

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF MERLE A. TYLER, SR., FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION OF WATER)

ORDER APPROVING
TRANSFER NO. 3842

On November 25, 1977, an application was filed in the office of the Water Resources Director by Merle A. Tyler, Sr., for approval of a change in point of diversion from Canyon Creek, pursuant to the provisions of 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 0.002 cubic foot per second from Canyon Creek for irrigation of a certain 0.07 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 530 feet North and 2200 feet East from the West Quarter Corner of Section 27, 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, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to a point located 45 feet South and 175 feet West from the Northeast Corner of Lot 6 of Canyon Creek Estates, 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 as 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 0.002 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 the change in point of diversion of water made on or before October 1, 1979.

The order approving transfer No. 3852 provided for the cancellation of the said certificate of water right recorded at page 19652, Volume 14, State Record of Water Right Certificates, and issuance of a new certificate covering the balance of the right not involved in the transfer proceedings; therefore,

It is FURTHER ORDERED that 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