

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION )  
OF VIRGIL L. PADE FOR APPROVAL OF)  
A CHANGE IN POINT OF DIVERSION OF)  
WATER FROM BRUSH COLLEGE CREEK )

ORDER APPROVING  
TRANSFER NO. 4273

On August 7, 1979, an application was filed in the office of the Water Resources Director by Virgil L. Pade for approval of a change in point of diversion, pursuant to ORS 540.510 to 540.530.

The certificate recorded at page 21166, Volume 15, State Record of Water Right Certificates, in the names of Gurnee Flesher and Fred B. & Blanch E. Heath, describes a right which includes the use of not to exceed 0.056 cubic foot per second from Brush College Creek for irrigation of a certain 4.4 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  and 0.1 acre in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected within C. Hosford DLC 65, Section 8, Township 7 South, Range 3 West, W. M., with a date of priority of August 19, 1946. These lands also have a supplemental right under certificate recorded at page 31005, Volume 23, State Record of Water Right Certificates, with a priority date of July 15, 1958, for a diversion of 2 $\frac{1}{2}$  acre feet per acre or its equivalent for each acre irrigated during the irrigation season of each year, and further limited to a total diversion of not to exceed 2.0 acre feet per year.

Water for the said right is diverted from a point located 1950 feet North and 525 feet East from the Southwest Corner of Section 8, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 8, Township 7 South, Range 3 West, W. M.

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 1500 feet North and 625 feet East from the Southwest Corner of Section 8, being within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 8, Township 7 South, Range 3 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:

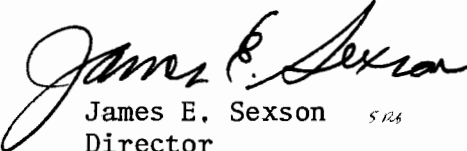
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that the certificates of water right recorded at pages 21166, Volume 15 and 31005, Volume 23, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates be issued covering the balance of the rights 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 26th day of October, 1979.

  
James E. Sexson 5126  
Director