

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE APPLICATION)
OF GAYLE W. GILMOUR FOR APPROVAL)
OF CHANGES IN POINT OF APPRO-)
PRIATION OF GROUND WATER)

ORDER APPROVING
TRANSFER NO. 3560

On March 1, 1977, an application was filed in the office of the Water Resources Director by Gayle W. Gilmour for changes in point of appropriation from a certain aquifer under an existing water right of record, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 41007, Volume 33, State Record of Water Right Certificates, in the name of Gayle W. Gilmour, describes a right which includes the use of not to exceed 0.18 cubic foot per second from Well No. 1 for irrigation of a certain 25.9 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 1.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23; and 0.7 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 9 South, Range 4 West, W.M.; and the use of not to exceed 0.19 cubic foot per second from Well No. 2 for irrigation of a certain 1.1 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 26.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23; 0.6 acre in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1.5 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 9 South, Range 4 West, W.M., all with a date of priority of October 2, 1967.

Well No. 1 is located 1490 feet North and 350 feet West from the Southeast corner of Section 23, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 23.

Well No. 2 is located 1160 feet North and 300 feet West from the Southeast corner of Section 23, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 23.

The applicant herein, owner of the lands above described, proposes to terminate the use of Wells No. 1 and 2 as points of appropriation from the certain aquifer and, without loss of priority, to obtain the water from the said aquifer by means of a well located 580 feet North and 450 feet West from the Southeast corner of Section 23, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township

9 South, Range 4 West, W.M., for irrigation of all of the lands described above.

Mr. L. Gene McGinnis, Watermaster, has filed a statement to the effect that the proposed changes in point of appropriation may be made without injury to existing rights.

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

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

It is FURTHER ORDERED that the quantity of water diverted at the new point of appropriation shall not exceed the quantity of water available at the old point of appropriation under the subject right.

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 construction work shall be completed and the change in point of appropriation of water made on or before October 1, 1979.

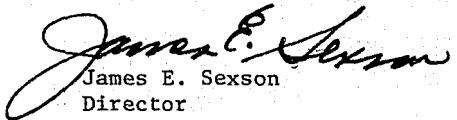
The applicant herein has, by affidavit, abandoned the use of the additional 0.04 cubic foot per second allowed from Well No. 1 and the additional 0.03 cubic foot per second allowed from Well No. 2, under the right described by the certificate recorded at page 41007, Volume 33, State Record of Water Right

Certificates, and has authorized the Water Resources Director to clear the records of the same.

It is FURTHER ORDERED that the said right for use of 0.04 cubic foot per second from Well No. 1 and 0.03 cubic foot per second from Well No. 2, as abandoned by the applicant, be and the same is hereby, canceled.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Gayle W. Gilmour and recorded at page 41007, 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 3rd day of August, 1977.


James E. Sexson
Director