

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION)
OF ROBERT D. & EARLEEN L. FOX FOR)
APPROVAL OF AN ADDITIONAL POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 2670

On June 29, 1972, an application was filed in the office of the Water Resources Director by Robert D. and Earleen L. Fox for approval of an additional point of diversion of water from an unnamed slough of South Santiam River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24581, Volume 17, State Record of Water Right Certificates, in the names of C. R. and Marie Billings, describes a right which includes the use of not to exceed 0.09 cubic foot per second from an unnamed slough of South Santiam River for irrigation of a certain 4.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 10 South, Range 2 West, W.M., with a date of priority of January 20, 1958.

Water for the said right is diverted from a point located South 65 degrees, 30 minutes West, 36 chains from the East Quarter Corner of Section 28, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28.

The applicants propose to maintain the aforesaid point of diversion and to establish an additional point of diversion, without loss of priority, at a point located 1023 feet North and 1650 feet West from the Southeast Corner of Section 28, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28, for irrigation of said lands.

Mr. 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 additional 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, 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 0.09 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 NO time need be fixed for completion as the change in point of diversion is completed.

The balance of the water right described by the certificate recorded at page 24581, Volume 17, State Record of Water Right Certificates, was canceled by an order of the State Engineer dated January 25, 1973; therefore,

It is FURTHER ORDERED that the certificate recorded at page 24581, Volume 17, 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 applicants herein.

Dated at Salem, Oregon this 10th day of August, 1979.

A handwritten signature in cursive script, appearing to read "Chris L. Wheeler Deputy".

James E. Sexson^{WLC}
Director