

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF RON VIBBERT AND SONS FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER - - - - -)

ORDER APPROVING
TRANSFER NO. 4299

On September 25, 1979, an application was filed in the office of the Water Resources Director by H. Bryce Vibbert for approval of a change in place of use from Mud Springs Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Pursuant to the provisions of ORS 537.260(2), proof has been made to the satisfaction of the Water Resources Director that a right has been perfected under the terms of permit No. 40461 in the name of Ron Vibbert and Sons, for the use of not to exceed 3.80 cubic feet per second from Mud Springs Creek, for irrigation of a certain 13.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20; 34.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 39.7 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 24.8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 14.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 22.5 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 9 South, Range 14 East, W. M., with a date of priority of February 11, 1976.

Water for the said right is diverted from a point located 1730 feet South and 2430 feet East from the Northwest Corner of Section 20, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 9 South, Range 14 East, W. M.

The applicants herein, owners of the lands above described, propose to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 4.3 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 5.3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7; 33.0 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, 29.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 32.5 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 37.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 4.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 9 South, Range 14 East, W. M.

Mr. Robert F. Main, Watermaster, has filed a statement to the effect that the proposed change in place of use may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in place of use may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use, as described herein, without loss of priority, is approved.

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:

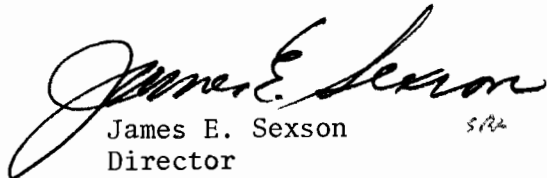
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that the water right approved under the terms of permit No. 40461 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 applicants herein.

Dated at Salem, Oregon this 27th day of November, 1979.


James E. Sexson
Director

5/22