

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION OF)
SCIO SCHOOL DISTRICT 95C FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 4785

On June 5, 1981, an application was filed in the office of the Water Resources Director by Scio School District 95C for approval of a change in point of diversion of water from Thomas Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 14612, Volume 12, State Record of Water Right Certificates, in the names of Winnie A. Hosch and J. F. Hosch, describes a right which includes the use of not to exceed 0.09 cubic foot per second from Thomas Creek for irrigation of a certain 3.8 acres in SE 1/4 SE 1/4, Section 7 and 3.4 acres in SW 1/4 SW 1/4, Section 8, both as projected within Preston Munkers DLC 564, Township 10 South, Range 1 West, WM, with a date of priority of August 26, 1936.

Water for the said right is diverted from a point located within the NW 1/4 SW 1/4, Section 8, Township 10 South, Range 1 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 450 feet North and 625 feet East from the Southwest Corner of Section 8, being within the SW 1/4 SW 1/4, Section 8, Township 10 South, Range 1 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Scio Tribune, a newspaper printed and having general circulation in Linn County, Oregon, for a period of three weeks in the issues of June 11, 18 and 25, 1981.

L. Gene McGinnis, 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 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 requested change in point of diversion, as described herein, without loss of priority, is 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, and shall not exceed 0.09 cubic foot per second.

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:

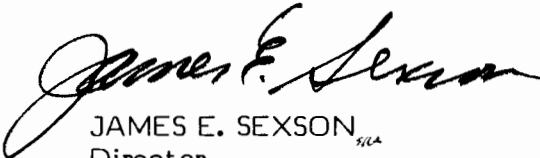
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 on or before October 1, 1983.

It is FURTHER ORDERED that the certificate recorded at page 14612, Volume 12, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; 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 26th day of October, 1981.


JAMES E. SEXSON^{sica}
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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