

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CLACKAMAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF R. G. & MARY ANNA BENNETT FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3847

On December 7, 1977, an application was filed in the office of the Water Resources Director by R. G. and Mary Anna Bennett for approval of a change in point of diversion from Willamette River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 43545, Volume 35, State Record of Water Right Certificates, in the name of Carleton Parish Pynn, M.D., describes a right which includes the use of not to exceed 0.11 cubic foot per second from Willamette River for the irrigation of 1.3 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 2.3 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 3 South, Range 1 East, W.M., with a date of priority of July 14, 1949.

Water for the said right is diverted from a point located 10 feet South and 2310 feet East from the Center Corner of Section 22, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 3 South, Range 1 East, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 830 feet North and 2310 feet East from the Center Corner of Section 22, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 3 South, Range 1 East, W.M.

Mr. Clayton Gardner, 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 shall not exceed the quantity of water available at the old point of diversion under the subject right, and shall not exceed 0.11 cubic foot per second.

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:

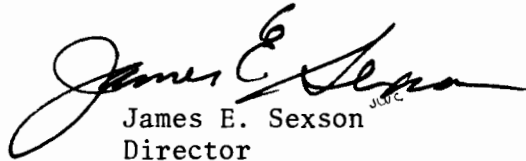
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Carleton Parish Pynn, M.D., and recorded at page 43545, Volume 35, 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 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 applicants herein.

Dated at Salem, Oregon this 13th day of February, 1978.


James E. Sexson
Director