

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

IN THE MATTER OF THE APPLICATION )  
OF DONALD BIEBERSTEDT FOR APPROVAL )  
OF A CHANGE IN POINT OF DIVERSION )  
OF WATER )  
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ORDER APPROVING  
TRANSFER 5161

On November 18, 1982, an application was filed in the office of the Water Resources Director by Donald Bieberstedt for approval of a change in point of diversion of water from Knutzen Gulch, pursuant to the provisions of ORS 540.510 to 540.530.

The certificates recorded at page 22998, Volume 16, and page 45934, Volume 38, State Record of Water Right Certificates, in the name of Donald Bieberstedt, describe rights for the use of not to exceed 0.13 cubic foot per second from Knutzen Gulch, for storage of 5.5 acre-feet in Bieberstedt Reservoir and irrigation of a certain 8.2 acres in SW 1/4 SW 1/4, Section 32 and 1.8 acres in SE 1/4 SE 1/4, Section 31, Township 35 South, Range 1 East, WM, with a date of priority of June 13, 1951.

Water for the said right is diverted, through the Trammell-Bieberstedt Ditch, from a point located 30 feet South and 550 feet West from the East Quarter Corner of Section 32, being within the NE 1/4 SE 1/4 of Section 32, Township 35 South, Range 1 East, 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 250 feet North and 1220 feet East from the Southwest Corner of Section 32, being within the SW 1/4 SW 1/4 of Section 32, Township 35 South, Range 1 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Ashland Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of November 29, December 6 and 13, 1982.

David C. Hendrix, 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 0.13 cubic foot per second, 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:

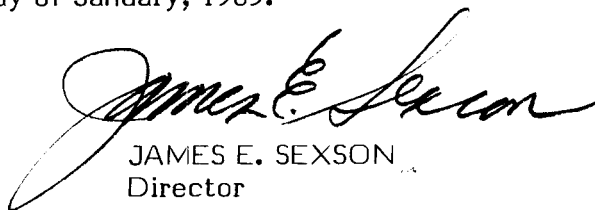
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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.

The construction work shall be completed and water used from the proposed point of diversion on or before October 1, 1984.

It is FURTHER ORDERED that the certificates recorded at page 22998, Volume 16 and page 45934, Volume 38, State Record of Water Right Certificates, are 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, confirming certificates of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 26th day of January, 1983.

  
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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