

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF G.H. BREY FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF)
WATER)

ORDER APPROVING
TRANSFER 5259

On May 2, 1983, an application was filed in the office of the Water Resources Director by G.H. Brey for approval of a change in point of diversion of water from North Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 51279, Volume 46, State Record of Water Right Certificates, in the name of G.H. Harrell, describes a right which includes the use of not to exceed 0.076 cubic foot per second from North Umpqua River, for irrigation of 1.0 acre in SW 1/4 SE 1/4, 0.8 acre in SE 1/4 SE 1/4, Section 14, 1.6 acres in NE 1/4 NE 1/4 and 2.7 acres in NW 1/4 NE 1/4, Section 23, Township 26 South, Range 6 West, WM with a date of priority of May 13, 1963.

Water for the said right is diverted from a point located 2550 feet South and 2620 feet West from the East quarter Corner of Section 14, being within the SW 1/4 SE 1/4 of Section 23, Township 26, 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 3420 feet South and 2090 feet West from the East quarter Corner of Section 14, being within the NW 1/4 NE 1/4 of Section 23, Township 26 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 May 10, 17 and 24, 1983.

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 0.076 cfs.

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:

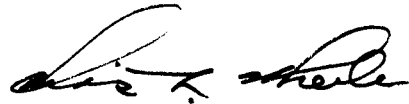
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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, 1985.

It is FURTHER ORDERED that the certificate recorded at page 51279, Volume 46, 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 20th day of July, 1983.



CHRIS L. WHEELER
Deputy 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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