

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
JEAN V. & JOHN J. BERRY FOR APPROVAL)
OF CHANGES IN PLACE OF USE AND POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4262

On July 25, 1979, an application was filed in the office of the Water Resources Director by Jean V. and John J. Berry for approval of changes in place of use and point of diversion of water from Canyon Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 48132, Volume 41, State Record of Water Right Certificates, in the names of T.C. Shaw, E.W. Elliott and Mrs. Mary Odle, describes a right which includes the use of not to exceed 0.005 cubic foot per second from Canyon Creek for irrigation of a certain 0.4 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W.M., with a date of priority of February 10, 1912.

Water for the said right is diverted from a point located 14 rods South and 20 rods West from the Northeast Corner of J. Roberts D.L.C. No. 59, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W.M.

The applicants herein, owners of the lands above described, propose to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 0.4 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, from a point of diversion located 200 feet South and 1210 feet West from the North Quarter Corner of Section 27, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of August 6, 13 and 20, 1979.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and 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 changes in place of use and point of diversion, as described herein, without loss of priority, are 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:

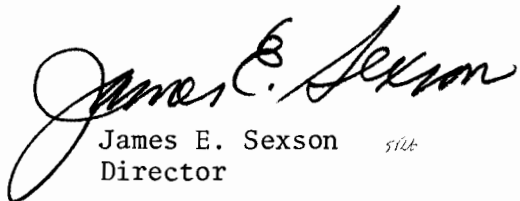
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 and that said water so transferred shall be applied to beneficial use on or before October 1, 1981.

It is FURTHER ORDERED that the certificate recorded at page 48132, Volume 41, 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 applicants herein.

Dated at Salem, Oregon this 27th day of September, 1979.


James E. Sexson 5126
Director