

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
GEORGE L. BROSI FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 4877

On August 25, 1981, an application was filed in the office of the Water Resources Director by George L. Brosi for approval of changes in place of use and 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 3913, Volume 5, State Record of Water Right Certificates, in the name of M. B. Green, describes a right for the use of not to exceed 0.33 cubic foot per second from South Umpqua River for irrigation of 3.0 acres in NE 1/4 NE 1/4, 16.0 acres in NW 1/4 NE 1/4, and 8.0 acres in NE 1/4 NW 1/4, Section 22, Township 28 South, Range 6 West, WM, with a date of priority of October 30, 1920.

Water for the said right is diverted from a point located 16 feet South and 4,471 feet East from the Southwest Corner of Section 15, being within the NE 1/4 NE 1/4 of Section 22, Township 28 South, Range 6 West, WM.

The applicant herein proposes to sever the right from 6.4 acres in NW 1/4 NE 1/4, Section 22 and, without loss of priority, to irrigate in lieu thereof a certain 5.4 acres in SW 1/4 SE 1/4 and 1.0 acre in SE 1/4 SE 1/4, Section 15, Township 28 South, Range 6 West, WM, together with the balance of the aforesaid lands, from the aforesaid point of diversion and an additional point located 1,440 feet North and 2,520 feet East from the Southwest Corner of Section 15, being within the NE 1/4 SW 1/4, Section 15, Township 28 South, Range 6 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 September 2, 9 and 16, 1981.

Gary L. Ball, 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 point 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, 1983.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1983.

It is FURTHER ORDERED that the certificate recorded at page 3913, Volume 5, State Record of Water Right Certificates, is canceled; 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 2nd day of November, 1981.


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.

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