

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Tillamook County

IN THE MATTER OF THE APPLICATION )  
OF QUENTIN BORBA FOR THE APPROVAL )  
OF A CHANGE IN PLACE OF USE AND )  
POINT OF DIVERSION OF WATER FROM )  
NESTUCCA RIVER )  
-----

ORDER APPROVING  
TRANSFER NO. 3273

On June 26, 1975, Quentin Borba filed an application in the office of the Water Resources Director for the approval of a change in place of use and point of diversion of water from Nestucca River pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 35031, Volume 27, State Record of Water Right Certificates, in the name of Quentin Borba describes an existing right of record for the use of not to exceed 0.44 cubic foot per second from Nestucca River for irrigation of 3.7 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 14.5 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 26, 15.7 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 1.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27, Township 3 South, Range 9 West, W.M., with a date of priority of November 30, 1964.

Water for the said right is diverted from a point located 890 feet South and 450 feet East from the West quarter-corner of Section 26, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 26, Township 3 South, Range 9 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the place of use and point of diversion and to sever the right from a certain 1.0 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 26 and 4.7 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27, and in lieu thereof to irrigate a certain 4.7 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 1.0 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27, Township 3 South, Range 9 West, and to establish a new point of diversion located 1200 feet South and 250 feet West from the West quarter-corner of Section 26,

being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 27, for irrigation of a portion of the land above described, being 2.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 26, 15.7 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 2.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 27, Township 3 South, Range 9 West, W.M.

Mr. Benjamin Monroe, Watermaster of District No. 18, 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 objection 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 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 for said lands, and shall not exceed 0.25 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:

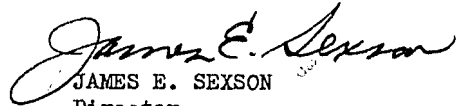
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 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, 1978.

It is FURTHER ORDERED that 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, the certificate of water right heretofore issued to Quentin Borba and recorded at Page 35031, Volume 27, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right shall be issued to Quentin Borba.

Dated at Salem, Oregon, this 16th day of December, 1976.

  
JAMES E. SEXSON  
Director