

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION )  
OF VIRGIL L. AND ALLAN R. MATHANY )  
FOR APPROVAL OF A CHANGE IN POINT )  
OF DIVERSION OF WATER FROM )  
LUCKIAMUTE RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3511

On January 20, 1977, Virgil L. and Allan R. Mathany filed an application in the office of the Water Resources Director for approval of an additional point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right recorded at Page 26579, Volume 18, State Record of Water Right Certificates, in the name of Virgil L. and Frances L. Mathany, describes an existing right of record for the use of not to exceed 0.64 cubic foot per second from Luckiamute River for 2.4 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 1.6 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 27.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 20.4 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, Township 9 South, Range 6 West, W.M., with a date of priority of March 26, 1957.

Water for the said right is diverted from a point located 2000 feet North and 870 feet West from the Southeast corner of J. Zumwalt DIC #49, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, Township 9 South, Range 6 West, W.M.

The applicant herein, owner of the lands above described, proposes to change, without loss of priority, the point of diversion and to establish an additional point of diversion from the Luckiamute River at a point located 800 feet North and 1170 feet West from the Southeast corner of said DIC No. 49, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, Township 9 South, Range 6 West, W.M.

Notice of the application, pursuant to ORS 540.510, was published in the Sun-Enterprise, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of February 9, 16 and 23, 1977.

Mr. Benjamin E. Monroe, 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 objection 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 Luckiamute River 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 0.64 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 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, 1978.

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 of water right heretofore issued to Virgil L. and Frances L. Mathany and recorded at Page 26579, Volume 18, State Record of Water Right Certificates, be canceled, and in lieu thereof a new confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon, this 17th day of May, 1977.

  
JAMES E. SEXSON  
Director