

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF )  
DOUGLAS COUNTY WATER RESOURCES SUR- )  
VEY FOR APPROVAL OF CHANGES IN POINT )  
OF DIVERSION AND USE OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 3956

On May 10, 1978, an application was filed in the office of the Water Resources Director by Douglas County Water Resources Survey for approval of changes in point of diversion and use heretofore made of water from Rice Creek (Berry Creek), pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 30940, Volume 22, State Record of Water Right Certificates, in the name of Elton J. Zuver, describes a right for the use of not to exceed 0.26 cubic foot per second from Rice Creek for irrigation of 3.6 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 6.5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 1.7 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and 9.2 acres in Lot 2 (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 20, Township 29 South, Range 7 West, W.M., with a date of priority of February 20, 1953.

Water for the said right is diverted from a point located 160 feet South and 2500 feet East from the West Quarter Corner of Section 20, being within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 29 South, Range 7 West, W.M.

The applicant herein proposes to change the point of diversion and use heretofore made therefrom and, without loss of priority, to hereafter use the water within the irrigation season for construction purposes at the unnamed reservoir site on Berry Creek in the E $\frac{1}{2}$  NW $\frac{1}{4}$ , W $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 20, Township 29 South, Range 7 West, W.M., by diversion from a point located 944 feet North and 266 feet West from the Center Corner of Section 20, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 20.

Notice of the application, pursuant to ORS 540.520(2), was published in the News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of May 19 and 26; and June 2, 1978.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed changes in point of diversion and use heretofore made of water may be made without injury to existing rights.

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

NOW, THEREFORE, it hereby is ORDERED that the requested changes in point of diversion and use heretofore made of water, as described herein, without loss of priority, are approved.

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 0.26 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:

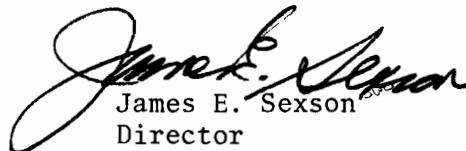
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 30940, Volume 22, State Record of Water Right Certificates, is canceled; 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, 1978.

  
James E. Sexson  
Director