

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION )  
OF FRANK P. AND CLARA A. MOAN )  
FOR APPROVAL OF A CHANGE IN )  
POINT OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER 4961

On January 8, 1982, an application was filed in the office of the Water Resources Director by Frank P. and Clara A. Moan for approval of a change in point of diversion of water from an unnamed creek tributary to South Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 19573, Volume 14, State Record of Water Right Certificates, in the name of Henry W. Biggs, describes a right for the use of not to exceed 0.01 cubic foot per second from an unnamed creek tributary to South Myrtle Creek, for domestic use for one family in SE 1/4 NE 1/4, as projected in B. L. Stephens DLC 38, Section 21, Township 29 South, Range 4 West, WM, with a date of priority of May 19, 1949.

Water for the said right is diverted from a point located 323.4 feet South and 519.4 feet East from the Southwest Corner of DLC 38, being within the NE 1/4 SE 1/4 of Section 21, Township 29 South, Range 4 West, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 1,050 feet South and 230 feet East from the Southwest Corner of DLC 38, being within the NE 1/4 SE 1/4 of Section 21, Township 29 South, Range 4 West, WM.

Gary L. Ball, 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, WITH THE FOLLOWING CONDITIONS.

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.

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.

The construction work shall be completed and water used from the proposed point of diversion on or before October 1, 1983.

It is FURTHER ORDERED that the certificate recorded at page 19573, Volume 14, 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 applicants herein.

Dated at Salem, Oregon this 3rd day of May, 1982.

  
JAMES E. SEXSON  
Director

NOTE: The approval of a water right transfer application does not confirm the status of the right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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