

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF MICHAEL KILLIANY FOR APPROVAL)
OF A CHANGE IN POINT OF DIVER-)
SION OF WATER FROM UMPQUA RIVER)

ORDER APPROVING
TRANSFER NO. 3726

On July 8, 1977, an application was filed in the office of the Water Resources Director by Michael Killiany for approval of a change in point of diversion from Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 44464, Volume 36, State Record of Water Right Certificates, in the name of P. W. George, describes a right which includes the use of not to exceed 0.06 cubic foot per second from Umpqua River for irrigation of a certain 1.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, 1.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21 and 1.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 23 South, Range 7 West, W.M., with a date of priority of March 12, 1951.

The authorized points of diversion are located: (1) 1620 feet North and 840 feet West from the Southeast Corner of Section 20, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20; (2) 250 feet North and 1150 feet East from the Southwest Corner of Section 21, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 23 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the points of diversion therefrom and, without loss of priority, to irrigate the said 1.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20 and 1.4 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21 from a new point of diversion (A) located 1000 feet North and 390 feet East from the Southwest Corner of Section 21, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 21; and to irrigate the said 1.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28 from a new point of diversion (B) located 1090 feet South and 2040 feet East from the Northwest Corner of Section 28, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28.

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 changes in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes 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 changes in 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 points of diversion, together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old points of diversion under the subject right, and shall not exceed 0.04 cubic foot per second at said point of diversion (A) and 0.02 cubic foot per second at said point of diversion (B).

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install head-gates and measuring devices:

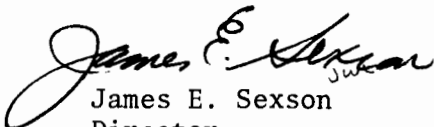
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 P. W. George and recorded at page 44464, Volume 36, 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 30th day of January, 1978.


James E. Sexson
Director