

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

LINCOLN COUNTY

IN THE MATTER OF THE APPLICATION OF )  
ETHEL E. BOLAY FOR APPROVAL OF A )  
CHANGE IN POINT OF DIVERSION OF )  
WATER )  
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ORDER APPROVING  
TRANSFER 5385

On October 4, 1983, an application was filed in the office of the Water Resources Director by Ethel E. Bolay for approval of a change in point of diversion of water from Fall Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 16861, Volume 14, State Record of Water Right Certificates, in the name of Russell K. Woodruff, describes a right which includes the use of not to exceed 0.11 cubic foot per second from Fall Creek, for irrigation of a certain 8.5 acres in SW 1/4 NW 1/4, Section 1, Township 14 South, Range 9 West, WM with a date of priority of May 8, 1941.

Water for the said right is diverted from a point located 950 feet South and 1050 feet East from the West Quarter Corner of Section 1, being within the NW 1/4 SW 1/4 of Section 1, Township 14 South, Range 9 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 660 feet North and 700 feet East from the West Quarter Corner of Section 1, being within the SW 1/4 NW 1/4 of Section 1, Township 14 South, Range 9 West, WM. The change in point of diversion is reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in the News-Time, a newspaper printed and having general circulation in Lincoln County, Oregon, for a period of three weeks in the issues of October 12, 19 and 26, 1983.

Michael F. Ladd, 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 0.11 cubic foot per second.

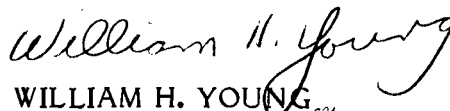
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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 certificate recorded at page 16861, Volume 14, 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 14th day of December, 1983.

  
WILLIAM H. YOUNG  
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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