

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM G. POWELL AND GAIL D. POWELL )  
FOR APPROVAL OF CHANGES IN PLACE OF )  
USE AND POINT OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER 5370

On September 15, 1983, an application was filed in the office of the Water Resources Director by William G. Powell and Gail D. Powell for approval of changes in place of use and point of diversion of water from Cow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Pursuant to the provisions of ORS 537.260(2), proof has been made to the satisfaction of the Water Resources Director that a right has been perfected under the terms of Permit 38472 in the names of William B. and Elaine M. Strobridge, for the use of not to exceed 0.13 cubic foot per second from Cow Creek, for irrigation of 6.6 acres in NE 1/4 SW 1/4, 2.0 acres in SE 1/4 SW 1/4 and 0.5 acre in NW 1/4 SE 1/4, as projected within Yocum DLC 43, Section 19, Township 30 South, Range 5 West, WM.

The applicants herein, with the consent of the owners of the lands above described, propose to change the place of use of 1.0 acre in said SE 1/4 SW 1/4 to 0.05 acre in SE 1/4 SW 1/4, Section 19 and 0.95 acre in NE 1/4 NW 1/4, Section 30, and to change the point of diversion therefrom to a point located 80 feet North and 2170 feet East from the Southwest Corner of Section 19, being within the SE 1/4 SW 1/4 of Section 19, all in Township 30 South, Range 5 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Umpqua Free Press, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of January 26, February 2 and 9, 1984.

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

No objections having been filed and it appearing that the proposed changes in place of use and point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed changes in place of use and point of diversion are approved, without loss of priority.

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 old point of diversion under the subject right, and shall not exceed 0.01 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:

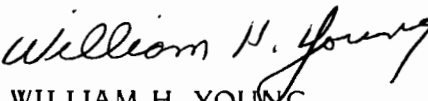
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 water used from the proposed point of diversion on or before October 1, 1985.

It is FURTHER ORDERED that a new certificate be issued covering the balance of the right NOT involved in this proceeding; 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 16th day of March, 1984.

  
WILLIAM H. YOUNG<sup>sr</sup>  
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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