

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
BENTON COUNTY

IN THE MATTER OF THE APPLICATION OF)
JAY FAXON FOR APPROVAL OF CHANGES) ORDER APPROVING
IN POINT OF DIVERSION AND USE) TRANSFER 5623
HERETOFORE MADE OF WATER)

On April 16, 1985, an application was filed in the office of the Water Resources Director by Jay Faxon for approval of changes in point of diversion and use of water from Mary's River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 26544, Volume 18, State Record of Water Right Certificates, in the name of A.E. Albertson, describes a right for the use of not to exceed 1.00 cubic foot per second from Mary's River, for irrigation of 3.2 acres in SW 1/4 NW 1/4, 17.0 acres in SE 1/4 NW 1/4, 29.6 acres in NE 1/4 SW 1/4, 9.0 acres in NW 1/4 SW 1/4, 5.2 acres in SW 1/4 SW 1/4 and 17.0 acres in SE 1/4 SW 1/4, Section 18, Township 12 South, Range 5 West, WM, with a date of priority of March 11, 1939.

Water for the said right is diverted from a point located within the SE 1/4 NW 1/4 of Section 18, Township 12 South, Range 5 West, WM.

The applicant herein, owner of the lands above described, proposes to change the use therefrom, to municipal use within the City of Philomath, and to divert water from a point located 1150 feet North and 715 feet West from the Southeast Corner of Section 11, being within the SE 1/4 SE 1/4 of Section 11, Township 12 South, Range 6 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Benton Bulletin, a newspaper printed and having general circulation in Benton County, Oregon, for a period of three weeks in the issues of June 19, 26 and July 10, 1985.

Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed changes in point of diversion and use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in point of diversion and use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in point of diversion and use are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water used for the proposed purpose shall not exceed 1.00 cubic foot per second, and shall be used only during the irrigation season of each year.

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:

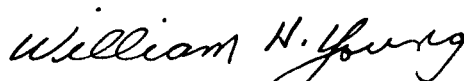
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 water used from the proposed point of diversion on or before October 1, 1986.

It is FURTHER ORDERED that the certificate recorded at page 26544, Volume 18, State Record of Water Right Certificates, is canceled; 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 City of Philomath.

Dated at Salem, Oregon, this 5th day of August, 1985


WILLIAM H. YOUNG
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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