

## WASHINGTON COUNTY

IN THE MATTER OF THE APPLICATION )  
 OF EDMUND DUYCK FOR APPROVAL OF )  
 CHANGES IN PLACE OF USE & POINT )  
 OF DIVERSION OF WATER )  
 - - - - -

ORDER APPROVING  
 TRANSFER NO. 4308

On October 17, 1979, an application was filed in the office of the Water Resources Director by Edmund Duyck for approval of changes in place of use and point of diversion of water from Dairy Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16653, Volume 13, State Record of Water Right Certificates, in the name of Eva Bailey Lynch, describes a right which includes the use of not to exceed 0.55 cubic foot per second from Dairy Creek for irrigation of a certain 14.9 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 4.6 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 2.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 22.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 1, Township 1 South, Range 3 West, W.M., with a date of priority of October 9, 1939.

Water for the said right is diverted from a point located within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 1, Township 1 South, Range 3 West, W.M.

The applicant herein proposes to sever the right therefrom and, without loss of priority, to irrigate in lieu thereof a certain 1.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.3 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 20.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 12.7 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 2, Township 1 South, Range 3 West, W.M., from a point of diversion located South 64 degrees 45 minutes East, 525 feet from the Southwest Corner of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 1, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 1, Township 1 South, Range 3 West, W.M.

Mr. Clayton Gardner, 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 point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed:

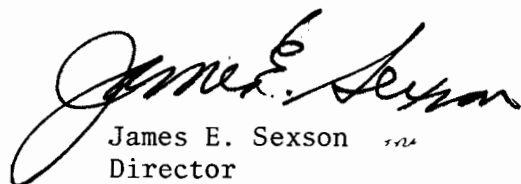
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 16653, Volume 13, 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 20th day of December, 1979.

  
James E. Sexson  
Director