

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE APPLICATION )  
 OF WARREN M. POOLE FOR APPROVAL ) ORDER APPROVING  
 OF A CHANGE IN USE HERETOFORE ) TRANSFER 5885  
 MADE OF WATER )

On December 15, 1986, an application was filed in the office of the Water Resources Director by Warren M. Poole for approval of a change in use heretofore made of water from North Santiam River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 54289, Volume 49, State Record of Water Right Certificates, in the name of Warren M. Poole, describes a right which includes the use of not to exceed 0.39 cubic foot per second from North Santiam River, for irrigation of a certain:

11.7 acres SW 1/4 NW 1/4 as projected within Munkers DLC 52  
 7.7 acres NW 1/4 SW 1/4 as projected within Munkers DLC 52  
 3.8 acres Lot 8 NW 1/4 SW 1/4, incorrectly shown on  
 Certificate 54289 as SW 1/4 SW 1/4  
 Section 6  
 Township 8 South, Range 2 West, WM.

3.2 acres SE 1/4 NE 1/4 as projected within Parrott DLC 38  
 3.3 acres SE 1/4 NE 1/4 as projected within Munkers DLC 37  
 1.6 acres NE 1/4 SE 1/4 as projected within Munkers DLC 37  
 0.1 acre NE 1/4 SE 1/4 as projected within Parrott DLC 38  
 Section 1  
 Township 8 South, Range 3 West, WM.

with a date of priority of May 14, 1909.

Water for the said right is diverted, through the Stayton Power Canal, from a point located 1800 feet South and 2830 feet East from the West Quarter Corner of Section 11, being within the SW 1/4 SE 1/4 (Lot 2) of Section 11, Township 9 South, Range 1 West, WM.

The applicant herein, owner of the lands above described, proposes to change the use heretofore made therefrom, to municipal use for the City of Stayton, within:

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>QUARTER/QUARTER</u>
8S	1W	32	SE 1/4 NE 1/4 NE 1/4 SE 1/4
8S	1W	33	NW 1/4 SW 1/4 S 1/2 SW 1/4 SW 1/4 SE 1/4
9S	1W	2	S 1/2 SW 1/4
9S	1W	3	S 1/2 S 1/2 NW 1/4
9S	1W	4	ALL
9S	1W	9	ALL
9S	1W	10	ALL
9S	1W	11	ALL
9S	1W	12	SW 1/4 S 1/2 NW 1/4
9S	1W	14	NW 1/4 NW 1/4
9S	1W	15	NW 1/4 N 1/2 NE 1/4
9S	1W	16	N 1/2 NW 1/4 SE 1/4

Notice of the application, pursuant to ORS 540.520(2), was published in The Stayton Mail, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of January 7, 14 and 21, 1987.

Clif R. King, Watermaster, has filed a statement to the effect that the proposed change in use heretofore made may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in use heretofore made may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in use heretofore made is approved, without loss of priority.

It is FURTHER ORDERED that the quantity of water used for the proposed purpose shall not exceed 0.39 cubic foot per second, and shall be used only during the irrigation season of each year.

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 subject water right is hereby severed from the use and place of use described in Certificate 54289, and shall be beneficially used as authorized by this order on or before October 1, 1992.

It is FURTHER ORDERED that the certificate recorded at page 54289, Volume 49, 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 City of Stayton.

Dated at Salem, Oregon, this 17th day of February, 1987

  
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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