

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF )  
FREDERICK A. CURRIE FOR APPROVAL OF )  
CHANGES IN PLACE OF USE AND POINT )  
OF DIVERSION OF WATER )

ORDER APPROVING  
TRANSFER 5668

On July 11, 1985, an application was filed in the office of the Water Resources Director by Frederick A. Currie 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.

The certificate recorded at page 51570, Volume 46, State Record of Water Right Certificates, in the name of Victor J. Rice, describes a right which includes the use of not to exceed 0.014 cubic foot per second from North Myrtle Creek, for irrigation of 1.1 acres in NW 1/4 NW 1/4, Section 24, Township 29 South, Range 5 West, WM, with a date of priority of March 1, 1962.

Water for the said right is diverted from a point located 2180 feet South and 1020 feet West from the Northeast Corner of Jones DLC 48, being within the NE 1/4 NW 1/4 of Section 24, Township 29 South, Range 5 West, WM.

The applicant herein, owner of the lands above described, proposes to change the place of use of 0.2 acre therefrom to irrigation of another 0.2 acre in said NW 1/4 NW 1/4, and to change the point of diversion for said 1.1 acres therefrom to a point located 400 feet North and 2100 feet West from the Southeast Corner of Jones DLC 48, being within the NW 1/4 NW 1/4 of Section 24, Township 29 South, Range 5 West, WM. The changes are reported to be completed.

Notice of the application, pursuant to ORS 540.520(2), was published in the Umpqua Free Press, 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 November 21, 28 and December 5, 1985.

Gary L. Ball, 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 proposed changes in place of use and point of diversion are 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 old point of diversion under the subject right, and shall not exceed 0.014 cubic foot per second.

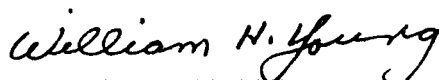
It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

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 certificate recorded at page 51570, Volume 46, 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 13th day of January, 1986.

  
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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