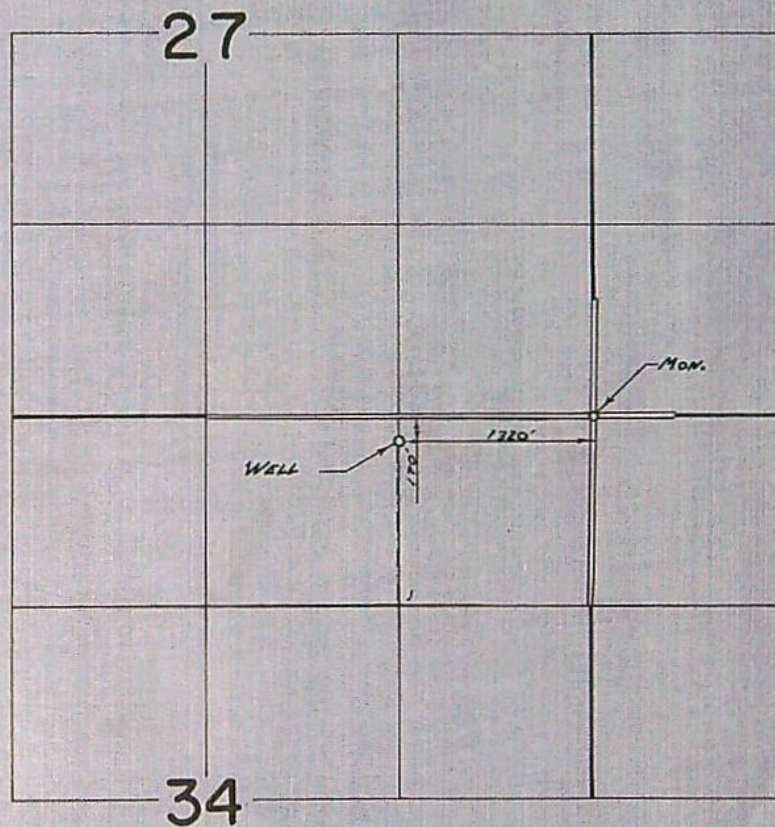
Date	Amount	Receipt No.
8-27-71	25.00	25328
TOTAL		
2-1-74	\$1.50 Cert. Fee	38505

FEES REFUNDED

Date	Amount	Check No.

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	
	Entered	Checked
_____	Name	_____
_____	Stream	_____
_____	Pt. of Div.	_____
_____	Calendar	_____
_____	CHECKED TO RECORDS:	
_____	Twp. & Rge.	_____
_____	Decree-vault	_____
_____	Decree-safe	_____
_____	Cert. of W/R	_____
_____	Per. Folder	_____
_____	Chaindex	_____
_____	Cross Ref.	_____
_____	Power Claim	_____
_____	Abstracts	_____

T.5S. R.1W. W.M.



FINAL PROOF SURVEY
UNDER

TRANSFER No. 2565
Application No. Permit No.
IN NAME OF

..... MRS. CHARLES ERTELT

Surveyed Aug. 16. 1972, by R.B. MUSKEY.....

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF MRS. CHARLES ERTOLT FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM A WELL)

ORDER APPROVING
TRANSFER NO. 2565

On December 23, 1971, Mrs. Charles Ertelt filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from a well, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Carl Ertelt and recorded at page 34794, Volume 26, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.60 cubic foot per second of water from a well for the irrigation of 36.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 37.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Township 5 South, Range 1 West, W.M., with a date of priority of August 6, 1963. These lands are irrigated from a point of diversion located 520 feet south and 1310 feet west from the NE corner of Section 34 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 5 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 150 feet south and 1320 feet west from the NE corner of Section 34, Township 5 South, Range 1 West, W.M., being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 5 South, Range 1 West, 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. William B. McCall, geologist for the State Engineer's office, 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 if the new well will be developing water from the same ground water reservoir.

Mr. Clayton J. Gardner, Watermaster of District No. 1, 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 a well, to-wit:

From a point located 520 feet south and 1310 feet west from the NE corner of Section 34 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 5 South, Range 1 West, W.M.

To a point to be located 150 feet south and 1320 feet west from the NE corner of Section 34 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 5 South, Range 1 West, W.M.

for the irrigation of 37.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, and 36.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 5 South, Range 1 West, W.M., with a date of priority of August 6, 1963, 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, 1972.

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 0.60 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 the new well shall be so constructed that water will be withdrawn only from the ground water reservoir which supplied the old well.

It is FURTHER ORDERED that certificate of water right heretofore issued to Carl Ertelt and recorded at page 34794, Volume 26, State Record of Water Right Certificates, is canceled 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 Mrs. Charles Ertelt confirming the change in point of diversion.

Dated at Salem, Oregon, this 27th day of January, 1972.

/s/ CHRIS L. WHEELER
State Engineer