

BEFORE THE STATE ENGINEER OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION)
OF FLOYD LANDER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM A WELL)

ORDER APPROVING
TRANSFER NU. 2530

On May 27, 1971, Floyd Lander filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from a well, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Floyd Lander and recorded at page 30594, Volume 22, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.17 cubic foot per second of water from a well for the irrigation of, among other lands, 8.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 11 South, Range 2 West, W.M., with a date of priority of July 25, 1958. These lands are irrigated from a well located 1023 feet south and 528 feet west from the NE corner of Section 9 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 11 South, Range 2 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a well to be located 891 feet south and 825 feet west from the NE corner of Section 9 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 11 South, Range 2 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. William B. McCall, Geologist for this department, 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 if the new well will be developing water from the same ground water reservoir.

Mr. Vestal R. Garner, Watermaster of District No. 2, has filed a report to the effect that the proposed change in point of diversion 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 proposed change in point of diversion of water from a well, to-wit:

From a well located 1023 feet south and 528 feet west from the NE corner of Section 9 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 11 South, Range 2 West, W.M.

To a well to be located 891 feet south and 825 feet west from the NE corner of Section 9 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 11 South, Range 2 West, W.M.

for the irrigation of 8.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 11 South, Range 2 West, W.M., with a date of priority of July 25, 1958, 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, 1972.

It is FURTHER ORDERED that the new well shall be so constructed that water will be withdrawn only from the ground water reservoir which supplied the old well and shall not penetrate the marine sediments below a depth of approximately 50 feet.

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 0.107 cubic foot per second.

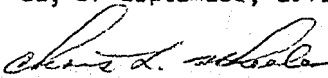
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 certificate of water right heretofore issued to Floyd Lander and recorded at page 30594, Volume 22, 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 State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Floyd Lander confirming the change in point of diversion.

Dated at Salem, Oregon, this 20th day of September, 1971.


CHRIS L. WHEELER
State Engineer