

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM A. AND SYBLE A. SCOTT FOR )  
APPROVAL OF A CHANGE IN PLACE OF )  
USE AND POINT OF DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER 4756

On April 27, 1981, an application was filed in the office of the Water Resources Director by William A. and Syble A. Scott for approval of changes in place of use and point of diversion of water from North Myrtle Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Pursuant to said provisions, proof has been made to the satisfaction of the Water Resources Director that a change in point of diversion has been completed under the terms of transfer application 4045 in the name of Ewell or Faye Hall, for the use of not to exceed 0.059 cubic foot per second from North Myrtle Creek, for irrigation of 4.7 acres in SW 1/4 NW 1/4, Section 23, Township 29 South, Range 5 West, WM, with a date of priority of September 25, 1920.

Water for the said right is diverted from a point located 1,575 feet South and 175 feet East from the Northwest Corner of Section 23, being within the SW 1/4 NW 1/4 of Section 23, Township 29 South, Range 5 West, WM.

The applicants herein propose to sever the right from 0.4 acre of said 4.7 acre parcel and, without loss of priority, to irrigate in lieu thereof a certain 0.4 acre in NW 1/4 NW 1/4, Section 23, Township 29 South, Range 5 West, WM, from a point of diversion located 1,470 feet South and 290 feet East from the Northwest Corner of Section 23, being within the SW 1/4 NW 1/4 of Section 23, Township 29 South, Range 5 West, WM.

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, 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, and shall not exceed 0.005 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:

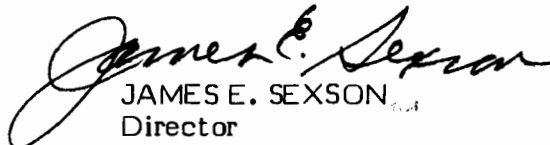
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 NO time need be fixed for completion as the changes in place of use and point of diversion are completed.

It is FURTHER ORDERED that 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 21st day of July, 1981.

  
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.