

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

DOUGLAS COUNTY

IN THE MATTER OF THE APPLICATION OF)
THEODORA A. KYTOLA FOR APPROVAL) ORDER APPROVING
OF A CHANGE IN POINT OF) TRANSFER 5975
DIVERSION OF WATER)

On July 13, 1987, an application was filed in the office of the Water Resources Director by Theodora A. Kytola for approval of a change in point of diversion of water from North Umpqua River, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 56199, Volume 51, State Record of Water Right Certificates, in the name of G.H. Harrell, describes a right for which includes the use of not to exceed 0.0175 cubic foot per second from North Umpqua River, for irrigation of a certain

0.35 acre SW1/4 SE1/4
Section 14,
1.05 acres NW1/4 NE1/4
Section 23
Township 26 South, Range 6 West, WM

with a date of priority of May 13, 1963.

Water for the said right is diverted, from a point located 2550 feet South and 2620 feet West from the East Quarter corner of Section 14, being within the SW1/4 SE1/4 of Section 14, Township 26 South, Range 6 West, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom to a point located 430 feet South and 300 feet East from the North Quarter corner of Section 23, being within the NW1/4 NE1/4 of Section 23, Township 26 South, Range 6 West, WM.

Notice of the application, pursuant to ORS 540.520(2), was published in the News-Review, a newspaper having general circulation in the area in which the water right is located, for a period of three weeks in the issues of August 3, 10 and 17, 1987.

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.

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.

It is FURTHER ORDERED that the quantity of water appropriated at the new point of diversion, together with that diverted at the old 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 0.0175 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:

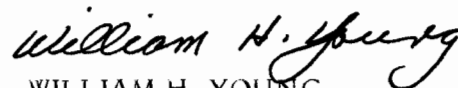
That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

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 right to divert water from the point described in Certificate 56199 is hereby canceled, and water shall be used from the new diversion point on or before October 1, 1989.

It is FURTHER ORDERED that the certificate recorded at page 56199, Volume 51, 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 25th day of November, 1987.


WILLIAM H. YOUNG
Director

NOTICE: 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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