

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BENTON COUNTY

IN THE MATTER OF THE APPLICATION)
OF G. FRANK & LUCILE M. BERGER FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4247

On July 5, 1979, an application was filed in the office of the Water Resources Director by G. Frank and Lucile M. Berger for approval of a change in point of diversion of water from Alsea River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 42589, Volume 34, State Record of Water Right Certificates, in the names of Lloyd and Bonnetta Colley, describes a right which includes the use of not to exceed 0.013 cubic foot per second from Alsea River for irrigation of a certain 1.1 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 14 South, Range 8 West, W.M., with a date of priority of September 23, 1970.

The authorized point of diversion for said right is located 1080 feet South and 2100 feet West from the East Quarter Corner of Section 8, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 14 South, Range 8 West, 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 920 feet South and 2640 feet West from the East Quarter Corner of Section 8, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 14 South, Range 8 West, W.M.

Mr. 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 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.

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, 1981.

It is FURTHER ORDERED that the certificate recorded at page 42589, Volume 34, 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 the proceeding approving transfer application No. 4252; 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 26th day of October, 1979.


James E. Sexson *SJS*
Director