

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

JACKSON COUNTY

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

ORDER APPROVING
TRANSFER 5523

On August 24, 1984, an application was filed in the office of the Water Resources Director by Howard A. Bach for approval of changes in place of use and point of diversion of water from Neil Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 46186, Volume 38, State Record of Water Right Certificates, in the names of Orin L. and Della May Wells, et al, describes a right which includes the use of not to exceed 0.002 cubic foot per second from Neil Creek, for irrigation of a certain 0.2 acre in SW 1/4 NW 1/4, Section 19, Township 39 South, Range 2 East, WM, with a date of priority of 1854.

Water for the said right is diverted, through the Taylor Ditch, from a point located 330 feet South and 65 feet West from the Southwest Corner of DLC 43, being within the SE 1/4 SW 1/4 of Section 19, Township 39 South, Range 2 East, WM.

The applicant herein, owner of the lands above described, proposes to irrigate in lieu thereof another 0.2 acre in said SW 1/4 NW 1/4 from a point located 800 feet North and 200 feet East from the West Quarter Corner of Section 19, being within the SW 1/4 NW 1/4 of Section 19, Township 39 South, Range 2 East, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in The Daily Tidings, a newspaper printed and having general circulation in Jackson County, Oregon, for a period of three weeks in the issues of September 5, 12 and 19, 1984.

Bruce R. Sund, 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 0.002 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 construction work shall be completed and water used from the proposed point of diversion on or before October 1, 1986.

It is FURTHER ORDERED that the certificate recorded at page 46186, Volume 38, 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 2nd day of November, 1984.

William H. Young

WILLIAM H. YOUNG
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.

5240C