

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF )  
LOIS M. CLOUGH FOR APPROVAL OF ) ORDER APPROVING  
CHANGES IN PLACE OF USE AND POINT ) TRANSFER 5949  
OF DIVERSION OF WATER )

On May 26, 1987, an application was filed in the office of the Water Resources Director by Lois M. Clough 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 5390, Volume 6, State Record of Water Right Certificates, in the name of J. L. Clough, describes a right for which includes the use of not to exceed 0.125 cubic foot per second from South Umpqua River, for irrigation of a certain 10.0 acres in NW 1/4 SW 1/4, Section 18, Township 30 South, Range 4 West, WM, with a date of priority of October 28, 1919.

Water for the said right is diverted, through the point located South 71° West, 1220 feet from the Northeast Corner of DLC 37, being within the NE 1/4 NW 1/4 of Section 18, Township 30 South, Range 4 West, W.M..

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 870 feet North and 70 feet East from the West Quarter Corner of Section 21, being within the SW 1/4 NW 1/4 of Section 21, Township 30S, Range 5W, WM, and to change the place of use to irrigation of 7.5 acres in SW 1/4 NW 1/4 and 2.5 acres in SE 1/4 NW 1/4 of Section 21, Township 30 South, Range 5 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The News-Review, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of June 5, 12 and 19, 1987.

Gary L. Ball, Watermaster, has filed a statement to the effect that the proposed changes in point of diversion and place of use 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 point of diversion and place of use 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 0.125 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.

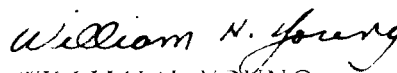
It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificate 5390, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the right to divert water from the point described in Certificate 5390 is hereby cancelled, and water shall be used from the new diversion point on or before October 1, 1988.

It is FURTHER ORDERED that when distribution of water is necessary, the call for water to satisfy this right shall be limited to the water rights above the old point of diversion.

It is FURTHER ORDERED that the certificate recorded at page 5390, Volume 6, State Record of Water Right Certificates, is cancelled; 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 July, 1987.

  
WILLIAM H. YOUNG  
Director

NOTICE: Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075.

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