

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION)  
OF WAYNE D. BOSWELL FOR APPROVAL)  
OF A CHANGE IN POINT OF )  
DIVERSION OF WATER \_ \_ \_ \_ \_ )

ORDER APPROVING  
TRANSFER NO. 4283

On August 20, 1979, an application was filed in the office of the Water Resources Director by Wayne D. Boswell for approval of a change in point of diversion from South Santiam River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 23801, Volume 17, State Record of Water Right Certificates, in the name of Carl A. Pracht, describes a right which includes the use of not to exceed 0.05 cubic foot per second from South Santiam River for irrigation of a certain 3.5 acres in SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 29, Township 12 South, Range 1 West, W. M., with a date of priority of May 10, 1954.

Water for the said right is diverted from a point located 850 feet South and 1600 feet East from the North Quarter Corner of Section 29, being within the NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 29, Township 12 South, Range 1 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 280 feet South and 470 feet East from the North Quarter Corner of Section 29, being within the NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 29, Township 12 South, Range 1 West, W. M.

Notice of the application, pursuant to the ORS 540.520(2), was published in the Democrat-Herald, a newspaper printed and having general circulation in Linn County, Oregon, for a period of three weeks in the issues of September 26, October 3 and 10, 1979.

Mr. L. Gene McGinnis, 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:

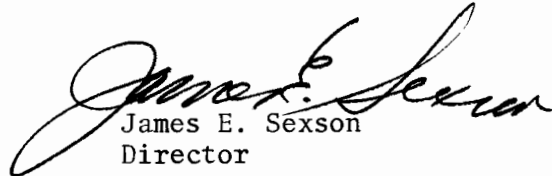
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 certificate recorded at page 23801, Volume 17, 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 27th day of November, 1979.

  
James E. Sexson  
Director

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