

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Linn County

IN THE MATTER OF THE APPLICATION )  
OF CHARLES E. AND LUCILLE H. HIGGINS )  
FOR THE APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER FROM )  
SANTIAM RIVER )  
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ORDER APPROVING  
TRANSFER NO. 3216

On May 2, 1975, Charles E. and Lucille L. Higgins filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Santiam River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Carl A. Plagmann and recorded at Page 37327, Volume 29, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.28 cubic foot per second of water from South Santiam River for the irrigation of, among other lands, 0.6 acre in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, and 9.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 12 South, Range 1 West, W.M., with a date of priority of November 8, 1962. These lands are irrigated from a point of diversion located 30 feet South and 2000 feet West from the Northeast corner of Section 29, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 12 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 950 feet South and 300 feet West from the Northeast corner of Section 29, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 12 South, Range 1 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the

county courthouse in Albany, Oregon, on July 6, 1976, at 9:30 a.m. The notice was published in the Lebanon Express, a newspaper printed and having general circulation in Linn County, Oregon, for a period of three weeks in the issues of May 13, 20 and 27, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

Mr. Gene McGinnis, Watermaster of District No. 2, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

No objection 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 change in point of diversion of water from Santiam River, to wit:

From a point located 30 feet South and 2000 feet West from the Northeast corner of Section 29, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 12 South, Range 1 West, W.M.

To a point to be located 950 feet South and 300 feet West from the Northeast corner of Section 29, being within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, Township 12 South, Range 1 West, W.M.

for the irrigation of 0.6 acre in the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 20, and 9.5 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 29, Township 12 South, Range 1 West, W.M., with a date of priority of November 8, 1962, 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, 1977.

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 0.125 cubic foot per second.

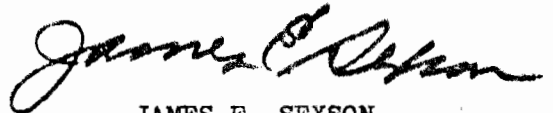
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 the certificate of water right heretofore issued to Carl A. Flaggmann and recorded at Page 37327, Volume 29, 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 Water Resources Director of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Charles E. and Lucille L. Higgins confirming the change in point of diversion.

Dated at Salem, Oregon, this 22nd day of July, 1976.



JAMES E. SEXSON  
Director