

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION )  
OF HENRY A. GONSETH FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVER- )  
SION OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 3845

On December 5, 1977, an application was filed in the office of the Water Resources Director by Henry A. Gonseth for approval of a change in point of diversion from South Santiam River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24523, Volume 17, State Record of Water Right Certificates, in the name of Rosie Brandel, describes a right which includes the use of not to exceed 0.05 cubic foot per second from South Santiam River for irrigation of a certain 0.4 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, and 4.4 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 29, Township 12 South, Range 1 West, W.M., with a date of priority of February 17, 1949.

Water for the said right is diverted from a point located 10 feet South and 10 feet West from the North Quarter Corner of Section 29, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 29.

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 110 feet North and 400 feet West from the South Quarter Corner of Section 20, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 12 South, Range 1 West, W.M.

Mr. L. Gene McGinnis, Watermaster, has filed a statement 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 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 under the subject right.

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

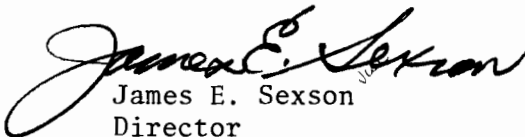
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 on or before October 1, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Rosie Brandel and recorded at page 24523, Volume 17, 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 6th day of January, 1978.

  
James E. Sexson  
Director