

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION)
OF CITY OF CANYONVILLE FOR)
APPROVAL OF A CHANGE IN POINT OF)
DIVERSION AND USE OF WATER _ _)

ORDER APPROVING
TRANSFER NO. 4258

On July 23, 1979, an application was filed in the office of the Water Resources Director by City of Canyonville for approval of a change in point of diversion and use heretofore made, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 48132, Volume 41, State Record of Water Right Certificates, in the name of T.C. Shaw, E.W. Elliott and Mrs. Mary Odle, describes a right for the use of not to exceed 0.01 cubic foot per second of water from Canyon Creek for irrigation of a certain 0.62 acre in SW $\frac{1}{4}$ 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 February 10, 1912.

Water for the said right is diverted, through the Elliott and Shaw Ditch, from a point located 231 feet South and 330 feet West from the Northeast Corner of Joseph Roberts DLC 59, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 30 South, Range 5 West, W. M.

The applicant herein proposes to change the point of diversion therefrom, without loss of priority, to a point located 1754 feet South and 1197 feet East from the Southeast Corner of Joseph Roberts DLC 59, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 30 South, Range 5 West, W. M. The applicant herein also proposes to transfer the water right from the lands above described and use heretofore made of water, without loss of priority, to municipal use for the City of Canyonville within Section 27, E $\frac{1}{2}$ Section 28, NE $\frac{1}{4}$ Section 33, and N $\frac{1}{2}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 34, 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 September 26, October 3 & 10, 1979.

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

No objections having been filed and it appearing that the proposed changes in point of diversion and use heretofore made 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 and use heretofore made, 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, and shall be further limited to use only during the irrigation season each year.

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;

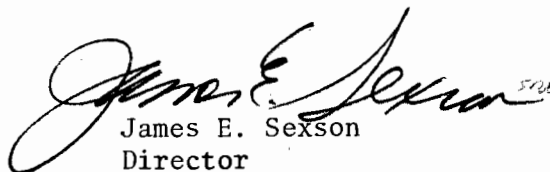
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 changes in point of diversion and use heretofore made are completed.

It is FURTHER ORDERED that the certificate of water right recorded at page 48132, Volume 41, 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 4th day of December, 1979.

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James E. Sexson
Director