

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)

ORDER APPROVING
TRANSFER 4728

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 certificate recorded at page 1164, Volume 2, State Record of Water Right Certificates, in the name of Isabell Gray, describes a right for the use of not to exceed 0.06 cubic foot per second from Gellatly Creek, for irrigation of a certain 0.5 acre in NE 1/4 SE 1/4 and 4.0 acres in NW 1/4 SE 1/4, Section 16, Township 12 South, Range 6 West, WM, with a date of priority of September 8, 1911.

Water for the said right is diverted from a point located 429 feet South and 528 feet East from the Center of Section 16, being within the NW 1/4 SE 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 924 feet South and 1,188 feet East from the Center of Section 16, being within NW 1/4 SE 1/4 of Section 16, Township 12 South, Range 6 West, WM.

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;

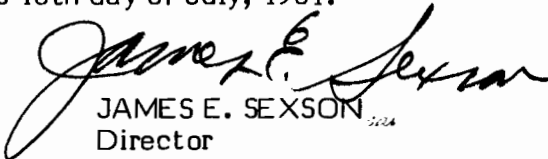
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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 certificate recorded at page 1164, Volume 2, State Record of Water Right Certificates, is canceled; 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
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.