

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION )  
OF HARLAN E. & HAROLENE PHELPS FOR)  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
- - - - -

ORDER APPROVING  
TRANSFER NO. 3980

On June 20, 1978, an application was filed in the office of the Water Resources Director by Harlan E. and Harolene Phelps for approval of a change in point of diversion of water from South Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 5594, Volume 6, State Record of Water Right Certificates, in the name of A. L. Dyer, describes a right for the use of not to exceed 0.25 cubic foot per second from South Myrtle Creek with a priority date of January 9, 1920, for irrigation of a certain 20.0 acres in NE $\frac{1}{4}$  of Section 30, Township 29 South, Range 4 West, W.M., tabulating the 20.0 acres as 10.0 acres in Lot 1 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), 6.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 4.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ . The actual location is determined to be 13.0 acres in Lot 1 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ), 4.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  and 3.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 30.

The authorized point of diversion for said right is located 1800 feet South and 250 feet West from the Northeast Corner of Section 30, being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, Township 29 South, Range 4 West, W.M.

The applicants herein, owners of a certain 9.8 acres in Lot 1 (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of the lands above described, propose to change the point of diversion of water for the irrigation of their lands, without loss of priority, to a point located 530 feet South and 460 feet East from the North Quarter Corner of Section 30, being within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, Township 29 South, Range 4 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the

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Myrtle Creek Mail, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of July 27; August 3 and 10, 1978.

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, and shall not exceed 0.122 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;

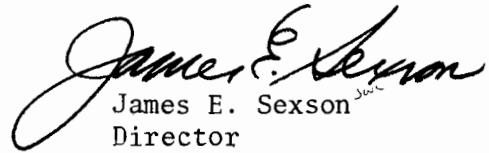
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1980.

The order entered November 15, 1978, approving transfer application No. 3977 provided for cancellation of the certificate recorded at page 5594, Volume 6, State Record of Water Right Certificates; therefore,

It is FURTHER ORDERED that 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 applicants herein.

Dated at Salem, Oregon this 15th day of November, 1978.

  
James E. Sexson  
Director