

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Clackamas County

IN THE MATTER OF THE APPLICATION)
OF LOWEN K. AND ELYNOR K. PANKEY }
FOR THE APPROVAL OF A CHANGE IN }
POINT OF DIVERSION OF WATER FROM }
WILLAMETTE RIVER }

ORDER APPROVING
TRANSFER NO. 3384

On April 8, 1976, Lowen K. and Elynor K. Pankey filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Willamette River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Carleton Parish Pynn, M.D., and recorded at Page 20505, Volume 15, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.38 cubic foot per second of water from Willamette River for the irrigation of, among other lands, 8.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 3 South, Range 1 East, W.M., with a date of priority of July 14, 1949. These lands are irrigated from a point of diversion located 2310 feet East from the center quarter-corner of Section 22, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 3 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 830 feet North and 2310 feet East from the center quarter-corner of Section 22, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 3 South, Range 1 East, 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 is no intervening diversion.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from Willamette River, to wit:

From a point located 2310 feet East from the center quarter-corner of Section 22, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 3 South, Range 1 East, W.M.

To a point to be located 830 feet North and 2310 feet East from the center quarter-corner of Section 22, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 3 South, Range 1 East, W.M.

for the irrigation of 8.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, Township 3 South, Range 1 East, W.M., with a date of priority of July 14, 1949, 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, 1977.

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 0.11 cubic foot per second.

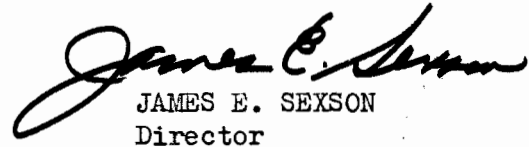
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 the certificate of water right heretofore issued to Carleton Parish Pynn, M.D., and recorded at Page 20505, Volume 15, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Lowen K. and Elynor K. Pankey confirming the change in point of diversion.

Dated at Salem, Oregon, this 17th day of May, 1976.


JAMES E. SEXSON
Director