

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
PEGGY M. DOWN FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER
ORDER APPROVING
TRANSFER 5688

On August 13, 1985, an application was filed in the office of the Water Resources Director by Peggy M. Down for approval of a change in 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 19581, Volume 14, State Record of Water Right Certificates, in the name of Bert J. Gilbert, describes a right which includes the use of not to exceed 0.005 cubic foot per second from South Umpqua River, for irrigation of 0.4 acre in Lot 6 (NW 1/4 SW 1/4), Section 14, Township 27 South, Range 6 West, WM with a date of priority of March 6, 1947.

Water for the said right is diverted from a point located within the NE 1/4 SE 1/4 of Section 15, Township 27 South, Range 6 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 90 feet North and 230 feet East from the West Quarter Corner of Section 14, being within the SW 1/4 NW 1/4 of Section 14, Township 27 South, Range 6 West, WM.

Gary L. Ball, 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 proposed change in point of diversion is 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 0.005 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;

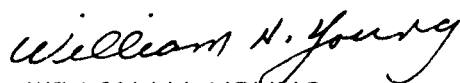
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

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.

The order of the Water Resources Director approving Transfer 5687 provided for cancellation of the certificate of water right recorded at page 19581, Volume 14, State Record of Water Right Certificates, 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 applicant herein.

Dated at Salem, Oregon, this 18th day of October, 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.

0337/e
0547D