

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

Douglas County

IN THE MATTER OF THE APPLICATION OF)
PERCY V. PAYTON FOR THE APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER FROM UMPQUA RIVER)

ORDER APPROVING
TRANSFER NO. 3323

On October 13, 1975, Percy V. Payton filed an application in the office of the Water Resources Director for the approval of a change in point of diversion of water from Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to P.W. George and recorded at Page 40356, Volume 32, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 0.63 cubic foot per second of water from Umpqua River for the irrigation of, among other lands, 0.1 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.4 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 23 South, Range 7 West, W.M., with a date of priority of March 12, 1951. These lands are irrigated from a point of diversion located 250 feet North and 1150 feet East from the Southwest corner of Section 21, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, Township 23 South, Range 7 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 10 feet South and 1500 feet East from the Northwest corner of Section 28, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 23 South, Range 7 West, W.M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed

change in point of diversion of water, if any there were, namely: at the county courthouse in Roseburg, Oregon, on February 11, 1976, at 9:30 a.m. The notice was published in the Sutherlin Sun-Tribune, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of December 18, 25, 1975 and January 1, 1976. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

M. John Youngquist, Watermaster of District Number 15, has filed a report to the effect that the proposed change in point of diversion of water 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 change in point of diversion of water from Umpqua River, to wit:

From a point located 250 feet North and 1150 feet East from the Southwest corner of Section 21, being within the $SW\frac{1}{2}$ $SW\frac{1}{2}$ of Section 21, Township 23 South, Range 7 West, W.M.

To a point to be located 10 feet South and 1500 feet East from the Northwest corner of Section 28, being within the $NE\frac{1}{2}$ $NW\frac{1}{2}$ of Section 28, Township 23 South, Range 7 West, W.M.,

for the irrigation of 0.1 acre in $NE\frac{1}{2}$ $NW\frac{1}{2}$ and 2.4 acres in $NW\frac{1}{4}$ $NW\frac{1}{4}$, Section 28, Township 23 South, Range 7 West, W.M., with a date of priority of March 12, 1951, is approved.

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, 1976.

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, and shall not exceed 0.03 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgement 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.

On December 5, 1975, an order was entered by the Water Resources Director approving a change in point of diversion for part of the right evidenced by the certificate recorded at Page 40356. Said order canceled the certificate recorded at Page 40356 and provided for a new certificate to be issued covering the balance of the right not involved in the change.

It is FURTHER ORDERED that the part of the right involved in the change authorized herein not be included in the new certificate to be issued as provided by the order entered December 5, 1975, and upon receipt of proof satisfactory to the Water Resources Director of completion of the change in point of diversion authorized herein, a certificate of water right shall be issued to Percy V. Payton confirming the change in point of diversion.

Dated at Salem, Oregon, this 20th day of February, 1976.


JAMES E. SEXSON
Director