

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Polk County

IN THE MATTER OF THE APPLICATION)
OF P. KENDALL CATES FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM LUCKIAMUTE RIVER)

ORDER APPROVING
TRANSFER NO. 3584

On March 15, 1977, an application was filed in the office of the Water Resources Director by P. Kendall Cates for a change in point of diversion under an existing water right of record, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at Page 21127, Volume 15, State Record of Water Right Certificates, in the name of E. M. Cates, describes a right for the use of not to exceed 0.22 cubic foot per second from Luckiamute River for irrigation of 15.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 2.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 9 South, Range 6 West, W.M., with a date of priority of March 10, 1953.

Water for the said right is diverted from a point located North 75 degrees, 26 Minutes West, 1080 feet from the South quarter-corner of Section 24, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 24.

The applicant herein, owner of the lands above described, proposes to change the point of diversion, without loss of priority, to a point located 200 feet South and 800 feet West from the South quarter-corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 9 South, Range 6 West, W.M.

Mr. Benjamin E. Monroe, 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 objection 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, and shall not exceed 0.22 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install head-gates and measuring devices:

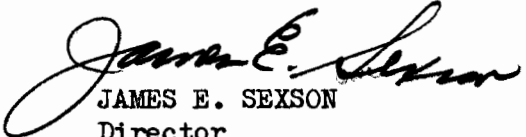
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1978.

It is FURTHER ORDERED that the certificate of water right heretofore issued to E. M. Cates and recorded at Page 21127, Volume 15, 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 31st day of May, 1977.


JAMES E. SEXSON
Director