

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF MICHAEL BROWNSON, ET AL, FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 4638

On November 19, 1980, an application was filed in the office of the Water Resources Director by Michael and Wanda Brownson and Howard L. Brownson, Jr., and Martha J. Brownson for approval of a change in point of diversion of water from South Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 20541, Volume 15, State Record of Water Right Certificates, in the name of Howard L. Brownson, describes a right which includes the use of not to exceed 0.05 cubic foot per second from South Myrtle Creek for irrigation of a certain 2.4 acres in NW 1/4 NE 1/4, 0.5 acre in SW 1/4 NE 1/4 and 1.3 acres in NE 1/4 NW 1/4, as projected within H. Weaver DLC 39, Section 21, Township 29 South, Range 4 West, WM, with a date of priority of March 14, 1950.

Water for the said right is diverted from a point located 1,350 feet South and 1,525 feet West from the East Quarter Corner of Section 21, being within the SW 1/4 NE 1/4 of Section 21, Township 29 South, Range 4 West, WM.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to Point of Diversion 2, located 1,320 feet North and 2,250 feet West from the East Quarter Corner of Section 21, being within the SW 1/4 NE 1/4, as projected within H. Weaver DLC 39, Section 21, Township 29 South, Range 4 West, WM.

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, together with that diverted at the points of diversion allowed by Transfer B-198, shall not exceed the quantity of water available at the original point of diversion under the subject right, located 1,350 feet North and 1,525 feet East from the West Quarter Corner of Section 21, Township 29 South, Range 4 West, WM, 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;

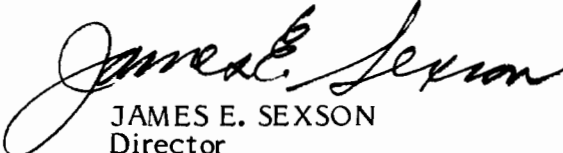
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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

The order of the Water Resources Director entered August 31, 1970, approving Transfer Application B-198, provided for cancellation of the certificate of water right recorded at page 20541, Volume 15, State Record of Water Right Certificates, and issuance of a new certificate confirming the change in point of diversion.

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in the new certificate to be issued as provided by the order entered August 31, 1970, approving Transfer Application B-198; and upon receipt of 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 Michael and Wanda Brownson for irrigation of a certain 2.4 acres in NW 1/4 NE 1/4 and 1.3 acres in NE 1/4 NW 1/4, and to Howard L. Brownson, Jr., and Martha J. Brownson for irrigation of 0.5 acre in SW 1/4 NE 1/4, all in Section 21, as projected within H. Weaver DLC 39, Township 29 South, Range 4 West, WM, irrigated from Point of Diversion 2 as located herein.

Dated at Salem, Oregon this 19th day of January, 1981.


JAMES E. SEXSON
Director