

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION
OF WILLIAM G. AND JOY L. STUIVENGA }
FOR THE APPROVAL OF A CHANGE IN }
POINT OF DIVERSION OF WATER FROM }
MILL CREEK }

ORDER APPROVING
TRANSFER NO. 3227

On May 15, 1975, William G. and Joy L. Stuivenga filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Mill Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to William P. Harris and recorded at Page 20966, Volume 15, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.248 cubic foot per second of water from Mill Creek for the irrigation of, among other lands, 4.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, and 2.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 6 South, Range 6 West, W.M., with a date of priority of July 12, 1945. These lands are irrigated from a point of diversion located 600 feet North and 2400 feet West from the Southeast corner of Blair D.L.C. #41, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 6 South, Range 6 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 720 feet North and 2450 feet West from the Southeast corner of Blair D.L.C. #41, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 6 South, Range 6 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there is no intervening diversion.

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 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 change in point of diversion of water from Mill Creek, to wit:

From a point located 600 feet North and 2400 feet West from the Southeast corner of Blair D.L.C. #41, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 6 South, Range 6 West, W.M.

To a point to be located 720 feet North and 2450 feet West from the Southeast corner of Blair D.L.C. #41, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 6 South, Range 6 West, W.M.,

for the irrigation of 4.9 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 6 South, Range 6 West, W.M., with a date of priority of July 12, 1945, 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, 1976.

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 0.089 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.

The balance of the right not involved in this proceeding for the irrigation of 7.1 acres is included in an application filed by George J. and Herta L. Riggs.

It is FURTHER ORDERED that the certificate of water right heretofore issued to William P. Harris and recorded at Page 20966, Volume 15, State Record of Water Right Certificates, is canceled, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein, a certificate of water right shall be issued to William G. and Joy L. Stuivenga confirming the change in point of diversion.

Dated at Salem, Oregon, this 4th day of February, 1976.


JAMES E. SEXSON
Director