

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION OF )  
ROBERT L. STOCKHOFF FOR APPROVAL OF )  
AN ADDITIONAL POINT OF DIVERSION OF )  
WATER FROM THOMAS CREEK )  
-----

ORDER APPROVING  
TRANSFER NO. 3563

On March 4, 1977, an application was filed in the office of the Water Resources Director by Robert L. Stockhoff for an additional point of diversion under an existing water right of record, pursuant to ORS 540.510 to 540.530.

The certificate recorded at page 16668, Volume 13, State Record of Water Right Certificates, in the name of J. B. Hodges, describes a right for the use of not to exceed 0.444 cubic foot per second from Thomas Creek for irrigation of 19.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 6.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 10.5 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 22, Township 10 South, Range 2 West, W.M., with a date of priority of November 9, 1940.

The certificate recorded at page 21332, Volume 15, State Record of Water Right Certificates, in the name of E. W. Hart, describes a right for the use of not to exceed 0.313 cubic foot per second from Thomas Creek for irrigation of 1.2 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.2 acre in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.0 acre in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 14.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 8.4 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 22, Township 10 South, Range 2 West, W.M., with a date of priority of May 20, 1952.

Water for both said rights is diverted from a point located 950 feet South and 900 feet West from the Northeast corner of Section 22, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 22.

The applicant herein, owner of the lands above described, proposes to establish an additional point of diversion and, without loss of priority, to also divert water at a point located 400 feet North and 1750 feet West from the

SE corner of Section 15, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 15, Township 10 South, Range 2 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Albany Democrat-Herald, a newspaper printed and having general circulation in Linn County, Oregon, for a period of three weeks in the issues of May 13, 20, and 27, 1977.

Mr. L. Gene McGinnis, Watermaster, has filed a statement to the effect that the proposed additional 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 additional point of diversion from Thomas Creek 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, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.444 cubic foot per second with a priority date of November 9, 1940 and 0.313 cubic foot per second with a priority date of May 20, 1952.

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:

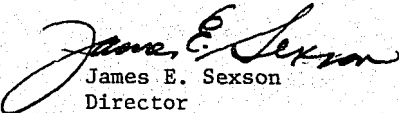
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 on or before October 1, 1979.

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 recorded at page 16668, Volume 13, State Record of Water Right Certificates, in the name of J. B. Hodges and the certificate recorded at page 21332, Volume 15, State Record of Water Right Certificates, in the name of E. W. Hart, are canceled and in lieu thereof new certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 29th day of August, 1977.

  
James E. Sexson  
Director