

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF WILLIAM L. SEEBERT, JR.) ORDER APPROVING
FOR APPROVAL OF A CHANGE IN) TRANSFER 5682
POINT OF DIVERSION OF WATER)

On August 5, 1985, an application was filed in the office of the Water Resources Director by William L. Seebert, Jr. for approval of a change in point of diversion of water from St. John's Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 1971, Volume 3, State Record of Water Right Certificates, in the name of J.L. Wright, describes a right which includes the use of not to exceed 0.025 cubic foot per second from St. John's Creek, for irrigation of a certain 2.0 acres in NW 1/4 NW 1/4, Section 34, Township 30 South, Range 3 West, WM, with a date of priority of December 9, 1913.

Water for the said right is diverted from a point located 11.3 chains North and 30.4 chains East from the Southwest Corner of Section 27, being within the SE 1/4 SW 1/4 of Section 27, Township 30 South, Range 3 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 580 feet South and 800 feet East from the Northwest Corner of Section 34, being within the NW 1/4 NW 1/4 of Section 34, Township 30 South, Range 3 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Umpqua Free Press, 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 August 15, 22, and 29, 1985.

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 0.025 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:

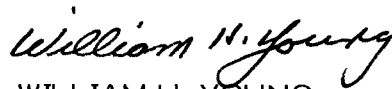
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

It is FURTHER ORDERED that the certificate recorded at page 1971, Volume 3, 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 29th 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
0858D