

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JOSEPHINE COUNTY

IN THE MATTER OF THE APPLICATION OF)
CAROLYN UNDERHILL AND SUSAN BROBST)
FOR APPROVAL OF CHANGES IN PLACE)
OF USE AND POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER 5677

On July 25, 1985, an application was filed in the office of the Water Resources Director by Carolyn Underhill and Susan Brobst for approval of changes in place of use and point of diversion of water from Althouse Slough, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 51860, Volume 46, State Record of Water Right Certificates, in the names of C.A. Hervey and Joseph Lee Sowell, describes a right which includes the use of not to exceed 0.06 cubic foot per second from Althouse Slough, for irrigation of 5.0 acres in SE 1/4 SW 1/4, Section 12, Township 40 South, Range 8 West, WM with a date of priority of June 26, 1919.

Water for the said right is diverted from a point located 110 feet North and 1800 feet East from the Southwest Corner of Section 12, being within the SE 1/4 SW 1/4 of Section 12, Township 40 South, Range 8 West, WM.

The applicants herein, owner of the lands above described, propose to change the point of diversion therefrom to a point located 450 feet North and 1630 feet East from the Southwest Corner of Section 12, being within the SE 1/4 SW 1/4 of Section 12, Township 40 South, Range 8 West, WM, and to change the place of use therefrom to irrigation of 3.84 acres in SW 1/4 SW 1/4 and 1.16 acres in SE 1/4 SW 1/4, Section 12, Township 40 South, Range 8 West, WM.

Robert B. Steimer, 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 proposed changes in place of use and point of diversion are approved, without loss of priority.

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 0.06 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:

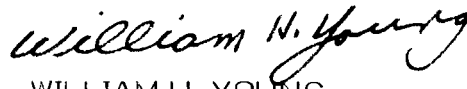
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 water used from the proposed point of diversion on or before October 1, 1987.

It is FURTHER ORDERED that the certificate recorded at page 51860, Volume 46, 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 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 16th day of September, 1985


WILLIAM H. YOUNG
Director

NOTE: 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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