

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF KEITH MCGINNIS FOR APPROVAL OF)
A CHANGE IN POINT OF DIVERSION OF)
WATER FROM CANYON CREEK)
- - - - -

ORDER APPROVING
TRANSFER NO. 3852

On December 14, 1977, an application was filed in the office of the Water Resources Director by Keith McGinnis for approval of a change in point of diversion from Canyon Creek, pursuant to ORS 540.510 to 540.530.

The certificate recorded at page 19652, Volume 14, State Record of Water Right Certificates, in the name of John Hamlin, describes a right which includes the use of not to exceed 0.01 cubic foot per second from Canyon Creek for irrigation of a certain 0.8 acre in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W.M., with a date of priority of January 2, 1947.

The authorized point of diversion for said right is located 110 feet South and 410 feet East from the interior "L" corner of the J. Clark D.L.C. No. 51, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W.M.

The applicant herein, purchaser of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 280 feet North and 520 feet East from the interior "L" corner of the J. Clark D.L.C. No. 51, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W.M.

Mr. M. John Youngquist, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed change in 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 change in point of diversion described herein, without loss of priority, is 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, 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:

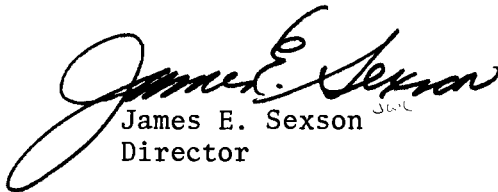
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 no time need be fixed for completion as the change in point of diversion is completed.

It is FURTHER ORDERED that the certificate of water right heretofore issued to John Hamlin and recorded at page 19652, Volume 14, 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 the proceedings for transfers No. 3839, 3842 and 3846; 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 5th day of May, 1978.


James E. Sexson
Director