

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 )  
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ORDER APPROVING  
TRANSFER NO. 4505

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.

The certificate recorded at page 44890, Volume 36, State Record of Water Right Certificates, in the name of C.A. Twiss, describes a right which includes the use of not to exceed 0.31 cubic foot per second from Luckiamute River for irrigation of a certain 19.6 acres in NW 1/4 SE 1/4 and 5.4 acres in SW 1/4 SE 1/4, Section 17, Township 9 South, Range 5 West, W.M., with a date of priority of January 27, 1965.

Water for the said right is diverted from a point located 630 feet South and 3090 feet West from the Southeast Corner of James Smith DLC No. 56, being within the SW 1/4 SE 1/4 of Section 17, Township 9 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 10.6 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., from a point located 730 feet South and 3370 feet West from the Southeast Corner of James Smith DLC 56, being within the SW 1/4 SE 1/4, Section 17, Township 9 South, Range 5 West, W.M.

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;

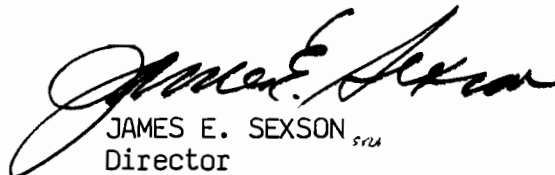
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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 the certificate recorded at page 44890, Volume 36, 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 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 Sr  
Director