

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION)
OF HECTOR MACPHERSON FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF)
WATER FROM MUDDY CREEK)

ORDER APPROVING
TRANSFER NO. 4214

On May 7, 1979, an application was filed in the office of the Water Resources Director by Hector Macpherson for approval of a change in place of use of water from Muddy Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 19822, Volume 14, State Record of Water Right Certificates, in the name of Hector Macpherson, describes a right for the use of not to exceed 0.5 cubic foot per second from Muddy Creek for irrigation of a certain 4.8 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 24.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20; and 10.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 12 South, Range 4 West, W.M., with a date of priority of February 23, 1938.

The two authorized points of diversion are located: (1) 150 feet South and 450 feet East; and (2) 800 feet South and 50 feet East, both from the Northwest Corner of D.L.C. No. 60, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 12 South, Range 4 West, W.M.

The applicant herein proposes a change in place of use by severing the right from a certain 21.6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20 and 10.4 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21 of the lands above described and, without loss of priority, to irrigate in lieu thereof a certain 32.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 12 South, Range 4 West, W.M.

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

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 NO time need be fixed for completion as the change in place of use is completed.

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 recorded at page 19822, Volume 14, State Record of Water Right Certificates, be canceled; and in lieu thereof a new certificate of water right be issued to the applicant herein confirming the change authorized herein and covering the balance of the right NOT involved in the change.

Dated at Salem, Oregon this 20th day of August, 1979.



James E. Sexson
Director