

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Tillamook County

IN THE MATTER OF THE APPLICATION }
OF ROBERT E. DuBOIS FOR THE }
APPROVAL OF A CHANGE IN POINT OF }
DIVERSION AND PLACE OF USE OF }
WATER FROM A SPRING }

ORDER APPROVING
TRANSFER NO. 3320

On October 3, 1975, Robert E. DuBois filed an application in the office of the Water Resources Director for the approval of a change in point of diversion and place of use of water from a spring, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Fred and Bertha Hallinger and recorded at Page 21694, Volume 16, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.01 cubic foot per second of water from a spring for domestic use for one family at a house in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 3 South, Range 9 West, W.M., with a date of priority of December 3, 1947. The point of diversion at the spring is located 1475 feet South and 1600 feet West from the North quarter-corner of Section 31, being within Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), Section 31, Township 3 South, Range 9 West, W.M.

The applicant herein, owner of the house site above described, proposes to transfer the water right therefrom, without loss of priority, to a new house site located in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 3 South, Range 9 West, W.M., and to supply the new house site from a point of diversion at the spring to be located 1450 feet South and 1600 feet West from the North quarter-corner of Section 31, Township 3 South, Range 9 West, 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 are no intervening diversions.

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 place of use of water is approved and the water right hereinbefore described as appurtenant to the house site in Lot 2 (SW $\frac{1}{4}$ N $\frac{1}{4}$) of Section 31, Township 3 South, Range 9 West, W.M., with a date of priority of December 3, 1947, be transferred to a new house site in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 3 South, Range 9 West, W.M.

It is FURTHER ORDERED that the change in point of diversion of water from the spring, to wit:

From a point located 1475 feet South and 1600 feet West from the North quarter-corner of Section 31, being within Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 31, Township 3 South, Range 9 West, W.M.

To a point to be located 1450 feet South and 1600 feet West from the North quarter-corner of Section 31, Township 3 South, Range 9 West, W.M.

for domestic use in a new house site located in Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 31, Township 3 South, Range 9 West, W.M., with a date of priority of December 3, 1947, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion and place of use of water made on or before October 1, 1976.

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 0.01 cubic foot per second.

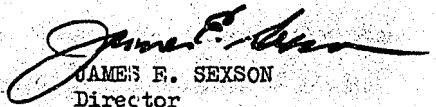
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster is becomes necessary to install headgates and measuring devices.

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 Fred and Bertha Hallinger and recorded at Page 21694, Volume 16, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of application of water to beneficial use and completion of the authorized change in point of diversion, a certificate of water right shall be issued to Robert E. DuBois confirming the change in point of diversion.

Dated at Salem, Oregon, this 5th day of December, 1975.


JAMES F. SEXSON
Director