

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Marion County

IN THE MATTER OF THE APPLICATION)
OF DORSEY B. GRAY FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER FROM MARION CREEK)

ORDER APPROVING
TRANSFER NO. 3562

On March 4, 1977, an application was filed in the office of the Water Resources Director by Dorsey B. Gray for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at Page 3924, Volume 5, State Record of Water Right Certificates, in the name of John Palmer and John Palmer, Jr., describes a right for the use of not to exceed 0.34 cubic foot per second from Marion Creek for irrigation of 12.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 13.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.95 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.2 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 9 South, Range 2 West, W.M., with a date of priority of December 20, 1915.

Water for the said right is diverted from a point located North 72 degrees 25 Minutes East, 10.38 Chains from the Southeast corner of I. McCully DIC #52, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 28.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located South 26 Degrees 10 Minutes East, 600 feet from the Southeast corner of I. McCully DIC #52, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 9 South, Range 2 West, W.M.

Mr. Keith Palmer, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

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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 requested change in point of diversion from Marion Creek 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 shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.34 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 head-gates and measuring devices:

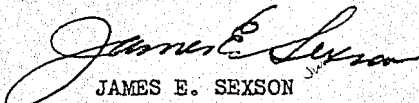
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to John Palmer and John Palmer, Jr., and recorded at Page 3924, Volume 5, 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 applicant herein.

Dated at Salem, Oregon, this 28th day of April, 1977.


JAMES E. SEXSON
Director