

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE APPLICATION )  
OF TERRENCE & JOYCE KIRK FOR AP- )  
PROVAL OF A CHANGE IN PLACE OF )  
USE OF GROUND WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3964

On May 25, 1978, an application was filed in the office of the Water Resources Director by Edward T. Brentano, subsequently assigned to Terrence and Joyce Kirk, for approval of a change in place of use of ground water, pursuant to the provisions of ORS 537.705.

The certificate recorded at page 42233, Volume 34, State Record of Water Right Certificates, in the name of Edward T. Brentano, describes a right which includes the use of not to exceed 1.14 cubic feet per second from a certain ground water aquifer for irrigation of 2.6 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 0.6 acre in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 20; 3.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 28.9 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 3.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 29.5 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 23.6 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, all as projected within Cosgrove D.L.C. No. 99, in Township 4 South, Range 2 West, W.M., with a date of priority of July 7, 1970.

Water for the said right is diverted from a well located 2500 feet North and 3610 feet East from the Southwest Corner of Cosgrove D.L.C. No. 99, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, Township 4 South, Range 2 West, W.M.

The applicant herein, proposes to change the place of use therefrom and, without loss of priority, to irrigate in lieu thereof, a certain 15.2 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 15.2 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 15.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 9.1 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 16; 1.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 17; 1.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 20; 3.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 9.9 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 9.9 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and 9.9 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, Township 4 South, Range 2 West, W.M.

Mr. 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.

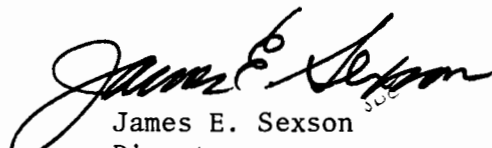
NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

An administrative order entered May 31, 1978 by the Water Resources Director canceled the balance of the water right described in said certificate of water right recorded at page 42233, Volume 34, State Record of Water Right Certificates, NOT involved in this proceeding; therefore,

It is FURTHER ORDERED that the certificate of water right heretofore issued to Edward T. Brentano and recorded at page 42233, Volume 34, 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, 1978.

  
James E. Sexson  
Director