

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

POLK COUNTY

IN THE MATTER OF THE APPLICATION OF)
LEE GILLINS FOR APPROVAL OF CHANGES)
IN PLACE OF USE AND POINT OF DIVER-)
SION OF WATER)

ORDER APPROVING
TRANSFER NO. 4177

On March 23, 1979, an application was filed in the office of the Water Resources Director by Lee Gillins for approval of changes in place of use and point of diversion of water from Little Luckiamute River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 31514, Volume 23, State Record of Water Right Certificates, in the name of Jesse Payne, describes a right for the use of not to exceed 0.24 cubic foot per second from Little Luckiamute River for irrigation of a certain 4.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 0.1 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9; 9.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, Township 9 South, Range 5 West, W.M., with a date of priority of November 18, 1960.

The authorized point of diversion of record for said right is located 350 feet South and 80 feet West from the Northeast Corner of D.L.C. No. 57, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 9 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion, without loss of priority, by severing the right from the 4.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.1 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9 above described and in lieu thereof irrigate a certain other 2.5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.8 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, and 1.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 9 South, Range 5 West, W.M., and to irrigate these lands, together with the remaining 9.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 5.6 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 16 from a point of diversion located 150 feet South and 230 feet West from the Northeast Corner of D.L.C. No. 57, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 9 South, Range 5 West, W.M.

Mr. Michael F. Ladd, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point 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 point of diversion under the subject right, and shall not exceed 0.24 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:

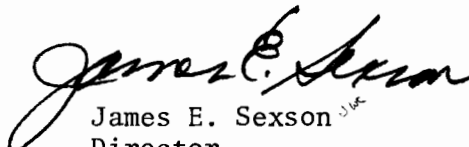
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 made and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 31514, Volume 23, 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 14th day of May, 1979.


James E. Sexson ^{JES}
Director