

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
GEORGE W. NEUNER FOR APPROVAL OF)
AN ADDITIONAL POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 4815

On July 7, 1981, an application was filed in the office of the Water Resources Director by George W. Neuner for approval of an additional point of diversion of water from Cow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 6679, Volume 7, State Record of Water Right Certificates, in the name of George Neuner, Jr., describes a right for the use of not to exceed 0.44 cubic foot per second from Cow Creek for irrigation of 2.0 acres in SW 1/4 NE 1/4, 29.0 acres in SE 1/4 NE 1/4, 2.0 acres in NE 1/4 SE 1/4, Section 33, and 2.0 acres in SW 1/4 NW 1/4, Section 34, Township 30 South, Range 6 West, WM, with a date of priority of April 7, 1923.

The certificate recorded at page 30364, Volume 22, State Record of Water Right Certificates, in the name of George and Myrtle E. Neuner, describes a right for the use of not to exceed 0.07 cubic foot per second from Cow Creek for irrigation of 5.38 acres in Lot 4 (NW 1/4 NE 1/4) and 0.41 acres in NW 1/4 SE 1/4, as projected within Catching DLC 40, Section 33, Township 30 South, Range 6 West, WM, with a date of priority of June 14, 1961.

Water for the said rights is diverted from a point located 396 feet South and 1,269 feet East from the Northwest Corner of DLC 40, being within the SE 1/4 NE 1/4 of Section 33, Township 30 South, Range 6 West, WM.

The applicant herein, owner of the lands above described, proposes to construct an additional point of diversion at a point located 550 feet South and 2,480 feet East from the Northwest Corner of DLC 40, being within the SW 1/4 NW 1/4 of Section 34, Township 30 South, Range 6 West, WM.

Gary L. Ball, Watermaster, has filed a statement to the effect that the proposed additional point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed additional 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 additional 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, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject rights.

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:

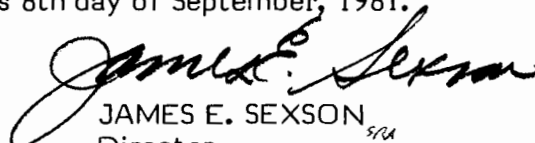
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 additional point of diversion is completed.

It is FURTHER ORDERED that the certificates recorded at page 6679, Volume 7 and page 30364, Volume 22, State Record of Water Right Certificates, are 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 8th day of September, 1981.


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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