

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE APPLICATION OF )  
WM. N. STRUBHAR FOR APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF )  
WATER FROM AN UNNAMED STREAM )

ORDER APPROVING  
TRANSFER NO. S-209

On December 23, 1968, an application was filed in the office of the Water Resources Director by Wm. N. Strubhar for a change in 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 14714, Volume 12, State Record of Water Right Certificates, in the name of C.C. Hepler, describes a right which includes the use of not to exceed 0.03 cubic foot per second from an unnamed stream for irrigation of a certain 2.5 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 36, Township 4 South, Range 1 West, W.M., with a date of priority of August 1, 1941.

Water for the said right is diverted from a point located 350 feet North and 2050 feet East from the Southwest corner of J. Bonney DLC No. 53, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 36.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 390 feet North and 1680 feet East from the Southwest corner of J. Bonney DLC No. 53, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 36.

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 requested change in point of diversion as described herein, without loss of priority, is 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, and shall not exceed 0.03 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:

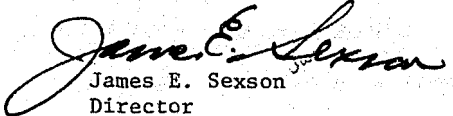
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Wm. N. Strubhar and recorded at page 14714, Volume 12, 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 11 day of August 1977.

  
James E. Sexson  
Director