

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION OF)
LINCOLN HORIZONS, INC. FOR APPROVAL)
OF A CHANGE IN PLACE OF USE OF WATER)

ORDER APPROVING
TRANSFER 5999

On September 25, 1987, an application was filed in the office of the Water Resources Director by Lincoln Horizons, Inc. for approval of a change in place of use of water from Rickreall Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 21314, Volume 15, State Record of Water Right Certificates, in the name of Bruce Cooley, describes a right for which includes the use of not to exceed 0.013 cubic foot per second from Rickreall Creek, for irrigation of:

0.37 acre SW 1/4 NW 1/4
0.64 acre NW 1/4 SW 1/4
Section 35
Township 7 South, Range 5 West, WM

with a date of priority of August 10, 1951.

The applicant herein, owner of the lands above described, proposes to transfer the right therefrom to a certain 1.01 acres in SW 1/4 NW 1/4 of Section 35, Township 7 South, Range 5 West, WM.

The certificate recorded at page 34287, Volume 26, State Record of Water Right Certificates, in the name of William J. Ferguson, describes a right for which includes the use of not to exceed 0.036 cubic foot per second from Rickreall Creek, for irrigation of:

0.7 acre SE 1/4 NE 1/4
Section 34
2.2 acres SW 1/4 NW 1/4
Section 35
Township 7 South, Range 5 West, WM

with a date of priority of June 20, 1962.

Water for the said right is diverted from a point located 390 feet South and 420 feet East from the Northeast corner of DLC 66, being within the NW 1/4 SW 1/4 of Section 35, Township 7 South, Range 5 West, WM.

The applicant herein, owner of the lands above described, proposes to transfer the right therefrom to a certain 2.90 acres in SW 1/4 NW 1/4 of Section 35, Township 7 South, Range 5 West, WM.

Clifton R. King, 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 proposed change in place of use is approved, without loss of priority.

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.

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:

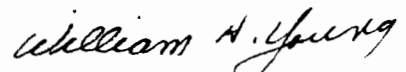
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 subject water rights are hereby severed from the place of use described in Certificates 21314 and 34287, and shall be beneficially used as authorized by this order on or before October 1, 1989.

It is FURTHER ORDERED that the certificate recorded at pages 21314 and 34287, Volumes 15 and 26, State Record of Water Right Certificates, are canceled; and in lieu thereof new certificates 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon, this 18th day of February, 1988.


WILLIAM H. YOUNG
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

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