

BEFORE THE STATE ENGINEER OF OREGON

Lane County

IN THE MATTER OF THE APPLICATION)
OF EDWIN R. WERNER FOR THE APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM AN UNNAMED SLOUGH)

ORDER APPROVING
TRANSFER NO. W-122

On March 23, 1967, Edwin R. Werner filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from an unnamed slough, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to James H. Doe and recorded at page 31469, Volume 23, State Record of Water Right Certificates, confirms a right to the use of the waters of an unnamed slough for the irrigation of 16.4 acres in Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), and 1.4 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, Township 17 South, Range 1 West, W.M., with a date of priority of July 5, 1959. These lands are irrigated from a point of diversion located 100 feet south and 1100 feet east from the NE corner of Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), being within Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 26, Township 17 South, Range 1 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate said lands from a point of diversion to be located 3936 feet north and 1612 feet east from the SW corner of Section 26, being within Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 26, Township 17 South, Range 1 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Ralph H. Jackson, Watermaster, District No. 2, has filed a report to the effect that the proposed change in point of diversion of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from an unnamed slough, to-wit:

From a point located 100 feet south and 1100 feet east from the NE corner of Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), being within Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 26, Township 17 South, Range 1 West, W.M.

To a point to be located 3936 feet north and 1612 feet east from the SW corner of Section 26, being within Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 26, Township 17 South, Range 1 West, W.M.

for the irrigation of 16.4 acres in Lot 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) and 1.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, Township 17 South, Range 1 West, W.M., with a date of priority of July 5, 1959, is approved.

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, 1968.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water that is available at the old point of diversion, and shall not exceed 0.22 cubic foot per second.

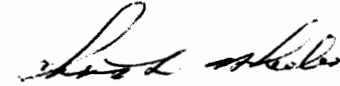
It is FURTHER ORDERED that the following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices.

That the diversion works shall include a weir or other suitable device for measuring the water to which the applicant is entitled.

That the plans of the weir or other suitable 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 certificate of water right heretofore issued to James M. Doe and recorded at page 31469, Volume 23, State Record of Water Right Certificates, is canceled and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion of water, a certificate shall be issued to Edwin R. Werner confirming said change in point of diversion.

Dated at Salem, Oregon, this 6th day of June, 1967.



CHRIS L. WHEELER
State Engineer