

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF JESSE JAMES & ANNA MAE HALTOM)
FOR APPROVAL OF A CHANGE IN POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4041

On September 12, 1978, an application was filed in the office of the Water Resources Director by Jesse James and Anna Mae Haltom 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 44047, Volume 36, State Record of Water Right Certificates, in the name of North Myrtle Irrigation Company, describes a right which includes the use of not to exceed 0.055 cubic foot per second from North Myrtle Creek for irrigation of a certain 3.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 1.2 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 29 South, Range 5 West, W.M., with a date of priority of September 25, 1920.

The authorized point of diversion for said right is located 13.09 chains North and 0.46 chain West from the Southwest Corner of Henry Jones D.L.C. No. 48, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 29 South, Range 5 West, W.M.

The applicants herein, owners of the lands above described, propose to change the point of diversion therefrom, without loss of priority, to a point located 325 feet South and 1075 feet East from the Northwest Corner of Section 23, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 29 South, Range 5 West, W.M.

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 June 4, 11 and 18, 1979.

Mr. M. John Youngquist, 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 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;

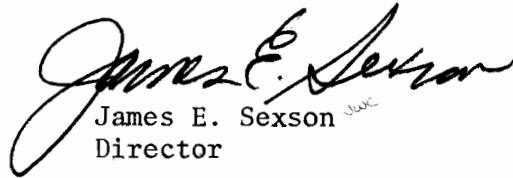
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

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, 1980.

The order of the Water Resources Director entered July 31, 1979, approving transfer application No. 4039, provided for cancellation of the certificate recorded at page 44047, Volume 36, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceeding and other current transfer proceedings; therefore,

It is FURTHER ORDERED that 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 31st day of July, 1979.


James E. Sexson
Director