

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Benton County

IN THE MATTER OF THE APPLICATION }  
OF EARL FRANKLIN FOR THE APPROVAL }  
OF A CHANGE IN POINT OF DIVERSION }  
OF WATER FROM GROUND WATER }  
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ORDER APPROVING  
TRANSFER NO. 3223

On May 12, 1975, Earl Franklin filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from ground water, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to William L. Franklin and recorded at Page 42178, Volume 34, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.24 cubic foot per second of water from Well No. 2 for the irrigation of 8.8 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 10.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 3, Township 14 South, Range 5 West, W.M., with a date of priority of December 12, 1969. Well No. 2 is located 20 feet North and 940 feet West from the Southeast corner of J. Criss DIC #69, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 3, Township 14 South, Range 5 West, W.M.

The applicant herein, joint owner, holding undivided equal interest with William L. Franklin, of the lands above described, proposes to irrigate these lands from Well No. 4 to be located 2440 feet South and 1250 feet West from the Northeast corner of J. Criss DIC #63, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 3, Township 14 South, Range 5 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 Bartholomew, Administrator of the Ground Water Division, 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 point of diversion of water from ground water, to wit:

From Well #2 located 20 feet North and 940 feet West from the Southeast corner of J. Criss DIC #69, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 3, Township 14 South, Range 5 West, W.M.

To Well #4 to be located 2440 feet South and 1250 feet West from the Southeast corner of J. Criss DIC #63, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 3, Township 14 South, Range 5 West, W.M.

for the irrigation of 8.8 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 10.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 3, Township 14 South, Range 5 West, W.M., with a date of priority of December 12, 1969, 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, 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 0.24 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 head-gates and measuring devices.

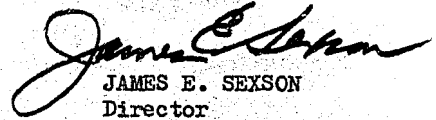
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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 water master.

It is FURTHER ORDERED that the certificate of water right heretofore issued to William L. Franklin and recorded at Page 42178, Volume 34, State Record of Water Right Certificates, is canceled, and upon receipt of proof

satisfactory to the Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Earl Franklin and William Franklin confirming the change in point of diversion and including the balance of the right not involved in this proceeding.

Dated at Salem, Oregon, this 5th day of January, 1976.

  
JAMES E. SEXSON  
Director