

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION)
OF DESSERT SEED COMPANY FOR)
APPROVAL OF CHANGES IN PLACE OF)
USE AND POINT OF DIVERSION OF)
WATER FROM LUCKIAMUTE RIVER)

ORDER APPROVING
TRANSFER NO. 3549

On February 25, 1977, an application was filed in the office of the Water Resources Director by Dessert Seed Company 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 24211, Volume 17, State Record of Water Right Certificates, in the name of Vern C. Osburn, describes a right for the use of not to exceed 0.62 cubic foot per second from Luckiamute River for irrigation of 9.6 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16; 25.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1.3 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 6.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 7.3 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 9 South, Range 5 West, W.M., with a date of priority of October 26, 1950.

Water for the said right is diverted from two points located (1) 550 feet North and 730 feet West and (2) 600 feet South and 1900 feet West from the Southeast corner of DLC No. 56, being within the (1) NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16 and (2) SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 9 South, Range 5 West, W.M.

The applicant herein, owner of said lands, proposes to change the place of use and point of diversion and, without loss of priority, to irrigate a certain 12.2 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 23.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 14.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 9 South, Range 5 West, W.M. from a point of diversion located 630 feet South and 3090 feet West from the Southeast corner of DLC No. 56, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 17.

Notice of the application, pursuant to ORS 540.510, was published in

the Sun-Enterprise, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of April 13, 20, and 27, 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 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 0.62 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:

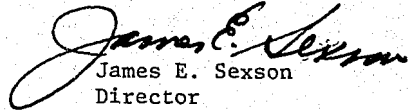
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 Vern C. Osborn and recorded at page 24211, Volume 17, 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 3rd day of August, 1977.


James E. Sexson
Director