

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINN COUNTY

IN THE MATTER OF THE APPLICATION)
OF JAMES AND CLARA SCIVALLY FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4479

On April 18, 1980, an application was filed in the office of the Water Resources Director by James and Clara Scivally for approval of a change in point of diversion of water from Thomas Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 35911, Volume 27, State Record of Water Right Certificates, in the names of Walter R. and Anna M. Johnson, describes a right which includes the use of not to exceed 0.10 cubic foot per second from Thomas Creek for irrigation of a certain 0.4 acre in NE 1/4 NE 1/4, 10.8 acres in SE 1/4 NE 1/4, Section 21 and 2.0 acres in SW 1/4 NW 1/4, Section 22, Township 10 South, Range 2 West, W.M., with a date of priority of February 15, 1951.

Water for the said right is diverted from points located 350 feet South and 1170 feet West and 480 feet South and 180 feet West from the Northeast Corner of Section 21, being within the NE 1/4 NE 1/4 of Section 21, Township 10 South, Range 2 West, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 650 feet South and 540 feet West from the Southwest Corner of Fletcher DLC 66, being within the SW 1/4 NW 1/4, Section 23, Township 10 South, Range 2 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the Democrat-Herald, a newspaper printed and having general circulation in Linn County, Oregon, for a period of three weeks in the issues of June 30, July 7 and 14, 1980.

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

No objections having been filed and it appearing that the proposed change in 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 change in point of diversion, as described herein, without loss of priority, is 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 effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

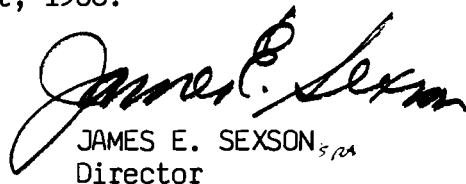
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the change in point of diversion of water made on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 35911, Volume 27, 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 applicants herein.

Dated at Salem, Oregon this 22nd day of August, 1980.


JAMES E. SEXSON^{5, 2A}
Director