

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF HUBERT J. & ELLEN JOHNSON FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4149

On February 6, 1979, an application was filed in the office of the Water Resources Director by Hubert J. and Ellen Johnson for approval of a change in point of diversion of water from North Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 44047, Volume 36, State Record of Water Right Certificates, in the name of North Myrtle Irrigation Company, describes a right which includes the use of not to exceed 0.05 cubic foot per second from North Myrtle Creek for irrigation of a certain 3.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14 and 0.3 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 29 South, Range 5 West, W.M., with a date of priority of September 25, 1920.

The authorized point of diversion of record for said right is located 13.09 chains North and 0.46 chains West from the Southwest Corner of Henry Jones D.L.C. No. 48, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 29 South, Range 5 West, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to two points located (1) 250 feet North and 2000 feet East; and (2) 250 feet North and 2200 feet East, both from the Southwest Corner of Section 14, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Township 29 South, Range 5 West, W.M.

Mr. M. John Youngquist, 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 points of diversion shall not exceed the quantity of water available at the old point of

diversion under the subject right, and shall not exceed 0.05 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:

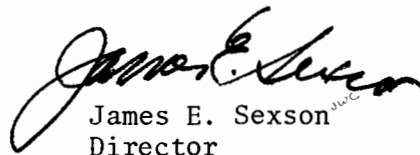
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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

It is FURTHER ORDERED that the certificate recorded at page 44047, Volume 36, 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 and other transfer proceedings; 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 31st day of May, 1979.


James E. Sexson
Director