

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF EARL EMERICH FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION)
OF WATER FROM SOUTH UMPQUA RIVER)

ORDER APPROVING
TRANSFER NO. 3722

On July 7, 1977, an application was filed in the office of the Water Resources Director by Earl Emerich for approval of a change in point of diversion from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 7481, Volume 7, State Record of Water Right Certificates, in the name of Ada Harding, describes a right which includes the use of not to exceed 0.09 cubic foot per second from South Umpqua River for irrigation of 7.0 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 28 South, Range 6 West, W.M., with a date of priority of May 24, 1922.

Water for the said right is diverted from a point located 2112 feet North and 1584 feet West from the Southeast Corner of Section 22, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 22.

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 450 feet North and 1280 feet East from the Center Corner of Section 22, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 22.

Notice of the application, pursuant to ORS 540.510, 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 30; December 7 and 14, 1977.

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, 1979.

It is FURTHER ORDERED that the certificate of water right heretofore issued to Ada Harding and recorded at page 7481, Volume 7, 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 applicant herein.

Dated at Salem, Oregon, this 27th day of January, 1978.


James E. Sexson
Director