

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF BARBARA D. CLARK FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM NORTH MYRTLE CREEK)

ORDER APPROVING
TRANSFER NO. 4151

On February 7, 1979, an application was filed in the office of the Water Resources Director by Barbara D. Clark 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 0.069 cubic foot per second from North Myrtle Creek for irrigation of a certain 5.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, 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 850 feet North and 900 feet East from the South Quarter Corner of Section 22, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 29 South, Range 5 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 950 feet North and 1650 feet West from the Southeast Corner of Section 22, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, 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 point of diversion shall not exceed the quantity of water available at the original point of diversion under the subject right, 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., and shall not exceed 0.069 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;

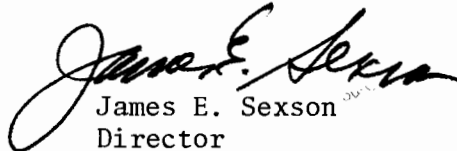
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

The order of the Water Resources Director entered May 31, 1979, approving transfer No. 4149, provided for cancellation of the certificate of water right recorded at page 44047, Volume 36, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in that and other transfer proceedings, therefore,

It is FURTHER ORDERED that 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 31st day of May, 1979.


James E. Sexson
Director