

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
JUDY HOLMGREN FOR APPROVAL OF A)
CHANGE IN POINT OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER 5040

On May 10, 1982, an application was filed in the office of the Water Resources Director by Judy Holmgren for approval of a change in point of diversion of water from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 8794, Volume 8, State Record of Water Right Certificates, in the name of J. H. Booth, describes a right which includes the use of not to exceed 0.105 cubic foot per second from South Umpqua River, for irrigation of 5.0 acres in SW 1/4 NW 1/4 and 3.4 acres in NW 1/4 SW 1/4, Section 12, Township 29 South, Range 6 West, WM, with a date of priority of August 20, 1926.

Water for the said right is diverted from a point located 2,540 feet North and 2,750 feet East from the Southwest Corner of Section 12, being within the NW 1/4 SE 1/4 of Section 12, Township 29 South, Range 6 West, WM.

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 3,150 feet North and 870 feet East from the Southwest Corner of Section 12, being within the SW 1/4 NW 1/4 of Section 12, Township 29 South, Range 6 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Myrtle Creek Mail, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of June 10, 17 and 24, 1982.

Gary L. Ball, 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, WITH THE FOLLOWING CONDITIONS.

The quantity of water diverted at the new point of diversion shall not exceed 0.105 cubic foot per second, and together with that diverted at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion under the subject right.

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;

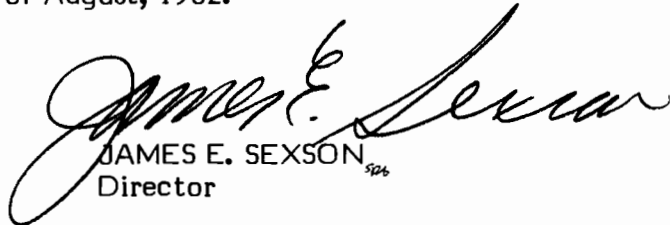
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

NO time need be fixed for completion as the change in point of diversion is completed.

The order of the Water Resources Director entered June 8, 1982, approving Transfer Application 5032, provided for cancellation of the certificate recorded at page 8794, Volume 8, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right NOT involved in the transfer proceedings; therefore,

It is FURTHER ORDERED that the portion of the right involved in the change authorized herein NOT be included in said new certificate; 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 30th day of August, 1982.



JAMES E. SEXSON
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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