

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF JOHN M. WARD FOR APPROVAL OF)
A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5222

On March 22, 1983, an application was filed in the office of the Water Resources Director by John M. Ward 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 34862, Volume 26, State Record of Water Right Certificates, in the name of Victor J. Rice, describes a right which includes the use of not to exceed 0.02 cubic foot per second from North Myrtle Creek, for irrigation of 1.2 acres in SE 1/4 SW 1/4, Section 13 and 0.7 acre in NE 1/4 NW 1/4, Section 24, both as projected within Jones DLC 48, Township 29 South, Range 5 West, WM, with a date of priority of March 1, 1962.

Water for the said right is diverted from a point located 320 feet South and 880 feet West from the North Quarter Corner of Section 24, being within the NE 1/4 NW 1/4 of Section 24, Township 29 South, Range 5 West, WM.

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 260 feet South and 650 feet West from the North Quarter Corner of Section 24, being within the NE 1/4 NW 1/4 of Section 24, Township 29 South, Range 5 West, WM.

Gary L. Ball, 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, WITH THE FOLLOWING CONDITIONS.

The quantity of water diverted at the new point of diversion shall not exceed 0.02 cubic foot per second, and 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 right.

The following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

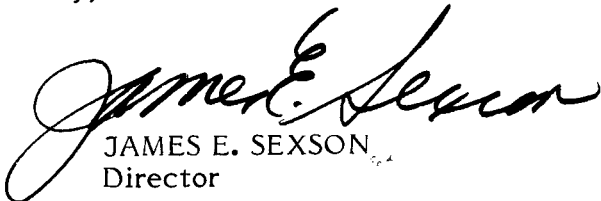
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

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 34862, Volume 26, 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 4th day of May, 1983.


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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