

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
CHESTER RATTI FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 5037

On May 7, 1982, an application was filed in the office of the Water Resources Director by Chester Ratti for approval of a change in point of diversion of water from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 8794, Volume 8, State Record of Water Right Certificates, in the name of J. H. Booth, describes a right which includes the use of not to exceed 0.122 cubic foot per second from South Umpqua River, for irrigation of 0.9 acre in SW 1/4 NW 1/4, 3.9 acres in SE 1/4 NW 1/4, 3.4 acres in NE 1/4 SW 1/4 and 1.6 acres in NW 1/4 SW 1/4, Section 12, Township 29 South, Range 6 West, WM, with a date of priority of August 20, 1926.

Water for the said right is diverted from a point located 2,540 feet North and 2,750 feet East from the Southwest Corner of Section 12, being within the NW 1/4 SE 1/4 of Section 12, Township 29 South, Range 6 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 3,050 feet North and 1,580 feet East from the Southwest Corner of Section 12, being within the SE 1/4 NW 1/4 of Section 12, Township 29 South, Range 6 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 0.122 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.

The order of the Water Resources Director entered June 8, 1982, approving Transfer 5032, provided for cancellation of the certificate of water right recorded at page 8794, Volume 8, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; therefore,

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 said order, 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 be issued to the applicant herein.

Dated at Salem, Oregon this 8th day of June, 1982.


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.

1017B