

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

YAMHILL COUNTY

IN THE MATTER OF THE APPLICATION OF )  
CRAIG EAGLESON FOR APPROVAL OF )  
CHANGES IN PLACE OF USE AND POINT OF )  
DIVERSION OF WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3069

On June 26, 1974, an application was filed in the office of the Water Resources Director by Craig Eagleson for approval of changes in place of use and point of diversion from Springbrook Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 21687, Volume 16, State Record of Water Right Certificates, in the name of L. W. Moser, describes a right for the use of not to exceed 0.25 cubic foot per second from an unnamed stream for irrigation of a certain 0.5 acre in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.4 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 10.9 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 8.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , all as projected within Luke McKern D.L.C. No. 56, of Section 21, Township 3 South, Range 2 West, W.M., with a date of priority of September 15, 1948.

Water for the said right is diverted from a point located 2000 feet North and 50 feet East from the South Quarter Corner of Section 21, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within Luke McKern D.L.C. No. 56, of Section 21, Township 3 South, Range 2 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use, without loss of priority, from a certain 0.2 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 2.3 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 21 and to irrigate in lieu thereof a certain 1.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 1.0 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 21.

The applicant herein also proposes to change the point of diversion therefrom, without loss of priority, to a point located 2200 feet North and 350 feet East from the South Quarter Corner of Section 21, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within Luke McKern D.L.C. No. 56, of said Section 21 for the irrigation of the 0.5 acre in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 0.2 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 12.4 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 6.9 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 21, Township 3 South, Range 2 West, W.M.

Mr. Clayton Gardner, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are 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 0.25 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 no time need be fixed for completion as the changes in place of use and point of diversion are completed.

It is FURTHER ORDERED that the certificate of water right heretofore issued to L. W. Moser and recorded at page 21687, Volume 16, 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 March, 1978.

James E. Sexson <sup>Director</sup>  
Director