

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Benton County

IN THE MATTER OF THE APPLICATION )  
OF JOHN, GEORGINA, AND MICHAEL )  
WAHL FOR APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER \_ \_ \_ )

ORDER APPROVING  
TRANSFER NO. 3841

On November 21, 1977, an application was filed in the office of the Water Resources Director by John, Georgina, and Michael Wahl for approval of a change in point of diversion from Long Tom River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at Page 41966, Volume 34, State Record of Water Right Certificates, in the names of John and Georgina Wahl, describes a right for the use of not to exceed 0.77 cubic foot per second from Long Tom River for the irrigation of 7.6 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 12.9 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and 41.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 25, Township 13 South, Range 5 West, W. M., with a date of priority of October 10, 1967.

Water for the said right is diverted from a point located 390 feet North and 3120 feet East from the West Quarter corner of Section 25, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 25, Township 13 South, Range 5 West, W. M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom without loss of priority, to a point located 2250 feet South and 1320 feet West from the Northeast corner of Section 25, being within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 25, Township 13 South, Range 5 West, W. M.

Mr. 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 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 0.77 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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to John and Georgina Wahl and recorded at Page 41966, Volume 34, 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 8th day of February, 1978.

  
James E. Sexson  
Director