

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION )  
OF RICHARD S. HINOJOSA FOR AP- )  
PROVAL OF CHANGES IN PLACE OF USE )  
AND POINT OF DIVERSION OF WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3994

On July 19, 1978, an application was filed in the office of the Water Resources Director by Richard S. Hinojosa for approval of changes in place of use and point of diversion from Quines Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 9614, Volume 9, State Record of Water Right Certificates, in the name of W.O. Condray, describes a right which includes the use of water from Quines Creek for stock use and for irrigation of 12.2 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 26, Township 32 South, Range 5 West, W.M., with a date of priority of July 25, 1894.

Water for the said right is diverted, through the Tullett Ditch, from a point located 685 feet South and 710 feet East from the Northwest Corner of Section 35, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 35, Township 32 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use from a certain 4.0 acres of the lands above described and, without loss of priority, to irrigate in lieu thereof a certain other 4.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 26, Township 32 South, Range 5 West, W.M. The applicant herein also proposes to change the point of diversion therefrom, without loss of priority, to a point located 950 feet South and 1300 feet East from the West Quarter Corner of Section 26, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 26, Township 32 South, Range 5 West, W.M., for stock use and for irrigation of the 4.0 acres at the new place of use and for the remaining 8.2 acres.

Notice of the application, pursuant to ORS 540.520(2), was published in the News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of August 1, 8 and 15, 1978.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

V31, 0279

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are 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;

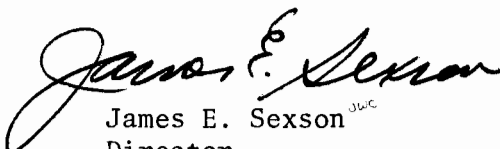
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1980.

The order of the Water Resources Director entered September 29, 1978, canceled the balance of the water right described by the certificate recorded at page 9614, Volume 9, State Record of Water Right Certificates, NOT involved in this transfer proceeding; therefore,

It is FURTHER ORDERED that the certificate of water right recorded at page 9614, Volume 9, 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 applicant herein.

Dated at Salem, Oregon this 29th day of September, 1978.

  
James E. Sexson <sup>DWC</sup>  
Director