

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BENTON COUNTY

IN THE MATTER OF THE APPLICATION)
OF GRACEN L. BUSH FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND)
POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 4569

On July 22, 1980, an application was filed in the office of the Water Resources Director by Gracen L. Bush 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 24316, Volume 17, State Record of Water Right Certificates, in the names of Rex and Ethel Clemens, describes a right which includes the use of not to exceed 1.24 cubic feet per second from Luckiamute River for irrigation of a certain 17.5 acres in SW 1/4 NW 1/4, 8.4 acres in SE 1/4 NW 1/4, 24.8 acres in NW 1/4 SW 1/4, 19.2 acres in NE 1/4 SW 1/4, 15.8 acres in SW 1/4 SW 1/4 and 13.3 acres in SE 1/4 SW 1/4, Section 18, Township 10 South, Range 6 West, WM, with a date of priority of October 12, 1951.

Water for the said right is diverted from two points located 1) 75 feet North and 410 feet East from the West Quarter Corner of Section 18, being within the SW 1/4 NW 1/4, Section 18 and 2) 1,440 feet North and 300 feet East from the Southwest Corner of Section 18, Township 10 South, Range 6 West, WM.

The applicant herein proposes to sever the right therefrom and irrigate in lieu thereof, without loss of priority, a certain 10.5 acres in NW 1/4 NE 1/4, 12.9 acres in SW 1/4 NE 1/4, 5.2 acres in SW 1/4 NW 1/4, 1.5 acres in SE 1/4 NW 1/4, 2.3 acres in NE 1/4 SW 1/4, 17.8 acres in NW 1/4 SW 1/4, 21.7 acres in SW 1/4 SW 1/4, Section 29; 2.2 acres in SW 1/4 NE 1/4, 12.7 acres in NE 1/4 SE 1/4, 11.1 acres in NW 1/4 SE 1/4, 1.2 acres in SE 1/4 SE 1/4, Section 30, Township 10 South, Range 6 West, WM, from 3 points of diversion located 1) 2,200 feet South and 620 feet East from the Northwest Corner of DLC 40, being within SE 1/4 SE 1/4, Section 30; 2) 170 feet South and 2,940 feet East from the Northwest Corner of DLC 40, being within SE 1/4 NW 1/4, Section 29; and 3) 200 feet North and 2,950 feet East from Northwest Corner of DLC 40, being within SE 1/4 NW 1/4, Section 29, all Township 10 South, Range 6 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Gazette-Times, a newspaper printed and having general circulation in Benton County, Oregon, for a period of three weeks in the issues of March 16, 23, and 30, 1981.

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 points of diversion shall not exceed the quantity of water available at the old points 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.

The Watermaster may require that measuring devices be installed at both old and new points of diversion.

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, 1982.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1982.

It is FURTHER ORDERED that the certificate recorded at page 24316, 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 18th day of May, 1981.


JAMES E. SEXSON
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.