

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BENTON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
RAYMOND C. GELLATLY FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER )  
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ORDER APPROVING  
TRANSFER 4727

On April 1, 1981, an application was filed in the office of the Water Resources Director by Raymond C. Gellatly for approval of a change in point of diversion of water from Gellatly Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The order of the Water Resources Director recorded at page 448, Volume 34, Special Order Record of the Water Resources Department, in the name of Robert H. Gellatly, describes a right for the use of not to exceed 0.05 cubic foot per second from Gellatly Creek for irrigation of a certain 1.4 acres in NE 1/4 SE 1/4 and 2.4 acres in NW 1/4 SE 1/4, Section 16, Township 12 South, Range 6 West, WM, with a date of priority of February 17, 1911.

Water for the said right is diverted from a point located 792 feet North and 693 feet West from the Center of Section 16, being within the SE 1/4 NW 1/4 of Section 16, Township 12 South, Range 6 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 900 feet South and 1,070 feet East from the Center of Section 16, being within the NW 1/4 SE 1/4, Section 16, Township 12 South, Range 6 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Benton Bulletin, a newspaper printed and having general circulation in Benton County, Oregon, for a period of three weeks in the issues of May 6, 13, and 20, 1981.

Michael F. Ladd, 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, 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, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right.

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;

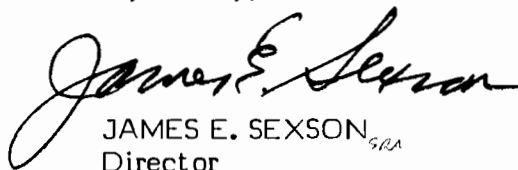
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

That measuring devices be installed at both old and new points of diversion.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the new certificate provided by the order entered April 16, 1981, not be issued; 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 16th day of July, 1981.

  
JAMES E. SEXSON<sup>SRA</sup>  
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.