

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION OF)
L. A. SWARENS, ET AL., FOR APPROVAL)
OF ADDITIONAL POINTS OF DIVERSION)
OF WATER)

ORDER APPROVING
TRANSFER 4956

On December 22, 1981, an application was filed in the office of the Water Resources Director by L. A. Swarens, Clyde Purcell, Charles D. Bronson and Warde Erwin for approval of additional points of diversion of water from Squaw Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 24619, Volume 17, State Record of Water Right Certificates, in the name of Betty Camomile, describes a right for the use of not to exceed 0.45 cubic foot per second from Squaw Creek, for irrigation of 0.6 acre in NW 1/4 NW 1/4, 14.0 acres in SW 1/4 NW 1/4, 2.0 acres in NE 1/4 SW 1/4, 15.0 acres in NW 1/4 SW 1/4, 13.4 acres in SW 1/4 SW 1/4 and 5.0 acres in SE 1/4 SW 1/4, Section 35, Township 14 South, Range 10 East, WM, with a date of priority of March 8, 1948.

Water for the said right is diverted from a point located 900 feet East from the Southwest Corner of Section 35, being within the SW 1/4 SW 1/4 of Section 35, Township 14 South, Range 10 East, WM.

The applicants herein, owners of the lands above described, propose to add four additional points of diversion located a) 840 feet North and 880 feet East from Southwest Corner, Section 35, being with SW 1/4 SW 1/4, Section 35; b) 910 feet North and 840 feet East from Southwest Corner, Section 35, being within the SW 1/4 SW 1/4, Section 35; c) 1,090 feet South and 950 feet East from West Quarter Corner, Section 35, being within NW 1/4 SW 1/4, Section 35; d) 100 feet North and 700 feet East from West Quarter Corner, Section 35, being within SW 1/4 NW 1/4, Section 35, all Township 14 South, Range 10 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of December 30, 1981 and January 6 and 13, 1982.

Robert F. Main, Jr., Watermaster, has filed a statement to the effect that the proposed additional points of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed additional points of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested additional points of diversion, as described herein, without loss of priority, are approved, WITH THE FOLLOWING CONDITIONS.

The quantity of water diverted at the new points 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 0.45 cubic foot per second.

The following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

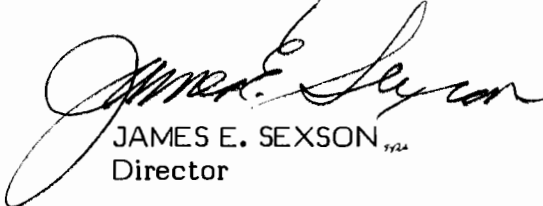
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 points of diversion on or before October 1, 1983.

It is FURTHER ORDERED that the certificate recorded at page 24619, Volume 17, State Record of Water Right Certificates, is 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, a confirming certificate of water right shall be issued to the applicants herein.

Dated at Salem, Oregon this 12th day of March, 1982.


JAMES E. SEXSON, III
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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