

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

BENTON COUNTY

IN THE MATTER OF THE APPLICATION OF )  
IVAN M. HORNING FOR APPROVAL OF A )  
CHANGE IN POINT OF APPROPRIATION )  
OF WATER )  
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ORDER APPROVING  
TRANSFER 5264

On May 12, 1983, an application was filed in the office of the Water Resources Director by Ivan M. Horning for approval of a change in point of appropriation of water from ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 32406, Volume 24, State Record of Water Right Certificates, in the name of Ivan M. Horning, describes a right which includes the use of not to exceed 0.53 cubic foot per second from ground water for irrigation of 29.5 acres in NE 1/4 SW 1/4 and 34.0 acres in SE 1/4 SW 1/4, Section 36, Township 13 South, Range 5 West, WM, with a date of priority of May 22, 1961.

The authorized point of appropriation is located 1105 feet North and 1947 feet East from the Southwest Corner of Section 36, being within the SE 1/4 SW 1/4 of Section 36, Township 13 South, Range 5 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of appropriation therefrom to a well located 1150 feet North and 670 feet East from the Southwest Corner of Section 36, being within the SW 1/4 SW 1/4 of Section 36, Township 13 South, Range 5 West, WM.

The applicant has authorized cancellation of the balance of said right.

L. Gene McGinnis, Watermaster, has filed a statement to the effect that the proposed change in point of appropriation may be made without injury to existing rights.

Frederick G. Lissner, Hydrogeologist, has filed a statement to the proposed change in point of appropriation may be make without injury to existing rights.

No objections having been filed and it appearing that the proposed change in point of appropriation 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 appropriation is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water appropriated at the new well, shall not exceed the quantity of water available at the old well under the subject right, and shall not exceed 0.53 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:

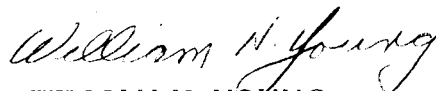
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 construction work shall be completed and water used from the proposed point of diversion on or before October 1, 1985.

It is FURTHER ORDERED that the certificate recorded at page 32406, Volume 24, 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 applicants herein.

Dated at Salem, Oregon this 3rd day of November, 1983.

  
WILLIAM H. YOUNG  
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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