

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF WITHDRAWAL)
OF TRANSFER APPLICATION 6385)
IN THE NAME OF EDWARD A. NEWTON)

O R D E R

Edward E. Newton submitted transfer application 6385 requesting approval of a change in point of diversion for use of water from Cow Creek under a water right evidenced by certificate 996.

Approval of such a request is dependent upon: (a) the water right being valid relevant to ORS 540.610 pertaining to forfeiture and; (b) the water being used during the past five years according to the terms and conditions of the water right certificate and; (c) no injury to other water rights result from the change and; (d) the right being changed cannot be enlarged.

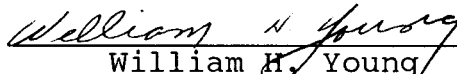
Gary Ball, Watermaster for District 15, has reported that the water right in question has not been used for a period of more than the past 5 successive years according to the terms and conditions of the water right certificate.

The applicant and his attorney, John E. Davis, were given 90 days from October 1, 1990 to provide the Department with sufficient evidence of use as required by (a) & (b) above. Failure to provide such evidence would result in the presumption of a withdrawal of the application.

As of this date, the evidence required October 1, 1990 has not been received. The applicant is presumed to have withdrawn his application.

NOW, THEREFORE, it is ORDERED that transfer application 6385 is withdrawn. It is FURTHER ORDERED that the unearned recording fees be refunded to the applicant.

WITNESS the signature of the Water Resources Director, affixed January 2, 1991.



William H. Young

Recorded in Special Order Volume 45, Page 1