

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION OF )  
PHILLIP M. AND CAROL N. JONES FOR )  
APPROVAL OF CHANGES IN PLACE OF USE )  
AND POINT OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER 5398

On October 14, 1983, an application was filed in the office of the Water Resources Director by Phillip M. and Carol N. Jones for approval of changes in place of use and point of diversion of water from Teal Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 31001, Volume 23, State Record of Water Right Certificates, in the name of James Doran, describes a right which includes the use of not to exceed 0.20 cubic foot per second from Teal Creek, for irrigation of a certain 5.8 acres in NW 1/4 NE 1/4 and 12.6 acres in SW 1/4 NE 1/4, Section 28, Township 8 South, Range 6 West, WM, with a date of priority of December 27, 1956.

Water for the said right is diverted from two points located 1) 1150 feet South and 1430 feet West and 2) 1460 feet South and 690 feet West from the Northeast Corner of Section 28, being within the 1) NW 1/4 NE 1/4 and 2) SE 1/4 NE 1/4 of Section 28, Township 8 South, Range 6 West, WM.

The applicants herein, owners of the lands above described, propose to change the place of use therefrom to 10.8 acres in NE 1/4 NW 1/4 and 7.6 acres in SE 1/4 NW 1/4, Section 28 and to construct an additional point of diversion 1450 feet South and 2770 feet West from the Northeast Corner of Section 28, being within the SE 1/4 NW 1/4 of Section 28, Township 8 South, Range 6 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Polk County Itemizer-Observer, a newspaper printed and having general circulation in Polk County, Oregon, for a period of three weeks in the issues of November 9, 16 and 23, 1983.

Michael F. Ladd, 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 proposed changes in place of use and point of diversion are approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the old points of diversion under the subject right, and shall not exceed 0.20 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:

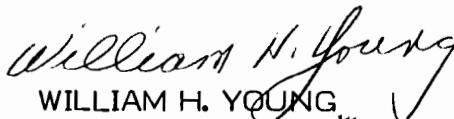
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 31001, Volume 23, 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 Kenneth M. Balk and Jan-Marie Schroeder.

Dated at Salem, Oregon this 28th day of December, 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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