

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
CREIGHTON AND PHYLLIS M. BAXTER)
FOR APPROVAL OF CHANGES IN)
PLACE OF USE AND POINT OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 4780

On May 28, 1981, an application was filed in the office of the Water Resources Director by Creighton and Phyllis M. Baxter for approval of changes in place of use and point of diversion of water from Calapooya Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 43747, Volume 35, State Record of Water Right Certificates, in the name of Mr. and Mrs. Creighton Baxter, describes a right which includes the use of not to exceed 0.39 cubic foot per second from Calapooya Creek for irrigation of 0.5 acre in NW 1/4 NE 1/4, 4.0 acres in SW 1/4 NW 1/4, 15.8 acres in SE 1/4 NW 1/4, 8.0 acres in SW 1/4 NE 1/4, 1.2 acre in NE 1/4 SW 1/4 and 1.8 acre in NW 1/4 SE 1/4, Section 35, Township 24 South, Range 5 West, WM, with a date of priority of August 12, 1953.

Water for the said right is diverted from points located 1) 4,430 feet North and 4,080 feet East from the Southwest Corner of Section 35, being within the NE 1/4 NE 1/4 and 2) 3,090 feet North and 2,780 feet East from the Southwest Corner of Section 35, being with the SW 1/4 NE 1/4, both Section 35, Township 24 South, Range 5 West, WM.

The applicants propose to sever the right therefrom and to irrigate in lieu thereof 13.6 acres in NE 1/4 SW 1/4 and 17.7 acres in NW 1/4 SW 1/4, Section 35, Township 24 South, Range 5 West, WM, from two points of diversion located 1) 4,300 feet North and 3,600 feet East and 2) 2,610 feet North and 1,480 feet East from the Southwest Corner of Section 35, being within the 1) NW 1/4 NE 1/4 and 2) NE 1/4 SW 1/4 of Section 35, Township 24 South, Range 5 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Sun Tribune, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of October 22, 29, and November 5, 1981.

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 points of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available at the old points 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:

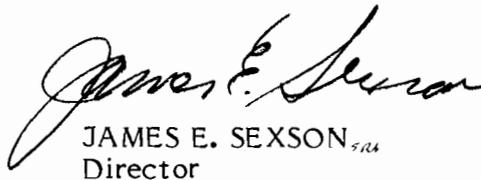
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 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 the certificate recorded at page 43747, Volume 35, 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 23rd day of December, 1981.


JAMES E. SEXSON^{sr}
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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