

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE APPLICATION )  
OF HARRY C. BRITTAN FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER FROM ABIQUA CREEK )  
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ORDER APPROVING  
TRANSFER NO. 4169

On March 9, 1979, an application was filed in the office of the Water Resources Director by Harry C. Brittan for approval of a change in point of diversion of water from Abiqua Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 33095, Volume 25, State Record of Water Right Certificates, in the name of Vern Hiskey, describes a right which includes the use of not to exceed 0.03 cubic foot per second from Abiqua Creek for irrigation of a certain 1.7 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 0.3 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 30, Township 6 South, Range 1 East, W.M., with a date of priority of May 26, 1961.

The authorized point of diversion for said right is located 560 feet South and 10 feet West from the North Quarter Corner of Section 30, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 30, Township 6 South, Range 1 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 100 feet North and 1630 feet East from the Southwest Corner of Section 19, being within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19, Township 6 South, Range 1 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Capitol Journal, a newspaper printed and having general circulation in Marion County, Oregon, for a period of three weeks in the issues of March 15, 22 and 29, 1979.

Mr. Clifton R. King, 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, 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 diverted at the old point of diversion under the subject right.

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:

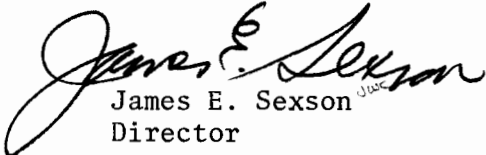
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the change in point of diversion of water is completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 33095, Volume 25, 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 applicant herein.

Dated at Salem, Oregon this 14th day of May, 1979.

  
James E. Sexson  
Director