

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. 3219

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 20469, Volume 15, State Record of Water Right Certificates, confirms a right to the use of not to exceed 0.02 cubic foot per second of water from Mill Creek for stock and domestic use for one family 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 June 25, 1943. Water for these uses is diverted from a point located 910 feet South and 2010 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 water right above described, propose to divert the water for stock use from 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.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in point of diversion of water, if any there were, namely: at the county courthouse in Dallas, Oregon, on January 27, 1976, at 9:30 a.m. The notice was published in the Polk County Itemizer-Observer, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three

weeks in the issues of December 3, 10 and 17, 1975. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

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 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 change in point of diversion of water from Mill Creek, to wit:

From a point located 910 feet South and 2010 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 stock watering 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 June 25, 1943, 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 0.01 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 head-gates and measuring devices.

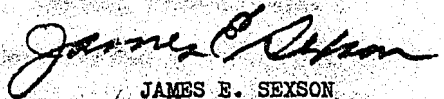
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

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.

An order entered February 24, 1976, canceled that part of the water right evidenced by the certificate recorded at Page 20469 providing for the use of 0.01 cubic foot per second of water from Mill Creek for domestic supplies for one family including the irrigation of not to exceed one-half acre domestic garden.

It is FURTHER ORDERED that the certificate of water right heretofore issued to William P. Harris and recorded at Page 20469, Volume 15, 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.

Dated at Salem, Oregon, this 24th day of February, 1976.



JAMES E. SEXSON
Director