

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
FRED G. AND CONNIE M. LANDERS) ORDER APPROVING
FOR APPROVAL OF A CHANGE IN) TRANSFER 5873
POINT OF DIVERSION OF WATER)

On November 20, 1986, an application was filed in the office of the Water Resources Director by Fred G. and Connie M. Landers for approval of a change in point of diversion of water from Cow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 707, Volume 1, State Record of Water Right Certificates, in the name of R.M. Morgan, describes a right which includes the use of not to exceed 0.11 cubic foot per second from Cow Creek, for irrigation of a certain 3.0 acres in NW 1/4 SW 1/4 and 3.0 acres in SW 1/4 SW 1/4, Section 21, Township 32 South, Range 5 West, WM with a date of priority of July 31, 1912.

Water for the said right is diverted, through the A.H. Hensen Ditch, from a point located South 70 3/4^o West, 9.41 chains from the Northeast Corner of Section 22, being within the NE 1/4 NE 1/4 of Section 22, Township 32 South, Range 5 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 1190 feet North and 460 feet East from the Southwest Corner of Section 21, being within the SW 1/4 SW 1/4 of Section 21, Township 32 South, Range 5 West, WM. The change in point of diversion is reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in the News-Review, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of December 8, 15 and 22, 1986.

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 proposed change in point of diversion is approved, without loss of priority.

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 original point of diversion under the subject right, and shall not exceed 0.11 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:

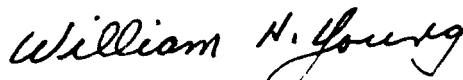
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the right to divert water from the point described in Certificate 707 is hereby canceled and water shall henceforth be used for the new diversion point.

It is FURTHER ORDERED that the certificate recorded at page 707, Volume 1, 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 applicant herein.

Dated at Salem, Oregon, this 29th day of January, 1987.



WILLIAM H. YOUNG
Director

NOTE: 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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