

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UNION COUNTY

IN THE MATTER OF THE APPLICATION OF )  
KENNETH KNOTT FOR APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF WATER )

ORDER APPROVING  
TRANSFER 5856

On September 22, 1986, an application was filed in the office of the Water Resources Director by Kenneth Knott for approval of a change in point of diversion of water from Spring Branch Warm Creek (South Branch Warm Creek), pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Union County, Oregon, entered March 13, 1924, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Grande Ronde River and Its Tributaries, a water right was established in the name of Payne Estate, tabulated in Volume 8, page 84, Order Record of the Water Resources Director, for use of not to exceed 0.50 cubic foot per second from Spring Branch Warm Creek for irrigation of, among other lands, a certain 20.0 acres in NW 1/4 NE 1/4, Section 15, Township 3 South, Range 40 East, WM, with a date of priority of 1874, as evidenced by the certificate recorded at page 6509, Volume 6, State Record of Water Right Certificates.

Water for the said right is diverted, through the Payne's Ditch, from a point located 370 feet North and 50 feet West from the Southwest Corner of SE 1/4 SE 1/4, Section 10, being within the SW 1/4 SE 1/4 of Section 10, Township 3 South, Range 40 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 410 feet North and 50 feet East from the Southwest Corner of SE 1/4 SE 1/4, Section 10, being within the SE 1/4 SE 1/4 of Section 10, Township 3 South, Range 40 East, WM.

H. Boyd Hadden, 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 proposed change in point of diversion is approved, without loss of priority.

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 0.50 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:

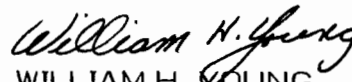
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the right to divert water from the point described in Certificate 6509 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 6509, Volume 6, 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 3rd day of December, 1986.

  
WILLIAM H. YOUNG<sup>3/24</sup>  
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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