

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JEFFERSON COUNTY

IN THE MATTER OF THE APPLICATION)
OF FLOYD BAUER FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 4370

On January 14, 1980, an application was filed in the office of the Water Resources Director by Floyd Bauer for approval of a change in point of diversion of water from Hay Creek and Wilson Creek, pursuant to the provisions of ORS 540.510 to 540.530.

By Decree of the Circuit Court for Jefferson County, Oregon, entered August 10, 1918, In the Matter of the Determination of the Relative Rights to the Use of the Waters of Trout Creek and Its Tributaries, a water right was established in the name of Bidwell Cram for the use of the waters of Hay Creek and Wilson Creek, for irrigation of, among other lands, a certain 7.5 acres in SW 1/4 SW 1/4, Section 17; 27.5 acres in SE 1/4 SE 1/4, Section 18; 11.5 acres in NE 1/4 NE 1/4, 13.5 acres in SE 1/4 NE 1/4, 6.1 acres in NE 1/4 SE 1/4, 1.0 acre in SE 1/4 SE 1/4, Section 19; 18.95 acres in NW 1/4 NW 1/4, 30.8 acres in SW 1/4 NW 1/4, 36.1 acres in NW 1/4 SW 1/4 and 26.0 acres in SW 1/4 SW 1/4, Section 20, all in Township 9 South, Range 15 East, WM, with a date of priority of 1885 for Hay Creek and 1886 for Wilson Creek, being tabulated in the name of Bidwell Cram at Volume 5, page 72, as evidenced by the Certificate recorded at page 45511, Volume 38, State Record of Water Right Certificates.

Water for the said right is diverted, through the Cram Number 1 and 2 Ditches, from a point located 1,700 feet North and 160 feet East from the Southwest Corner, Section 29, being within the NW 1/4 SW 1/4 of Section 29, Township 9 South, Range 15 East, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to two points located 1) 1,320 feet South and 603 feet East and 2) 1,580 feet North and 965 feet East from the West Quarter Corner, Section 20, being within 1) NW 1/4 SW 1/4 and 2) NW 1/4 NW 1/4, Section 20, Township 9 South, Range 15 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Pioneer, a newspaper printed and having general circulation in Jefferson County, Oregon, for a period of three weeks in the issues of September 18 and 25 and October 2, 1980.

Robert F. Main, Jr., 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.

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 45511, Volume 38, 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 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 applicant herein.

Dated at Salem, Oregon this 25th day of September, 1981.


JAMES E. SEXSON, Dir.
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.

6983A