

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION)
OF DOROTHY DAVIES FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER FROM LUCKIAMUTE RIVER)

ORDER APPROVING
TRANSFER NO. 3727

On July 11, 1977, an application was filed in the office of the Water Resources Director by Dorothy Davies for approval of a change in point of diversion from Luckiamute River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 21186, Volume 15, State Record of Water Right Certificates, in the name of Louis A. Rutschman, describes a right for the use of not to exceed 0.68 cubic foot per second from Luckiamute River for irrigation of 3.2 acres in S $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14; 16.2 acres in W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, 6.8 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, 10.8 acres in E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 17.2 acres in E $\frac{3}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 9 South, Range 5 West, W.M., with a date of priority of January 22, 1948.

Water for the said right is diverted from a point located 100 feet South and 700 feet East from the Northwest Corner of D.L.C. No. 62, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 9 South, Range 5 West, W.M.

The certificate recorded at page 21478, Volume 15, State Record of Water Right Certificates, in the name of James Russell Oswald, describes a right for the use of not to exceed 0.69 cubic foot per second from Luckiamute River for irrigation of 27.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 20.0 acres in E $\frac{3}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, 22.2 acres in E $\frac{3}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, 14.8 acres in W $\frac{3}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, 0.4 acre in NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 3.6 acres in N $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 9 South, Range 5 West, W.M., with a date of priority of October 12, 1950.

Water for the said right is diverted from a point located 350 feet South and 1700 feet East from the Northwest Corner of D.L.C. No. 62, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 9 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change from the above described points of diversion, without loss of priority, to a new, common point of diversion located 200 feet South and 1000 feet East from the Northwest Corner of D.L.C. No. 62, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 9 South, Range 5 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 objections 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 of water from Luckiamute River, 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 points of diversion under the subject rights.

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

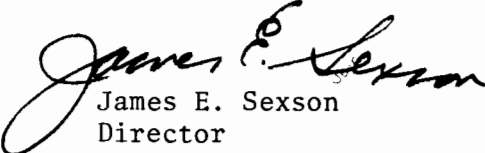
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 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, the certificates of water right heretofore issued to Louis A. Rutschman and to James Russell Oswalt and recorded at pages 21186 and 21478, Volume 15, State Record of Water Right Certificates, be canceled, and in lieu thereof new confirming certificates of water right be issued to the applicant herein.

Dated at Salem, Oreogn, this 28th day of November, 1977.


James E. Sexson
Director