

Benton County

IN THE MATTER OF THE APPLICATION OF)
 ELIZABETH BOND STARKER FOR THE)
 APPROVAL OF A CHANGE IN POINT OF)
 DIVERSION OF WATER FROM NORTH FORK)
 ALSEA RIVER)

ORDER APPROVING
TRANSFER NO. 3352

On January 20, 1976, Elizabeth Bond Starker filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from North Fork Alsea River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to John and Marguerite O'Brien and recorded at Page 41663, Volume 33, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.80 cubic foot per second of water from North Fork Alsea River for the irrigation of, among other lands, 3.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 10.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 5.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 2.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 14 South, Range 7 West W.M., with a date of priority of April 13, 1970. These lands are irrigated from a point of diversion located 710 feet North and 1200 feet West from the East quarter-corner of Section 6, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, Township 14 South, Range 7 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 2440 feet South and 1310 feet West from the Northeast corner of Section 6, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, Township 14 South, Range 7 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. Ben Monroe, Watermaster of District Number 18, 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 North Fork Alsea River, to wit:

From a point located 710 feet North and 1200 feet West from the East quarter-corner of Section 6, being within the $SE\frac{1}{4}$ $NE\frac{1}{4}$ of Section 6, Township 14 South, Range 7 West, W.M.

To a point to be located 2440 feet South and 1310 feet West from the Northeast corner of Section 6, being within the $SW\frac{1}{4}$ $NE\frac{1}{4}$ of Section 6, Township 14 South, Range 7 West, W.M.,

for the irrigation of 3.6 acres in $NE\frac{1}{4}$ $NE\frac{1}{4}$, 10.4 acres in $SE\frac{1}{4}$ $NE\frac{1}{4}$, 5.8 acres in $NE\frac{1}{4}$ $SE\frac{1}{4}$, and 2.1 acres in $NW\frac{1}{4}$ $SE\frac{1}{4}$ of Section 6, Township 14 South, Range 7 West, W.M., with a date of priority of April 13, 1970, 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 0.28 cubic foot per second.

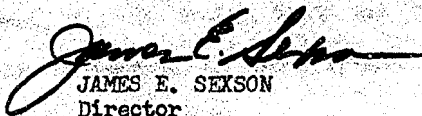
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 John and Marguerite O'Brien and recorded at Page 41663, Volume 33, State Record of Water Right Certificates, is canceled, and in lieu thereof a new certificate be issued covering the balance of the right 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 Elizabeth Bond Starker confirming the change in point of diversion.

Dated at Salem, Oregon, this 20th day of February, 1976.


JAMES E. SEXSON
Director