

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
BENTON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF FLOYD M. & MIMI K. STOUT FOR )  
APPROVAL OF CHANGES IN POINTS OF )  
DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 3951

On May 2, 1978, an application was filed in the office of the Water Resources Director by Floyd M. and Mimi K. Stout for approval of changes in points of diversion from North Fork Alsea River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 26435, Volume 18, State Record of Water Right Certificates, in the name of Cecil M. Hayden, describes a right for the use of not to exceed 0.19 cubic foot per second from North Fork Alsea River for irrigation of 1.0 acre in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 5.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 10.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 4.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , all as projected within Haydon D.L.C. No. 38, of Section 32, Township 13 South, Range 7 West, W.M., with a date of priority of December 23, 1952.

The certificate recorded at page 42367, Volume 34, State Record of Water Right Certificates, in the name of Floyd M. Stout, describes a right which includes the use of water from North Fork Alsea River, being not to exceed 0.266 cubic foot per second with a date of priority of February 16, 1968 and 0.06 cubic foot per second with a date of priority of April 11, 1968, for the irrigation of 4.1 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 10.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 2.9 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , 4.3 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ ; and supplemental irrigation of 1.0 acre in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 4.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 10.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 5.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ , all as projected within Haydon D.L.C. No. 38, of Section 32, Township 13 South, Range 7 West, W.M. Evidence from the records indicates that an error was made in the preparation of said certificate of water right in listing the acreage covered by the water right for supplemental irrigation in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  and NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 32, wherein said certificate should have listed 5.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 4.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$ .

The certificate recorded at page 37898, Volume 29, State Record of Water Right Certificates, in the name of Jack Taylor, describes a right for the use of not to exceed 0.46 cubic foot per second from Alsea River for the irrigation of

21.6 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 5.6 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 3.8 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 5.8 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , all as projected within T. Haydon D.L.C. No. 38, of Section 32, Township 13 South, Range 7 West, W.M., with a date of priority of June 29, 1966.

The authorized point of diversion for the rights described in said certificates recorded at pages 26435 and 42367 is located 1670 feet North and 250 feet West from the Southeast Corner of Haydon D.L.C. No. 38, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 32, Township 13 South, Range 7 West, W.M.; and the authorized point of diversion for the right described in said certificate recorded at page 37898 is located 910 feet South and 2410 feet East from the Northwest Corner of Section 32, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 32, Township 13 South, Range 7 West, W.M.

The applicants herein, owners of the lands above described, propose to change the points of diversion therefrom, without loss of priority, to one point located 1580 feet South and 2165 feet East from the Northwest Corner of Section 32, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 32, Township 13 South, Range 7 West, W.M.

Mr. Clifton R. King, Watermaster, has filed a statement to the effect that the proposed changes in points of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in points of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in points of diversion as described herein, without loss of priority, are 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 points of diversion under the subject rights, and shall not exceed 0.976 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

the change in point of diversion of water made on or before October 1, 1979.

It is FURTHER ORDERED that said certificates of water right heretofore recorded at page 26435, Volume 18; page 42367, Volume 34; and page 37898, Volume 29, State Record of Water Right Certificates, are 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, confirming certificates of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 2nd day of June, 1978.

  
James E. Sexson  
Director