

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF )  
EDWARD C. KERN FOR APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION )  
OF WATER )  
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ORDER APPROVING  
TRANSFER 4862

On August 10, 1981, an application was filed in the office of the Water Resources Director by Edward C. Kern for approval of a change in point of diversion of water from Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 46546, Volume 39, State Record of Water Right Certificates, in the name of Milo Bullock, describes a right which includes the use of not to exceed 0.042 cubic foot per second from Umpqua River, for irrigation of 3.3 acres in NE 1/4 NW 1/4 and 0.5 acre in NW 1/4 NE 1/4, both within Lot 1, Section 11, Township 24 South, Range 7 West, WM, with a date of priority of August 5, 1958.

Water for the said right is diverted from a point located 40 feet North and 2,250 feet East from the Southwest Corner of Section 2, being within the SE 1/4 SW 1/4 of Section 2, Township 24 South, Range 7 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 600 feet South and 2,650 feet East from the Southwest Corner of Section 2, being within the NW 1/4 NE 1/4, Section 11, Township 24 South, Range 7 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.

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 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 the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1983.

It is FURTHER ORDERED that the certificate recorded at page 46546, Volume 40, 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 in Transfer 4870; 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  
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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