

BEFORE THE STATE ENGINEER OF OREGON

Benton County

IN THE MATTER OF THE APPLICATION )  
OF WILLIAM LEINER FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM MARYS RIVER )

ORDER APPROVING  
TRANSFER NO. L-92

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On March 26, 1968, William Leiner filed an application in the office of the State Engineer for a change in point of diversion of water from Marys River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to A. E. Albertsen and recorded at page 26545, Volume 18, State Record of Water Right Certificates confirms a right to the use of not to exceed 1.0 cubic foot per second of water from Marys River for the irrigation of 4.0 acres in NE¼ SE¼, 2.6 acres in SE¼ SE¼, Section 13, Township 12 South, Range 6 West, 1.8 acres in SW¼ NW¼, 32.8 acres in NW¼ SW¼, 33.6 acres in SW¼ SW¼, Section 18, and 6.0 acres in NW¼ NW¼, Section 19, Township 12 South, Range 5 West, W.M., with a date of priority of December 8, 1952. These lands are irrigated from a point of diversion located S 30° 28' E 26.2 chains from the NW corner of E. Liggets DLC #52 being within the SW¼ NW¼ of Section 18, Township 12 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to a point to be located 1873 feet South and 630 feet East from the NW corner of Elijah Liggets DLC #52 being within the SW¼ NW¼ of Section 18, Township 12 South, Range 5 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. Ralph H. Jackson, 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 Marys River, to-wit:

From a point located S 30° 28' E 26.2 chains from the NW corner of E. Liggets DLC #52 being within the SW¼ NW¼ of Section 18, Township 12 South, Range 5 West, W.M.

To a point to be located 1873 feet South and 630 feet East from the NW corner of Elijah Liggets DLC #52 being within the SW¼ NW¼ of Section 18, Township 12 South, Range 5 West, W.M.

for the irrigation of 4.0 acres in NE¼ SE¼, 2.6 acres in SE¼ SE¼, Section 13, Township 12 South, Range 6 West, 1.8 acres in SW¼ NW¼, 32.8 acres in NW¼ SW¼, 33.6 acres in SW¼ SW¼, Section 18, and 6.0 acres in NW¼ NW¼, Section 19, Township 12 South, Range 5 West, W.M.. with a date of priority of December 8, 1952, 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, 1969.

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 1.0 cubic foot per second.

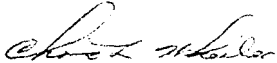
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 A. E. Albertsen and recorded at page 26545, Volume 18, 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 William Leiner confirming the change in point of diversion.

Dated at Salem, Oregon, this 27<sup>th</sup> day of May, 1968.

  
CHRIS L. WHEELER  
State Engineer