

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION OF)
GEORGE P. HARGETT FOR APPROVAL OF) ORDER APPROVING
A CHANGE IN POINT OF DIVERSION) TRANSFER 5756
OF WATER)

On February 13, 1986, an application was filed in the office of the Water Resources Director by George P. Hargett for approval of a change in point of diversion of water from Willamette River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 33448, Volume 25, State Record of Water Right Certificates, in the name of George P. Hargett, describes a right for the use of not to exceed 0.07 cubic foot per second from Willamette River, for irrigation of 5.6 acres in Lot 5 (NW 1/4 SE 1/4), Section 30, Township 14 South, Range 4 West, WM, with a date of priority of April 20, 1962.

Water for the said right is diverted from a point located 250 feet South and 1780 feet West from the East Quarter Corner of Section 30, being within the NW 1/4 SE 1/4 of Section 30, Township 14 South, Range 4 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 2610 feet North and 1840 feet West from the Southeast Corner of Section 30, being within the NW 1/4 SE 1/4 of Section 30, Township 14 South, Range 4 West, WM. The change in point of diversion is reported to be completed.

L. Gene McGinnis, Watermaster, has filed a statement 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 is approved, without loss of priority.

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 under the subject right, and shall not exceed 0.07 cubic foot per second.

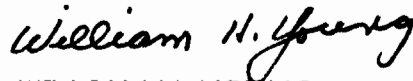
It is FURTHER ORDERED that the following provisions shall effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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 certificate recorded at page 33448, Volume 25, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 17th day of April, 1986.



WILLIAM H. YOUNG_{5/85}
Director

NOTE: Approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. Such objections and exceptions must be filed within 45 days from the date of service (date of mailing) of the Proposed Order on the party. The Commission will provide opportunity for oral argument in support of written objections and exceptions. If no objections and exceptions are filed within the time allowed, the Proposed Order will automatically become the Final Order of the Commission.

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