

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF ANDREW B. SMITH FOR APPROVAL)
OF A CHANGE IN POINT OF DIVERSION)
OF WATER FROM BRITT CREEK)

ORDER APPROVING
TRANSFER NO. 4246

On June 27, 1979, an application was filed in the office of the Water Resources Director by Andrew B. Smith for approval of a change in point of diversion of water from Britt Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 42161, Volume 34, State Record of Water Right Certificates, in the names of G. W. Vaughn, W. A. Smith and A. B. Smith, describes a right for the use of not to exceed 0.125 cubic foot per second from Britt Creek for irrigation of a certain 10.0 acres and for domestic use for one family in NW¼ SE¼ of Section 10, Township 26 South, Range 3 West, W.M., with a date of priority of February 27, 1930.

Water for the said right is diverted from a point located within the SW¼ SE¼ of Section 10, Township 26 South, Range 3 West, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 1600 feet North and 27 feet East from the South Quarter Corner of Section 10, being within the NW¼ SE¼ of Section 10, Township 26 South, Range 3 West, W.M.

Mr. M. John Youngquist, 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 requested change in point of diversion, as described herein, without loss of priority, is approved.

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.

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:

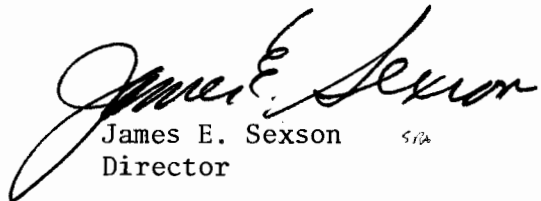
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the change in point of diversion of water made on or before October 1, 1980.

It is FURTHER ORDERED that the certificate recorded at page 42161, Volume 34, State Record of Water Right Certificates, is canceled; 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 25th day of September, 1979.


James E. Sexson *SJS*
Director