

POLK COUNTY

IN THE MATTER OF THE APPLICATION OF)
P. KENDALL CATES FOR APPROVAL OF A)
CHANGE IN PLACE OF USE OF WATER)
FROM LUCKIAMUTE RIVER)

ORDER APPROVING
TRANSFER NO. 3685

On May 26, 1977, an application was filed in the office of the Water Resources Director by P. Kendall Cates for a change in place of use under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 21291, Volume 15, State Record of Water Right Certificates, in the name of E. M. Cates, describes a right which includes the use of not to exceed 0.13 cubic foot per second from Luckiamute River for irrigation of 9.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 1.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 9 South, Range 6 West, W.M., with a date of priority of January 30, 1951.

Water for the said right is diverted from a point located 2000 feet South and 1200 feet West from the Northeast corner of Section 26, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 26.

The applicant herein, owner of the lands above described, proposes to change the place of use therefrom and, without loss of priority, to irrigate a certain 3.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, 4.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 2.7 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 9 South, Range 6 West, W.M.

Mr. Benjamin E. Monroe, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

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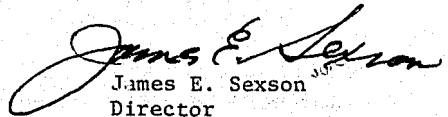
No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

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 E. M. Cates and recorded at page 21291, Volume 15, State Record of Water Right Certificates, is canceled and in lieu thereof a new confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 12th day of September, 1977.


James E. Sexson
Director