

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION OF )  
DESSERT SEED COMPANY FOR APPROVAL OF )  
CHANGES IN PLACE OF USE AND POINT OF )  
DIVERSION OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 4504

On May 19, 1980, an application was filed in the office of the Water Resources Director by Dessert Seed Company for approval of changes in place of use and point of diversion of water from Luckiamute River, pursuant to the provisions of ORS 540.510 to 540.530.

Pursuant to the provisions of 540.530(2), proof has been made to the satisfaction of the Water Resources Director that changes in place of use and point of diversion have been completed under the terms of transfer No. 3549 in the name of Dessert Seed Company for the use of not to exceed 0.62 cubic foot per second from Luckiamute River for irrigation of a certain 12.2 acres in SE 1/4 NW 1/4, 23.4 acres in NE 1/4 SW 1/4 and 14.4 acres in SE 1/4 SW 1/4, Section 17, Township 9 South, Range 5 West, W.M., with a date of priority of October 26, 1950.

Water for the said right is diverted from a point located 730 feet South and 3370 feet West from the Southeast Corner of DLC No. 56, being within the SW 1/4 SE 1/4, Section 17, Township 9 South, Range 5 West, W.M.

The applicant herein proposes to sever the water right therefrom and to irrigate in lieu thereof a certain 5.0 acres in NW 1/4 SW 1/4, Section 16, 20.0 acres in NE 1/4 SE 1/4, 19.6 acres in NW 1/4 SE 1/4 and 5.4 acres in SW 1/4 SE 1/4, Section 17, from the aforesaid point of diversion and from an additional point located 600 feet South and 1900 feet West from the Southeast Corner of DLC No. 56, being with SE 1/4 SE 1/4, Section 17, Township 9 South, Range 5 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Itemizer-Observer, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of May 28, June 4 and 11, 1980.

Mr. Michael F. Ladd, 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.

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 said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that 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 25th day of July, 1980.

  
JAMES E. SEXSON <sup>5/16</sup>  
Director