

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF GERRY BRIGGS FOR APPROVAL OF)
CHANGES IN PLACE OF USE AND POINT)
OF DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 4046

On September 13, 1978, an application was filed in the office of the Water Resources Director by Gerry Briggs 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 24138, Volume 17, State Record of Water Right Certificates, in the name of A. L. Matthews, describes a right which includes the use of not to exceed 0.16 cubic foot per second from South Umpqua River for irrigation of a certain 2.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 7.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7; and 2.1 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 0.6 acre in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 30 South, Range 5 West, W.M., with a date of priority of October 31, 1952.

Water for the said right is diverted from a point located 1800 feet South and 250 feet East from the West Quarter Corner of Section 7, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, Township 30 South, Range 5 West, W.M.

The applicant herein proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 10.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1.9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$, 0.1 acre in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 0.4 acre in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 30 South, Range 5 West, W.M., from a point of diversion located 250 feet South and 1100 feet West from the Northeast Corner of Section 27, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The News-Review, a newspaper printed and having general circulation in Douglas County, Oregon, for a period of three weeks in the issues of November 6, 13 and 20, 1978.

Mr. M. John Youngquist, 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.

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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 requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

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.

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:

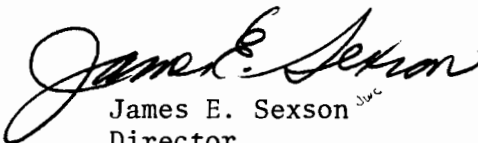
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 the change in point of diversion of water made and that said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 24138, 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 3rd day of January, 1979.


James E. Sexson
Director