

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION)
OF J. L. HENDRICKSON FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)
FROM LITTLE LUCKIAMUTE RIVER)

ORDER APPROVING
TRANSFER NO. 3543

On February 23, 1977, an application was filed in the office of the Water Resources Director by J.L. Hendrickson for changes in place of use and point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 41727, Volume 33, State Record of Water Right Certificates, in the name of Dr. C. J. Moser, describes a right which includes the use of not to exceed 0.62 cubic foot per second from Little Luckiamute River for irrigation of 12.8 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 8 South, Range 5 West; 19.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 8 South, Range 6 West; 9.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 9 South, Range 5 West; and 7.7 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 9 South, Range 6 West, W.M., with a date of priority of January 17, 1966.

Water for the said right is diverted from a point located 2330 feet North and 80 feet East from the Southwest corner of Section 31, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 8 South, Range 5 West, W.M.

The applicant herein, owner of said lands, proposes to sever the right therefrom and, without loss of priority, to irrigate a certain 18.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 16.1 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 1.0 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 0.5 acre in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 13.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 9 South, Range 5 West, W.M., by diversion of water from a point located 1600 feet South and 1000 feet East from the Northwest corner of DLC No. 51, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, Township 9 South, Range 5 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Itemizer-Observer, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of May 11, 18 and 25, 1977.

Mr. Benjamin E. Monroe, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.62 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 head-gates 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;

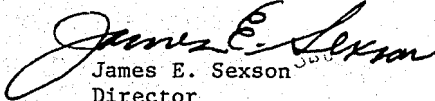
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred

shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Dr. C. J. Moser, and recorded at page 41727, Volume 33, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding, 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 29th day of July, 1977.


James E. Sexson
Director