

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
JOHN W. ROGERS FOR APPROVAL OF) ORDER APPROVING
A CHANGE IN POINT OF) TRANSFER 5547
DIVERSION OF WATER)

On October 8, 1984, an application was filed in the office of the Water Resources Director by John W. Rogers for approval of a change in point of diversion of water from Cow Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 31351, Volume 23, State Record of Water Right Certificates, in the names of George Z. and Olive E. Newman, describes a right for the use of not to exceed 0.27 cubic foot per second from Cow Creek, for irrigation of 18.8 acres in SW 1/4 NW 1/4, Section 13, and 0.2 acre in SE 1/4 NE 1/4, Section 14, Township 32 South, Range 5 West, WM, with a date of priority of June 5, 1961.

Water for the said right is diverted from a point located 1120 feet South and 610 feet East from the Northwest Corner of Section 13, being within the NW 1/4 NW 1/4 of Section 13, Township 32 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 915 feet South and 490 feet West from the North Quarter Corner of Section 13, being within the NE 1/4 NW 1/4 of Section 13, Township 32 South, Range 5 West, WM (Highland Ditch).

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 1, 8 and 15, 1984.

Gary L. Ball, 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 proposed change in point of diversion is 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 0.27 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:

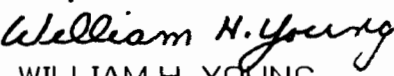
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 31351, Volume 23, State Record of Water Right Certificates, is canceled; 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 20th day of December, 1984.


WILLIAM H. YOUNG, III
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.

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