

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 4570

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 42590, Volume 34, State Record of Water Right Certificates, describes a right for the use of not to exceed 0.74 cubic foot per second of water from Luckiamute River for irrigation of a certain 5.2 acres in SW 1/4 NW 1/4, 0.7 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; 12.7 acres in NE 1/4 SE 1/4 and 1.2 acres in SE 1/4 SE 1/4, incorrectly described in said certificate as SE 1/4 NE 1/4, Section 30, Township 10 South, Range 6 West, WM, with a date of priority of May 4, 1970.

Water for the said right is diverted from 2 points located 1) 2,200 feet South and 620 feet East from the Northwest Corner of DLC 40, being within the SE 1/4 SE 1/4, Section 30; and 2) 170 feet South and 2,940 feet East from the Northwest Corner of DLC 40, being within the SE 1/4 NW 1/4, Section 29, both Township 10 South, Range 6 West, WM.

The applicant herein proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 1.7 acres in NE 1/4 SE 1/4, 31.1 acres in SW 1/4 SE 1/4, 14.3 acres in SE 1/4 SE 1/4, Section 20; 2.9 acres in NE 1/4 NE 1/4 and 9.3 acres in NW 1/4 NE 1/4, Section 29, Township 10 South, Range 6 West, WM, from Point of Diversion 5, located 2,180 feet North and 4,150 feet East from the Northwest Corner of DLC 40, being within the NW 1/4 NE 1/4, Section 29, 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 point 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 42590, Volume 34, State Record of Water Right Certificates, 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 applicant herein.

Dated at Salem, Oregon this 18th day of May, 1981.


JAMES E. SEXSON, III
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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