

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION OF)
GEORGE J. AND HERTA L. RIGGS FOR THE)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER FROM MILL CREEK)

ORDER APPROVING
TRANSFER NO. 3217

On May 5, 1975, George J. and Herta L. Riggs 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 29569, Volume 21, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.01 cubic foot of water per second from an unnamed draw and 0.01 cubic foot of water per second from Mill Creek for maintenance of the reservoir constructed under permit number R-2075 for fish culture in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, township 6 South, Range 6 West, W.M., with a date of priority of September 20, 1957. The reservoir is located in the channel of the unnamed draw and water is diverted from Mill Creek at a point located 580 feet South and 1850 feet West from the Southeast corner of Blair D.L.C. #41, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 6 South, Range 6 West, W.M.

The applicants herein, owners of the reservoir site above described, propose to divert water from Mill Creek at a point to be located 310 feet South and 1530 feet West from the Southeast corner of Blair D.L.C. #41, being within the SE $\frac{1}{4}$ 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 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 580 feet South and 1850 feet West from the Southeast corner of Blair D.L.C. #41, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 6 South, Range 6 West, W.M.

To a point to be located 310 feet South and 1530 feet West from the Southeast corner of Blair D.L.C. #41, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 6 South, Range 6 West, W.M.,

for maintenance of the reservoir constructed under Permit No. R-2075, for fish culture in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 6 South, Range 6 West, W.M., with a date of priority of September 20, 1957, 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 from Mill Creek shall not exceed the quantity of water available at the old point of diversion, and shall not exceed 0.01 cubic foot per second.

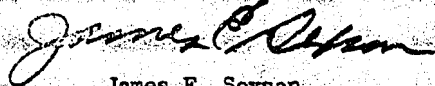
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

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 William P. Harris and recorded at Page 29569, Volume 21, State Record of Water Right Certificates, is canceled, 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 George J. and Herta L. Riggs confirming the change in point of diversion and confirming the right to the use of water from the unnamed draw not involved in the change.

Dated at Salem, Oregon, this 23rd day of February, 1976.



James E. Sexson
Director