

BEFORE THE STATE ENGINEER OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION )  
OF LEROY LUMAN FOR THE APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM ABIQUA CREEK )  
- - - - -

ORDER APPROVING  
TRANSFER NO. L-90

On August 24, 1967, Leroy Luman filed an application in the office of the State Engineer for a change in point of diversion of water from Abiqua Creek pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John Morley and recorded at page 14305, Volume 12, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.027 cubic foot per second of water from Abiqua Creek for the irrigation of, among other lands, 2.13 acres in NW¼ NW¼, Section 29, Township 6 South, Range 1 East, W.M.; with a date of priority of June 24, 1940. These lands are irrigated from a point of diversion located 1100 feet south and 600 feet east from the NW corner of Section 29 being within the NW¼ NW¼ of Section 29, Township 6 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion to a point to be located 1507.8 feet south 37° east from the NW corner of Section 29 being within the NW¼ NW¼ of Section 29, Township 6 South, Range 1 East, 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. Clayton J. Gardner, Watermaster of District No. 1, nas filed a report to the effect that the proposed change in 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 proposed change in point of diversion of water from Abiqua Creek, to-wit:

From a point located 1100 feet south and 600 feet east from the NW corner of Section 29 being within the NW¼ NW¼ of Section 29, Township 6 South, Range 1 East, W.M.

To a point to be located 1507.8 feet south 37° east from the NW corner of Section 29 being within the NW¼ NW¼ of Section 29, Township 6 South, Range 1 East, W.M.

for the irrigation of 2.13 acres in NW¼ NW¼, Section 29, Township 6 South, Range 1 East, W.M., with a date of priority of June 24, 1940, 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, 1969.

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 0.027 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 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 certificate of water right heretofore issued to John Morley and recorded at page 14305, Volume 12, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding, and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Leroy Luman confirming said change in point of diversion.

Dated at Salem, Oregon, this 21st day of August, 1968.

  
CHRIS L. WHEELER  
State Engineer