

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
DAVID L. AND CHARLOTTE A. MORTON)
FOR APPROVAL OF CHANGES IN PLACE)
OF USE AND POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER 4228

On May 25, 1979, an application was filed in the office of the Water Resources Director by David L. and Charlotte A. Morton, for approval of changes in place of use and point of diversion of water from North Fork Deer Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 3399, Volume 4, State Record of Water Right Certificates, in the name of G.A. Lindblom, describes a right for use of not to exceed 0.29 cubic foot per second from North Fork Deer Creek, under a priority date of February 4, 1918, for irrigation of a certain 23.0 acres within S 1/2 NE 1/4 and N 1/2 SE 1/4 of Section 20, Township 27 South, Range 4 West, WM.

The authorized point of diversion is located near the center of the NE 1/4 SW 1/4 of Section 21, Township 27 South, Range 4 West, WM.

The applicants herein, together with Joseph W. Brumbach, Paul E. and Joan M. Wise, Carl L. and Sonja K. Mason, and Clifford W., Alice, Arnold R. and Opal G. Counts, being owners of record of the place of use of water in question, have submitted affidavits stating that the certificate does not correctly describe the actual place of use, and request the certificate be corrected to describe the place of use as being 1.4 acres in SW 1/4 NE 1/4, 0.7 acre in SE 1/4 NE 1/4, 1.3 acres in NE 1/4 SE 1/4, 2.6 acres in NW 1/4 SE 1/4 (Brumbach); 0.3 acre in NE 1/4 SE 1/4 (Mason); 0.9 acre in SE 1/4 NE 1/4, 5.6 acres in NE 1/4 SE 1/4 (Morton); 0.9 acre in NE 1/4 SE 1/4 (Wise); and 1.9 acres in SW 1/4 NE 1/4 and 7.4 acres in SE 1/4 NE 1/4 (Counts), Section 20, Township 27 South, Range 4 West, WM.

The applicants further propose to sever the right from 0.9 acre in SE 1/4 NE 1/4 and 5.6 acres in NE 1/4 SE 1/4 and, without loss of priority, to irrigate in lieu thereof a certain 0.4 acre in SE 1/4 NE 1/4 and 6.1 acres in NE 1/4 SE 1/4 from two points located 1) 2,220 feet North and 800 feet West and 2) 2,180 feet North and 670 feet West, both from Southeast Corner of Section 20, both within NE 1/4 SE 1/4, Section 20, Township 27 South, Range 4 West, WM.

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 November 3, 10 and 17, 1980.

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

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points 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;

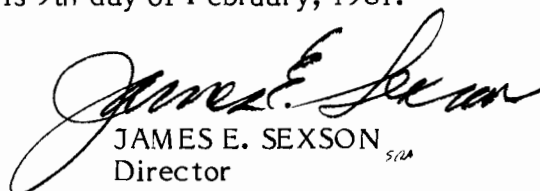
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 1982.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1982.

It is FURTHER ORDERED that the certificate recorded at page 3399, Volume 4, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued correctly describing 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 applicants herein.

Dated at Salem, Oregon this 9th day of February, 1981.


JAMES E. SEXSON
Director