

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
EARL L. BUMGARNER FOR APPROVAL OF) APPROVING
CHANGES IN PLACE OF USE AND POINT) TRANSFER 5848
OF DIVERSION OF WATER)

On September 4, 1986, an application was filed in the office of the Water Resources Director by Earl L. Bumgarner for approval of changes in place of use and point of diversion of water from South Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 23596, Volume 17, State Record of Water Right Certificates, in the name of Bruce L. Wynter, describes a right which includes the use of not to exceed 0.01 cubic foot per second from South Umpqua River, for irrigation of 0.75 acre in SW 1/4 NE 1/4 of Section 5, Township 30 South, Range 5 West, WM, with a date of priority of February 28, 1952.

Water for the said right is diverted from a point located within the NW 1/4 NE 1/4 of Section 5, Township 30 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 1400 feet South and 730 feet West from the North Quarter Corner of Section 5, being within the SE 1/4 NW 1/4 of Section 5, Township 30 South, Range 5 West, WM and to change the place of use to irrigation of 0.75 acre in SE 1/4 NW 1/4 of said Section 5.

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 October 23, 30 and November 6, 1986.

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 0.01 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;

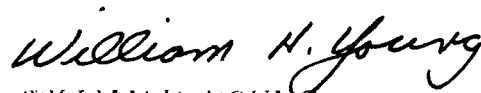
That the type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

It is FURTHER ORDERED that the subject water right is hereby severed from the place of use described in Certificate 23596, and shall be beneficially used as authorized by this order on or before October 1, 1988.

It is FURTHER ORDERED that the right to divert water from the point described in Certificate 23596 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1988.

It is FURTHER ORDERED that the certificate recorded at page 23596, Volume 17, 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 9th day of December, 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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